Against Egalitarianism*

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Initial Doubts

It is possible that the fame of the Texas Rose Rustlers Society has not yet reached readers of these words. They may want to know then that its members prize roses that survive unattended in the wilds of Texas, having eluded the benevolent attention of gardeners. These unattended roses are not too distantly related to the 'unofficial English rose' that the poet says 'Unkempt about those hedges blows' in the proximity of The Old Vicarage at Grantchester. As all respectable societies, the Texas Rose Rustlers has by-laws stating the principles that unite its members. Here are some of them: there is more than one way of being beautiful; good climates are in the eye of the beholder; if you are attacked by disease, abandonment, or a bad chain of events, do not despair, there is always the chance that you were bred to be tough; and everyone should not smell the same. I mention these admirable principles because they offend profoundly against egalitarianism, which happens to be my target on this occasion.

Egalitarianism threatens to become the dominant political ideology of our age. Since it is unreasonable, morally unacceptable, and politically dangerous, its dominance, in my opinion, would not be a good thing. A simple statement of egalitarianism is that all human beings, and no doubt roses too, should be treated with equal concern unless there are good reasons against it.[1] This assumes that

* I am grateful for permission to use material from my book, *The Illusions of Egalitarianism* (Ithaca: Cornell University Press, 2003).

[1] 'Every nation of the world is divided into haves and have-nots ... The gap ... is enormous. Confronting these disparities, the egalitarian holds that it would be a morally better state of affairs if everyone enjoyed the same level of social and economic benefits', Richard J. Arneson, 'Equality', in Robert Goodin & Phillip Pettit, (eds.) *A Companion to Contemporary Political Philosophy*, (Oxford: Blackwell, 1993), 489. 'From the standpoint of politics, the interests of the members of the community matter, and matter equally.' Ronald Dworkin, 'In Defense of Equality', *Social Philosophy and Policy*, No. 1, (1983), 24–40, at 24. 'Everyone matters just as much as everyone else. [I]t is appalling that the most effective social systems we have been able to devise permit ... material

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equal concern should be the norm and departure from it needs justification. It is a testimony to the spread of egalitarianism that this simple statement is widely regarded as a truism. But it is certainly not that, since a little thought prompts serious questions about it.

Human beings differ in character, personality, circumstances, talents and weaknesses, capacities and incapacities, virtues and vices; in moral standing, political views, religious convictions, aesthetic preferences, and personal projects; in how reasonable or unreasonable they are, how well or badly they develop native endowments, how much they benefit or harm others, how hardworking or disciplined they were in the past and are likely to be in the future; and so forth. Why should, then, the norm be equal, rather than unequal, concern?

The questions mount when it is asked, as it must be, who owes whom equal concern? Clearly, parents should not treat their own and other people's children with equal concern; we do not owe equal concern to those we love and to strangers; governments betray their elementary duty if they treat citizens and foreigners with equal concern; and a society would be self-destructive if it showed equal concern for its friends and enemies. The questions grow in number and urgency when it is asked, as it must again be, what differences would warrant unequal concern? If differences in morality, reasonability, law-abidingness, and citizenship count, then very little remains of equal concern, since there are great

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inequalities.' Thomas Nagel, *Equality and Partiality* (New York: Oxford University Press, 1991), 64. 'Being egalitarian in some significant way relates to the need to have equal concern, at some level, for all persons involved.' Amartya Sen, *Inequality Reexamined* (Cambridge: Harvard University Press, 1992), ix. 'A basic principle of equality [is] the principle of equal consideration of interests. The essence of the principle of equal consideration of interests is that we give equal weight in our moral deliberations to the like interests of all those affected by our actions.' Peter Singer, *Practical Ethics* (Cambridge: Cambridge University Press, 1993), 2nd ed., 21. 'We want equalization of benefits ... [because] in all cases where human beings are capable of enjoying the same goods, we feel that the intrinsic value of the enjoyment is the same... . We hold that ... *one man's well-being is as valuable as any other's*.' Gregory Vlastos, 'Justice and Equality', in *Social Justice*, Richard B. Brandt (ed.) (Englewood Cliffs, N.J.: Prentice-Hall, 1962), 50–51.

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differences among people in these respects. And if such differences are not allowed to count, then how could it be justified to ignore them in how people are treated?

These questions show at the very least that the simple statement is not a truism and that egalitarianism needs a reasoned defence that answers these questions. Yet when critics ask them, they are ignored, and their questions are deplored as signs of moral insensitivity. Egalitarians simply assume that equal concern is a basic moral requirement, and to question it is to question morality. They also assume that the key to meeting this supposed requirement is to redistribute property so as to minimize its unequal distribution. The mere fact that some people have less property than others is supposed by egalitarians to make it a moral requirement to take from those who have more in order to benefit those who have less, regardless of why they have less.[2]

Egalitarians have by now bullied generations into accepting this so-called moral requirement even though it means the redistribution of property from victims of crime to criminals, from blue collar workers to illegal immigrants, from taxpayers to welfare cheats, from prudent people who had saved for retirement to spendthrifts who had not. The supposed moral requirement is to treat moral and immoral, prudent and imprudent, law-abiding and criminal people with equal concern. If as a result of immorality, imprudence, and criminality people find themselves poor, then, according to egalitarians, the government's obligation is to deprive moral, prudent, and law-abiding people of a considerable portion of their property in order to benefit the poor regardless of why they are poor.

It may be thought that so implausible a view cannot be widely held, but we have the assurance of well-known egalitarians that it is. Ronald Dworkin says that 'no government is legitimate that does not show equal concern for the fate of all those citizens over whom it claims dominion and from whom it claims allegiance.' Peter Singer claims that 'the principle that all humans are equal is now

[2] 'What makes a system egalitarian is the priority it gives to the claims of those.. at the bottom... .. Each individual with a more urgent claim has priority ... over each individual with a less urgent claim.' Thomas Nagel, 'Equality', in *Mortal Questions* (Cambridge: Cambridge University Press, 1979), 118. 'We can express a more general principle as follows: ... first, maximize the welfare of the worst off ... second, for equal welfare of the second worst-off ... and so on until ... the equal welfare of all the preceding.' John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), 82–83.

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part of the prevailing political and ethical orthodoxy.' In Gregory Vlastos's view 'in all cases where human beings are capable of enjoying the same goods, we feel that the intrinsic value of their enjoyment is the same.' And Bernard Williams informs us that 'we believe ... that in some sense every citizen, indeed every human being ... deserves equal consideration... . We know that most people in the past have not shared [this belief]... . But for us, it is simply there.'[3] To these egalitarians, unofficial roses are offensive: morality requires that undressed and unperfumed, everybody should smell the same.

Perhaps it is not unduly mistrustful to ask who the 'we' are who subscribe to this amazing moral requirement of equal concern. Do 'we' include Chinese peasants? The castes of India? Ex-Yugoslavians murdering each other over religious and ethnic differences? Murderous African tribes? All those men who, according to some egalitarians, are sexist? All those whites who, according to much the same egalitarians, are racist? Do Shiites regard Sunnis with equal concern? Arabs the Jews? And vice versa? Are they perhaps Republicans or conservatives who keep electing politicians who explicitly repudiate the view that 'we' hold?

These questions will no doubt be decried as unfair. What we mean by 'we', egalitarians will say, are those who think reasonably about political matters. But this cannot be right because there still are some few critics of egalitarianism left, such as Charvet, Flew, Frankfurt, Hayek, Lucas, MacIntyre, Matson, Narveson, Pojman, Raz, Sher, and myself.[4] It is beginning to look as if 'we' included

[3] The passages are from: Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge: Harvard University Press, 2000), 1; Singer, *Practical Ethics*, 16; Vlastos, 'Justice and Equality', 51; Bernard Williams, 'Philosophy as a Humanistic Discipline', *Philosophy* **75**, (2000), 477–496, at 492.

[4] A partial list of such critics is: John Charvet, *A Critique of Freedom and Equality* (Cambridge: Cambridge University Press, 1981); Antony Flew, *The Politics of Procrustes* (Buffalo: Prometheus Books, 1981); Harry G. Frankfurt, 'Equality as a Moral Ideal', in *The Importance of What We Care About* (Cambridge: Cambridge University Press, 1988) and 'Equality and Respect', in *Necessity, Volition, and Love* (Cambridge: Cambridge University Press, 1999); Friedrich A. Hayek, *The Constitution of Liberty* (Chicago: University of Chicago Press, 1960); John Kekes, *The Illusions of Egalitarianism* (Ithaca: Cornell University Press, 2003); J. R. Lucas, 'Against Equality', *Philosophy* **40** (1965), 296–307 and 'Against Equality Again', *Philosophy* **42** (1967), 255–280; Alasdair MacIntyre, *After Virtue* (Notre Dame: University of Notre Dame Press, 1984); Wallace Matson,

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only faithful egalitarians who form the left wing of the Democratic party in America and the democratic and not so democratic socialists of Europe.

One prevalent egalitarian response to criticism, I regret to have to say, is to abuse the critics. Richard Arneson says that 'all humans have an equal basic moral status. They possess the same fundamental rights, and the comparable interests of each person should count the same in calculations that determine social policy ... .These platitudes are virtually universally affirmed. A white supremacist or an admirer of Adolf Hitler who denies them is rightly regarded as beyond the pale of civilized dialogue.'[5] Having placed critics beyond the pale of civilized dialogue, it becomes unnecessary to meet the objections of these white supremacists and Nazis. Dworkin's response is that 'we cannot reject the egalitarian principle outright, because it is ... immoral that [the government] should show more concern for the lives of some than of others',[6] and 'a distribution of wealth that dooms some citizens to a less fulfilling life than others, no matter what choices they make, is unacceptable, and the neglect of equality in contemporary politics is therefore shameful.'[7] That makes it immoral and shameful not to equalize the property of moral, prudent, law-abiding and immoral, imprudent, and criminal people. Kymlicka's view is that 'some theories, like Nazism, deny that each person matters equally. But such theories do not merit serious consideration.'[8] Critics, therefore, are, or are like, Nazis. And according to Thomas Nagel, 'any political theory that aspires to moral decency must try to devise and justify a form of institutional life which answers to the real strength of impersonal

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'What Rawls Calls Justice', *Occasional Review* **89**, (1978), 45–47; and 'Justice: A Funeral Oration', *Social Philosophy and Policy*, No. 1, (1983), 94–113; Jan Narveson, *Respecting Persons in Theory and Practice* (Lanham, MD: Rowman & Littlefield, 2002); Louis P. Pojman, 'A Critique of Contemporary Egalitarianism', *Faith and Philosophy* **8**, (1991), 481–504; and George Sher, *Desert* (Princeton: Princeton University Press, 1987).

[5] Richard J. Arneson, 'What, If Anything, Renders All Humans Morally Equal?', in *Singer and His Critics*, Dale Jamieson (ed.) (Oxford: Blackwell, 1999), 103.

[6] Dworkin, *Sovereign Virtue*, 130.

[7] Ronald Dworkin, 'Equality—An Exchange', *TLS* (December 1, 2000), 16.

[8] Will Kymlicka, *Liberalism, Community, and Culture* (Oxford: Clarendon Press, 1989), 40.

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values' and commits one to 'egalitarian impartiality'.[9] All critics of egalitarianism then fail in moral decency. Imagine the wave of indignation if someone would dare to say such things about defenders of egalitarianism.

Egalitarians, however, offer also another response, which is even more remarkable than the preceding *ad hominem* one. Here are some examples of it. Arneson concedes that 'non-utilitarian moralities with robust substantive equality ideals cannot be made coherent.'[10] He nevertheless regards disagreement with them as beyond the pale of civilized dialogue. Brian Barry says: 'The justification of the claim of fundamental equality has been held to be impossible because it is a rock-bottom ethical premise and so cannot be derived from anything else.'[11] This is a mealy-mouthed admission that egalitarianism rests on an unjustifiable assumption. Isaiah Berlin tells us: 'Equality is one of the oldest and deepest elements in liberal thought and it is neither more nor less "natural'' or "rational'' than any other constituent in them [sic]. Like all human ends it cannot be defended or justified, for it is itself which justifies other acts.'[12] So egalitarianism is based on a rationally indefensible article of faith. Joel Feinberg declares that egalitarianism 'is not grounded on anything more ultimate than itself, and it is not demonstrably justifiable. It can be argued further against skeptics that a world with equal human rights is *more just* world ... a less *dangerous* world ... and one with a *more elevated and civilized* tone. If none of this convinces the skeptic, we should turn our back on him and examine more important problems.'[13] I wonder whether egalitarians would be satisfied with such a response when they question conservative or religious attitudes. Kymlicka writes that 'every plausible political theory has the same ultimate source, which is equality... . A theory is egalitarian ... if it accepts that the interests of each member of the community matter, and matter equally... . [I]f a theory claimed that some people were not entitled to equal consideration from the government, if it claimed that certain kinds of people just do not matter as much as others, then

[9] Nagel, *Equality and Partiality*, 20.

[10] Arneson, 'What, If Anything, Renders All Humans Morally Equal?', 126.

[11] Brian Barry, 'Equality' in *Encyclopedia of Ethics*, Lawrence C. Becker & Charlotte B. Becker (eds.) (New York: Garland, 1992), 324.

[12] Isaiah Berlin, 'Equality' in *Concepts and Categories*, Henry Hardy (ed.) (London: Hogarth, 1978), 102.

[13] Joel Feinberg, *Social Philosophy* (Englewood Cliffs, N.J.: Prentice-Hall, 1973), 94.

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most people in the modern world would reject that theory immediately.'[14] This invites us to believe as an obvious truth that most people would immediately reject the view that torturers and their victims, or the scourges and benefactors of humanity do not matter equally. Kymlicka gives no reason for this breathtaking claim: it is the assumption from which he proceeds. Nagel says that he is going to explore a 'type of argument that I think is likely to succeed. It would provide a moral basis for the kind of liberal egalitarianism that seems to me plausible. I do not have such an argument.'[15] This does not stop him, however, from claiming that 'moral equality, [the] attempt to give equal weight, in essential respects, to each persons' point of view ... might even be described as the mark of an enlightened ethic.'[16] Years later he says: 'My claim is that the problem of designing institutions that do justice to the equal importance of all persons, without unacceptable demands on individuals, has not been solved', but he nevertheless 'present[s] a case for wishing to extend the reach of equality beyond what is customary in modern welfare states.'[17] Although Nagel explicitly acknowledges the lack of justification, he holds that the mark of an enlightened ethic is to deprive people of legally owned property. Imagine claiming that although one can offer no justification for it, one nevertheless holds that the mark of enlightened ethic is to deprive blacks of freedom. John Rawls concludes his discussion of 'The Basis of Equality' by saying that 'essential equality is ... equality of consideration', and goes on: 'of course none of this is literally an argument. I have not set out the premises from which this conclusion follows.'[18] Thus the absurd policy of equal concern for moral and immoral, prudent and imprudent, law-abiding and criminal people is put forward with the explicit acknowledgment that the premises from which it is supposed to follow have not been provided.

Not far below the surface of this flaunted indifference to making a reasoned case for egalitarianism is the self-righteous belief that the rejection of egalitarianism is immoral. The labels of Nazi, racist, white supremacist, sexist, Social Darwinist, reactionary,

[14] Will Kymlicka, *Contemporary Political Philosophy* (Oxford: Clarendon Press, 1990), 4–5.
[15] Nagel, *Mortal Questions*, 108.
[16] Nagel, *Mortal Questions*, 112.
[17] Nagel, *Equality and Partiality*, 5.
[18] John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), 507 and 509.

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egoist, and so forth readily spring to the lips of many egalitarians by way of maligning their critics and making the justification of egalitarianism unnecessary. If their critics appealed to faith or resorted to abuse instead of reasoned argument, egalitarians would rightly judge their position as intellectually disreputable. That judgment, however, does not alter if the positions are reversed. Egalitarians should take to heart Mill's words: 'The worst offense ... which can be committed by a polemic is to stigmatize those who hold contrary opinions as bad and immoral.'[19]

Dworkin on Equality

Against this dismal background comes Dworkin's recent book, *Sovereign Virtue: The Theory and Practice of Equality*.[20] It begins thus: 'No government is legitimate that does not show equal concern for the fate of all those citizens over whom it claims dominion and from whom it claims allegiance. Equal concern is the sovereign virtue of political community—without it government is only tyranny—and when a nation's wealth is unequally distributed, as the wealth of even very prosperous nations now is, then its equal concern is suspect' (1).

It does not seem to bother Dworkin that the absurd implication of this piece of rhetoric is that in the past and present of humanity there has never been a legitimate government. Suppose, however, that we join Dworkin in condemning all governments that have ever existed and hope for political legitimacy in the future. What reason does Dworkin give for believing that it depends on equal concern? The answer is that he gives none, as he makes clear: 'I have tried to show the appeal of equality of resources, as interpreted here, only by making plainer its motivation and defending its coherence and practical force. I have not tried to defend it in what might be considered a more direct way, by deducing it from more general and abstract political principles. So the question arises whether the sort of defense could be provided ... I hope it is clear that I have not presented any such argument here' (117–8). And a little further on, he writes: 'my arguments are constructed against the background of assumptions about what equality requires in principle... . My

[19] John Stuart Mill, *On Liberty* (Indianapolis: Hackett, 1978), 51.

[20] Dworkin, *Sovereign Virtue*, op. cit., (references in the text are to the pages of this book).

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arguments enforce rather than construct a basic design of justice, and that design must find support, if at all, elsewhere than in these arguments' (118).

Egalitarians may find this admission disarming. It should be remembered, however, that on the basis of the rhetoric that Dworkin calls 'argument', he urges depriving people of legally owned property and condemns opposition to it as immoral and shameful. This is specious moralizing, unsupported by reasons. That Dworkin calls it an argument, does not make it have what it sorely needs.

The core of these many pages is an account of equality of resource as the correct interpretation of equal concern. This account is presented as if it were an argument, but it is in fact a tedious elaboration of what Dworkin himself calls an egalitarian fantasy concerning the ideal distribution of resources (162–3). Such distribution must meet 'the envy test', which asks whether people are satisfied with the resources they have and do not prefer someone else's resources instead of their own. It should not escape notice how extraordinary it is to make envy the test of ideal distribution. Envy is the vice of resenting the advantages of another person. It is a vice because it tends to lead to action that deprives people of advantages they have earned by legal and moral means. The envy test is indifferent to whether people are entitled to the advantages they have; it is concerned only with whether those who lack the advantages would like to have them. And of course the answer will be, given the human propensity for envy, that they would like to have them, that they are not satisfied with what they have. Counting on this, Dworkin claims that the ideal distribution would be one that removes this dissatisfaction. It would distribute advantages evenly so that no one could be envious of anyone else's. Instead of recognizing that envy is wrong, Dworkin elevates it into a moral standard.

Having based his egalitarian fantasy on a vice, Dworkin proceeds to explain how it would work as a test for imaginary people in an imaginary situation. People on an island participate in an auction. They bid for miraculously available resources by the use of clamshells, which they possess in equal numbers. Through their bids, they express their preferences, and because all start with the same number of clamshells, no one can have an advantage that others could envy. The auction keeps going until all the people have used up their clamshells. Dworkin thinks that the auction will not, by itself, eliminate unacceptable inequalities because post-auction lives will be affected by luck. He distinguishes between brute and

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option luck. The contingencies of life that no one can control constitute brute luck. How people's deliberate and calculated choices, expressed by their bids, turn out is a matter of option luck. Dworkin then adds to the imagined auction the fantasy of a compulsory insurance market in which people must purchase protection against the risk of bad luck. If life goes badly, insurance payments will compensate for it. People, therefore, will not suffer from the brute luck of having been born with handicaps. Dworkin says that 'this imaginary auction [and, one may add, insurance scheme] can serve as a rough model in designing political and economic institutions for the real world in search of as much equality of resources as can be found' (14). Dworkin then uses over 100 pages imagining how the imaginary bidders and insurers in this imaginary situation are likely to proceed.

Reactions to this sustained exercise in fantasy are likely to range from admiration to exasperation. Be that as it may, the question needs to be asked how this egalitarian fantasy relates to the real world. How should individuals act if they apply the model of the auction and the insurance scheme to the allegedly immoral society in which they live? Dworkin's answer is that 'it is a complex and perhaps unanswerable question what equality of resources asks of us, as individuals, in our own society' (281). But since the fantasy was meant to help us answer that very question, and it seems that it will not do that, what is its point? It needs also to be asked why it should be supposed that if the model were applied, then the inequalities Dworkin finds immoral and shameful would be lessened? Dworkin's answer is that 'it is, of course, impossible to say in advance just what the consequences of any profound change in an economic system would be, and who would gain or lose in the long run' (105). So that if a society were crazy enough to change its economic system to reflect Dworkin's model of auction and insurance scheme, the inequalities that are anathema to Dworkin may just increase as a result. Dworkin's model is thus unsupported by reason and provides no reason to suppose that its goal could be achieved by the means it provides. It is remarkable that both the lack of reason and the impossibility of telling whether it would lead to its goal are explicitly acknowledged by Dworkin. These considerations show, I believe, that Dworkin has given no reason for accepting his version of egalitarianism. It is nevertheless worthwhile to consider it further because it illustrates problems that most versions of egalitarianism have.

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The Problem of Individual Responsibility

Dworkin says that 'someone who is born with serious handicaps faces his life with what we concede to be fewer resources, just on that account, than others do. This circumstance justifies compensation, under a scheme devoted to equality of resources' (81). But people may have fewer resources as a result of contingencies that make it impossible for them to satisfy their preferences or realize their ambitions. 'The latter', Dworkin says, 'will also affect welfare, but they are not matters for compensation under our scheme' (81). The difference is between brute and option luck. The idea is that if life goes badly for people because of circumstances over which they have no control, they should be compensated; if it goes badly because they have chosen a way of life that is more vulnerable to luck than another they might have chosen, they should not be compensated. This may seem like a sensible idea, until it is asked what counts as brute as opposed to option luck.

This question splits the egalitarian ranks. Dworkin agrees with Rawls that 'the initial endowment of natural assets and the contingencies of their growth and nurture in early life are arbitrary from the moral point of view.'[21] But he disagrees when Rawls goes on to say that 'the effort a person is willing to make is influenced by his natural abilities and skills and alternatives open to him. The better endowed are more likely, other things equal, to strive conscientiously, and there seems to be no way to discount for their greater fortune.'[22] Dworkin rejects this because Rawls 'prescinds from any consideration of individual responsibility', whereas 'the hypothetical insurance approach ... makes as much turn on such responsibility as possible.' Dworkin believes that 'though we must recognize the equal objective importance of the success of a human life, one person has a special and final responsibility for that success—the person whose life it is' (5). Rawls thinks that whether inequalities are morally objectionable must be decided independently of individual responsibility; Dworkin thinks that only those inequalities are morally objectionable for which people with less property cannot be held responsible. In this disagreement, both kinds of egalitarians have a decisive objection to the other. Dworkin is right and Rawls wrong: any acceptable approach to politics must take into account people's responsibility for having or lacking property. Rawls is right and Dworkin is wrong: the choices people

[21] Rawls, *Theory of Justice*, 311–312.
[22] Ibid., 312.

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make and the property they have partly depend on their natural assets and circumstances for which they cannot be held responsible.

What follows is a dilemma that egalitarians cannot resolve. If they acknowledge that people are partly responsible for the property they have, then they must agree with their critics that it is unreasonable, morally unacceptable, and politically dangerous to equalize the property of responsible and irresponsible people. If egalitarians insist that individual responsibility makes no difference to what property people should have, then they are committed to the unreasonable, morally unacceptable, and politically dangerous policy of depriving moral, prudent, and law-abiding people of their property in order to benefit others even if they are immoral, imprudent, and criminal.

Dworkin opts for the first alternative and must answer the question of how to distinguish between brute luck, which he thinks is incompatible with the assignment of responsibility, and option luck, which, according to him, is compatible with responsibility. His answer is: 'Equality of resources assumes a fundamental distinction between a person, understood to include features of personality like convictions, ambitions, tastes, and preferences, and that person's circumstances, which include the resources, talents, and capacities he commands... . [E]quality of resources aims to make circumstances ... equal' (14). Thus, according to Dworkin, brute luck affects people's property, talents, and capacities, and for them they are not responsible. Option luck affects people's convictions, ambitions, tastes, and preferences, and for them they are responsible. The fact that people have less property, talents, and capacities 'justifies compensation ... equality of resources ... seeks to remedy ... the resulting unfairness' (81).

It follows that if people are unimaginative, lethargic, or gloomy, if they have poor memory or a displeasing appearance, if they lack a sense of humor or aesthetic appreciation, and if, as is likely, this affects the quality of their life, then they should be compensated by depriving others of their legally owned property. No reasonable person can accept this absurdity. But if some did, they would still have to contend with Rawls's point that people's convictions, ambitions, tastes, and preferences, for which, according to Dworkin, they are responsible, are decisively influenced by their property, talents, and capacities, for which they are not supposed to be responsible. So the distinction between option and brute luck collapses.

Dworkin, therefore, must choose: he can give up the idea of making equality of property depend on individual responsibility or

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he can accept that the distribution of property should depend, in part, on individual responsibility. The first alternative commits him to Rawls's version of egalitarianism, which he has good reason to reject. The second commits him to the anti-egalitarian position against which he so self-righteously and without good reasons inveighs.

The Problem of the Plurality of Political Values

Egalitarianism is an ideology. Its fundamental claim is that equal concern for citizens is a political value that overrides any other political value that may conflict with it. Dworkin makes clear that this is his position. 'Equal concern is the sovereign value of political community—without it the government is only tyranny... . Equal concern is a precondition of political legitimacy—a precondition of the majority's right to enforce its laws against those who think them unwise or even unjust' (1–2). Dworkin is not alone in positing an overriding political value. Rawls, for instance, says that 'justice is the first virtue of social institutions ... laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust. Each person possesses an inviolability founded on justice that even the welfare of the society as a whole cannot override.'[23] But if egalitarians are committed to some overriding political value, then they cannot also be committed to pluralism, which denies that there is any political value that ought always to override any political value that conflicts with it. Egalitarians cannot be pluralists, and pluralists cannot be egalitarians.

Dworkin is clear on this point. He says that his book is 'contrary in spirit to ... the value pluralism of Isaiah Berlin ... [who] insisted that important political values are in dramatic conflict—he particularly emphasized the conflict between liberty and equality.' Dworkin, by contrast, 'strive[s] to dissipate such conflicts and to integrate these values' (5). He defends the view that 'if we accept equal resources as the best conception of distributional equality, liberty becomes an aspect of equality rather than, as it is often thought to be, an independent political ideal potentially in conflict with it' (121). If asked how the conflict between equal property and liberty is to be dissipated, Dworkin replies: 'Any genuine contest between liberty and equality is a contest liberty must lose... .

[23] Rawls, *Theory of Justice*, 3.

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[A]nyone who thinks liberty and equality really do conflict on some occasion must think that protecting liberty means acting in some way that does not show equal concern for all citizens. I doubt that many of us would think, after reflection, that this could ever be justified' (128). In Dworkin's scheme of things, unofficial roses have no place because their claim to smell different is overridden by the claim of 'the best conception of distributional equality'. This calls for three comments.

First, 'many of us' do think, after reflection, that on occasion liberty may override equal resources is obvious and its denial is absurd. The 'many of us' includes liberals, like Berlin, who are genuine pluralists; conservatives and Republicans who oppose policies that involve depriving people of their legally owned property in order to benefit those who own less; and political thinkers (listed in note 4) who offer reasoned arguments against egalitarianism. Dworkin's claim is no more than inflated rhetoric familiar from political speechifying, but out of place in what purports to be reasoned argument.

Second, Dworkin's 'solution' to dissipating the conflict between liberty and equality and to integrating the two values is to subordinate liberty to equality. That solution, however, is available to all parties to all conflicts because all it takes is to reaffirm their arbitrary preference for the value they favour. Dworkin, however, denies this. He says: 'we might be tempted to dogmatism: to declare our intuition that liberty is a fundamental value that must not be sacrificed to equality... . But that is hollow, and too callous. If liberty is transcendentally important we should be able to say something, at least, about why' (121). Now, as Dworkin must know, defenders of liberty are able to say something about why it is, on occasion, more important than equality: they say that liberty is a precondition of any life worth living. And that is not hollow. As to its being callous, how could it be callous to try to protect the liberty of citizens to control their legally owned property?

Dworkin's position, however, is open to the even more serious charge that the requirement he lays on his opponents, and which they certainly endeavour to meet, is one he admits that his own position fails to meet. I repeat what I have quoted earlier: 'I have tried to show the appeal of equality of resources, as interpreted here, only by making plainer its motivation and defending its coherence and practical force. I have not tried to defend it in what might be considered a more direct way, by deducing it from more general and abstract political principles. So the question arises whether the sort of defense could be provided ... I hope it is clear

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that I have not presented any such argument here... . [M]y arguments are constructed against the background of assumptions about what equality requires in principle... . My arguments enforce rather than construct a basic design of justice, and that design must find support, if at all, elsewhere than in these arguments' (117–8).

Third, liberty is not the only political value that may conflict with equality. Some others are civility, criminal justice, decent education, healthy environment, high culture, order, peace, prosperity, security, toleration, and so forth. Egalitarians are committed to the view that if any of these values conflicts with equality, equality should override it. They may offer as an argument for this that equality is a precondition of the moral acceptability of all of these values. But this is a bad argument. It is just false that equality is a precondition of the moral acceptability of, say, peace, prosperity, or security. A society can conform to these values and be morally better for it even if its citizens are not deprived of their legally owned property, as equality is said by Dworkin to require. Furthermore, defenders of the values that conflict with equality can claim with as great a plausibility as egalitarians that the value they favour is a precondition of the value they subordinate. If there is no prosperity, the equal distribution of property merely spreads poverty around more evenly; if the environment is unhealthy, lives will be cut short and the dead cannot enjoy their equal share of property; if crime is rampant, its victims will soon be deprived of their property, regardless of whether its distribution is equal or unequal.

Egalitarians must face the fact of the political life in contemporary democracies that pluralists recognize. There are many conflicting political values. The welfare of a society requires that these conflicts be resolved, but for this no blueprint exists. Politics is about defending the whole system of values, and this requires subordinating one of the conflicting values to the other. But which should be subordinated to which depends on complex historical, economic, sociological, religious, moral, technological, and other considerations, which are always in a state of flux. It is dangerously simple-minded to insist that one of the many political values should always override the others. Egalitarians are guilty of this charge, but they are not alone. The same charge convicts those who insist that liberty should be the overriding value. There is no political value that should always override all other conflicting values. Pluralists recognize this, and that is why they reject egalitarianism, as well as all other ideologies that insist on the overridingness of any one or any small number of values.

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John Kekes

The Problem of Scope

Dworkin is emphatic that equal concern is the obligation of the *government* and it holds in respect to all *citizens*. 'No government is legitimate that does not show equal concern for the fate of all those citizens over whom it claims dominion' (1). But why *only* for citizens? A justified answer depends on there being some characteristic or cluster of characteristics that all and only citizens have. In large multi-cultural democracies, however, there are no such characteristics. Religion, ethnicity, language, education, race, history, attitudes to sex, death, marriage, child-rearing, illness, work, and so forth divide rather than unite the citizens of large Western multi-ethnic societies. Nor are all citizens taxpayers, since the poor, children, and many others pay no taxes; they are not the products of the same school system, since many are educated at home, or in private or religious schools; they are not all native born, since many are immigrants. They do have some of the same legal rights and obligations, but certainly not all, and the question is why equal concern should be among the rights shared by all and only citizens.

The temptation here is to say that people share such characteristics as the capacity for autonomy, rationality, moral agency, self-consciousness, language use, and so forth. But even if this were true, it would be of no help to egalitarians who restrict equal concern to citizens. For these capacities are supposed to be shared by all human beings, not just by the citizens of a democracy. If equal concern were justified by universally shared human capacities, then the government ought to treat everyone, not just citizens, with equal concern. And if equal concern required the redistribution of property, then the government ought to make it worldwide. That this would impoverish prosperous societies without relieving the poverty of the rest is only one of the absurdities that follows from this idea.

Furthermore, any government committed to worldwide redistribution would betray its most basic obligation, which is to protect the interests of its citizens, not of other people. It is perhaps because egalitarians recognize this that they restrict equal concern to citizens. But then Dworkin should not try to justify equal concern by saying that there is 'a natural right of men and women to equality of concern and respect, a right they possess not by virtue of birth or characteristic or merit or excellence but *simply as*

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human beings',[24] Kymlicka should not say that 'the idea that *each person* matters equally is at the heart of all plausible political theories',[25] and Nagel should not say that 'the impartial attitude is, I believe, strongly egalitarian ... and takes to heart the value of *every person's* life and welfare.'[26] [Emphases added.]

Egalitarians thus face a hard choice. They can restrict equal concern to citizens or extend it to everyone. If they restrict it, they need a justification in order to avoid arbitrariness. The justification must be based on some characteristic that all and only citizens have, but egalitarians have not found it. If they extend equal concern to everyone, then they must explain how a government can have the obligation to provide the same education, health care, police protection, roads, and so forth to the citizens of other countries as it has to provide for its own. It is, of course, not difficult to avoid having to make this hard choice. One can give up the indefensible claim that a government is obliged to treat everyone with equal concern.

The case against egalitarianism is that it deprives a large majority of citizens of a sizable portion of their legally owned property. Egalitarians claim that equal concern for all citizens obliges the government to adopt this policy, but they not only fail to justify this claim, they explicitly acknowledge, as we have seen, that it cannot be justified. On the basis of this unjustified and unjustifiable claim they advocate depriving moral, prudent, and law-abiding people of their property in order to benefit others without asking whether they are immoral, imprudent, and criminal. In advocating this injustice, they obfuscate the responsibility of individuals for the lives they lead, dogmatically elevate equality into a value that overrides all other values, and arbitrarily restrict equal concern to the citizens of a democracy, while their rhetoric demands that it be extended worldwide. Egalitarianism is thus an unjust, unjustified, inconsistent, and absurd policy of discrimination. The time has come to add it to that odd collection of historically influential but indefensible beliefs which includes the divine right of kings, classless society, superiority of the white race, damnation outside the church, planned economy, and an idyllic prehistoric society which civilization has corrupted. The defenders of these prejudices were like egalitarians are in clothing their indefensible beliefs in

[24] Ronald Dworkin, 'Rights and Justice', in *Taking Rights Seriously* (Cambridge: Harvard University Press, 1977), 182.
[25] Kymlicka, *Contemporary Political Theory*, 5.
[26] Nagel, *Equality and Partiality*, 64–65.

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moralistic fervour and excoriating their critics as immoral. But critics should not let them get away with doing by bullying what they cannot do by reasoned argument.

Last Thoughts

Nothing I have said is intended to deny that if citizens in a democracy through no fault of their own are poor, then, given the availability of resources, their society should alleviate their plight. I favour this policy, but egalitarians cannot consistently accept it. For what makes this policy right is not that inequality is morally objectionable, but that blameless fellow citizens lack the basic necessities of a decent life.

This has been argued for with great clarity by Frankfurt: 'Economic equality is not as such of particular moral importance. With respect to the distribution of economic assets, what is important from the point of view of morality is not that everyone should have the same but that each should have enough. If everyone had enough, it would be of no moral consequence whether some had more than others.'[27] It is not morally objectionable if billionaires have more than millionaires, or if people are poor as a result of immoral, imprudent, or criminal actions. There is no obligation to help those who are responsible for being poor, and certainly no obligation to force on others a policy of helping them. Magnanimous people may be generous enough to help even those who are responsible for their poverty, but such actions are beyond the call of duty. There is no justification for laying it on people as a moral requirement.

Nagel attempts to defend this requirement by an emotive appeal. He asks rhetorically: 'how could it not be an evil that some people's prospects at birth are radically inferior to others?'[28] There are three things to be said about this. First, the sentimentality of this appeal becomes apparent if it is put in terms of roses: 'how could it not be an evil that the initial prospects of some roses are radically inferior to others?' As all gardeners know, this is not an evil, but the natural state of affairs.

Second, given any population and any basis of ranking prospects, some will rank much lower than others. Lowest ranked prospects will be radically inferior to the highest ranked ones. Inveighing

[27] Frankfurt, 'Equality as a Moral Ideal',134–135.
[28] Nagel, *Equality and Partiality*, 28.

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against this statistical necessity is like lamenting differences in intelligence. To call it an evil is a sentimental cheapening of the most serious condemnation morality affords. It misdirects the obligation people feel. If egalitarians would merely say that it is bad if people suffer undeserved misfortune and those who can should help them, then decent people would agree with them. But this agreement has nothing to do with equality.

Third, the emotive appeal of this question invites the thought that our society is guilty of the evil of dooming people to a life of poverty. What this often repeated charge overlooks is the historically unprecedented success of Western democracies in having only a small minority of poor citizens (about 10–15%) and an at least modestly affluent large majority (about 85–90%). The typical ratio in past societies was closer to the reverse. It calls for celebration, not condemnation, that for the first time in history we have a political system in which a large part of the population has escaped poverty. If egalitarians had a historical perspective, they would be in favour of protecting this system, rather than advocating radical changes to it with admittedly incalculable consequences.

A decent society should do what it reasonably can to alleviate the poverty of those citizens who are not responsible for being poor. This policy differs from the egalitarian one in several basic respects. First, its intended beneficiaries are only those who are poor as a result of adversity they could not avoid or overcome. The egalitarian policy is intended to benefit the poor regardless of why they are poor. Second, the aim of the policy is not to equalize property, but to alleviate poverty. The policy is intended to provide no more than the basic necessities of a decent life in a particular society. The egalitarian policy is to institute a perpetual equalizing machinery that benefits the worst off regardless of whether and why they are poor. Third, the motivation for the policy is an obligation to help fellow citizens if they are impoverished by the contingencies of life beyond their control. The motivation for the egalitarian policy is the unfounded belief that those who have less are entitled to a portion of the legally owned property of those who have more. Egalitarians are rightly concerned with the undeserved poverty of their fellow citizens, but they wrongly suppose that its appropriate expression is equal concern. Its appropriate expression is concern for those citizens who are poor through no fault of their own.

The justification of this concern is prudential. It endangers the stability of a society if a substantial number of its citizens through

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no fault of their own lack the basic necessities of a decent life. Reasonable people recognize that a good society is a cooperative system in which citizens participate because it provides the conditions they need to live as they wish. These conditions are lacking for people whose misfortune makes them poor. The more numerous such people are, the more the cooperative system is threatened. The justification of not allowing undeserved misfortune to deprive citizens of basic necessities is to protect the stability of the society by protecting its cooperative system. If prudence is a virtue, this justification is moral. But it is not a justification that has anything to do with the misguided egalitarian claim that everyone ought to be treated with equal concern. Reason, morality, and realistic politics require that moral and immoral, law-abiding and criminal, prudent and imprudent people should be treated differently. As the Texas Rose Rustlers rightly say, everyone does not smell the same.

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