Equality of What?

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Discussions in moral philosophy have offered us a wide menu in answer to the question: equality of what? In this lecture I shall concentrate on three particular types of equality, viz., (i) utilitarian equality, (ii) total utility equality, and (iii) Rawlsian equality. I shall argue that all three have serious limitations, and that while they fail in rather different and contrasting ways, an adequate theory cannot be constructed even on the *combined* grounds of the three. Towards the end I shall try to present an alternative formulation of equality which seems to me to deserve a good deal more attention than it has received, and I shall not desist from doing some propaganda on its behalf.

First a methodological question. When it is claimed that a certain moral principle has shortcomings, what can be the basis of such an allegation? There seem to be at least two different ways of grounding such a criticism, aside from just checking its *direct* appeal to moral intuition. One is to check the *implications* of the principle by taking up particular cases in which the results of employing that principle can be seen in a rather stark way, and then to examine these implications against our intuition. I shall call such a critique a *case-implication critique.* The other is to move not from the general to the particular, but from the general to the *more* general. One can examine the consistency of the principle with another principle that is acknowledged to be more fundamental. Such prior principles are usually formulated at a rather abstract level, and frequently take the form of congruence with some very general procedures. For example, what could be reasonably assumed to have been chosen under the *as if* ignorance of the Rawlsian "original position," a hypothetical primordial

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state in which people decide on what rules to adopt without knowing who they are going to be —as if they could end up being any one of the persons in the community.[1] Or what rules would satisfy Richard Hare's requirement of "universalizability" and be consistent with "giving equal weights to the equal interests of the occupants of all the roles." [2] I shall call a critique based on such an approach a *prior-principle critique.* Both approaches can be used in assessing the moral claims of each type of equality, and will indeed be used here.

1. Utilitarian Equality

Utilitarian equality is the equality that can be derived from the utilitarian concept of goodness applied to problems of distribution. Perhaps the simplest case is the "pure distribution problem": the problem of dividing a given homogeneous cake among a group of persons.[3] Each person gets more utility the larger his share of the cake, and gets utility *only* from his share of the cake; his utility increases at a diminishing rate as the amount of his share goes up. The utilitarian objective is to maximize the sum-total of utility irrespective of distribution, but that requires the *equality* of the *marginal* utility of everyone — marginal utility being the incremental utility each person would get from an addi-

[1] J. Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), pp, 17–22. See also W. Vickrey, 'Measuring Marginal Utility by Reactions to Risk', *Econometrica* 13 (1945), and J. C. Harsanyi, 'Cardinal Welfare, Individualistic Ethics, and Interpersonal Comparisons of Utility', *Journal of Political Economy* 63 (1955).

[2] R. M. Hare, *The Language of Morals* (Oxford: Clarendon Press, 1952); 'Ethical Theory and Utilitarianism', in H. D. Lewis, ed., *Contemporary British Philosophy* (London: Allen and Unwin, 1976), pp. 116–17.

[3] I have tried to use this format for an axiomatic contrast of the Rawlsian and utilitarian criteria in 'Rawls versus Bentham: An Axiomatic Examination of the Pure Distribution Problem', in *Theory and Decision* 4 (1974); reprinted in N. Daniels, ed., *Reading Rawls* (Oxford: Blackwell, 1975). See also L. Kern, 'Comparative Distributive Ethics: An Extension of Sen's Examination of the Pure Distribution Problem', in H. W. Gottinger and W. Leinfellner, eds., *Decision Theory and Social Ethics* (Dordrecht: Reidel, 1978), and J. P. Griffin, 'Equality: On Sen's Equity Axiom', Keble College, Oxford, 1978, mimeographed.

tional unit of cake.[4] According to one interpretation, this equality of marginal utility embodies equal treatment of everyone's interests.[5]

The position is a bit more complicated when the total size of the cake is not independent of its distribution. But even then maximization of the total utility sum requires that transfers be carried to the point at which the marginal utility gain of the gainers equals the marginal utility loss of the losers, after taking into account the effect of the transfer on the size and distribution of the cake.[6] It is in this wider context that the special type of equality insisted upon by utilitarianism becomes assertively distinguished. Richard Hare has claimed that "giving equal weight to the equal interests of all the parties" would "lead to utilitarianism" —thus satisfying the prior-principle requirement of universalizability.[7] Similarly, John Harsanyi shoots down the non- a utilitarians (including this lecturer, I hasten to add), by claiming for utilitarianism an exclusive ability to avoid "unfair discrimination" between "one person's and another person's equally urgent human needs."[8]

The moral importance of needs, on this interpretation, is based exclusively on the notion of utility. This is disputable, and having had several occasions to dispute it in the past,[9] I shall not shy away

[4] The equality condition would have to be replaced by a corresponding combination of inequality requirements when the appropriate "continuity" properties do not hold. Deeper difficulties are raised by "non-convexities'' (e.g., increasing marginal utility).

[5] J. Harsanyi, 'Can the Maximin Principle Serve as a Basis for Morality? A Critique of John Rawls' Theory', *American Political Science Review* 64 (1975).

[6] As mentioned in footnote 4, the equality conditions would require modification in the absence of continuity of the appropriate type. Transfers must be carried to the point at which the marginal utility gain of the gainers from any further transfer is *no more than* the marginal utility loss of the losers.

[7] Hare (1976), pp. 116–17.

[8] John Harsanyi, 'Non-linear Social Welfare Functions: A Rejoinder to Professor Sen', in R. E. Butts and J. Hintikka, eds., *Foundational Problems in the Special Sciences* (Dordrecht: Reidel, 1977), pp. 294–95.

[9] *Collective Choice and Social Welfare* (San Francisco: Holden-Day, 1970), chapter 6 and section 11.4; 'On Weights and Measures: Informational Constraints in

from disputing it in this particular context. But while I will get on to this issue later, I want first to examine the nature of utilitarian equality without — for the time being — questioning the grounding of moral importance entirely on utility. Even when utility is the sole basis of importance there is still the question as to whether the size of *marginal* utility, irrespective of *total* utility enjoyed by the person, is an adequate index of moral importance. It is, of course, possible to define a metric on utility characteristics such that each person's utility scale is coordinated with everyone else's in a way that equal social importance is simply "scaled" as equal marginal utility. If interpersonal comparisons of utility are taken to have no descriptive content, then this can indeed be thought to be a natural approach. No matter how the relative social importances are arrived at, the marginal utilities attributed to each person would then simply reflect these values. This can be done explicitly by appropriate interpersonal scaling,[10] or implicitiy through making the utility numbering reflect choices in situations of *as if* uncertainty associated with the "original position" under the additional assumption that ignorance be interpreted as equal probability of being anyone.[11] This is not the occasion to go into the technical details of this type of exercise, but the essence of it consists in using a scaling procedure such that marginal utility measures are automatically identified as indicators of social importance.

This route to utilitarianism may meet with little resistance, but it is non-controversial mainly because it says so little. A prob-

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Social Welfare Analysis', *Eronometrica* 45 (1977). See also T. M. Scanlon's arguments against identifying utility with "urgency" in his 'Preference and Urgency', *Journal of Philosophy* 72 (1975).

[10] For two highly ingenious examples of such an exercise, see Peter Hammond, 'Dual Interpersonal Comparisons of Utility and the Welfare Economics of Income Distribution', *Joursal of Public Economics* 6 (1977): 51–57; and Menahem Yaari, 'Rawls, Edgeworth, Shapley and Nash: Theories of Distributive Justice Re-examined', Research Memorandum No. 33, Center for Research in Mathematical Economics and Game Theory, Hebrew University, Jerusalem, 1978.

[11] See Harsanyi (1955, 1975, 1977).

lem arises the moment utilities and interpersonal comparisons thereof are taken to have some independent descriptive content, as utilitarians have traditionally insisted that they do. There could then be conflicts between these descriptive utilities and the appropriately scaled, essentially normative, utilities in terms of which one is "forced" to be a utilitarian. In what follows I shall have nothing more to say on utilitarianism through appropriate interpersonal scaling, and return to examining the traditional utilitarian position, which takes utilities to have interpersonally comparable descriptive content. How moral importance should relate to these descriptive features must, then, be explicitly faced.

The position can be examined from the prior-principle perspective as well as from the case-implication angle. John Rawls's criticism as a preliminary to presenting his own alternative conception of justice took mostly the prior-principle form. This was chiefly in terms of acceptability in the "original position," arguing that in the postulated situation of *as if* ignorance people would not choose to maximize the utility sum. But Rawls also discussed the violence that utilitarianism does to our notions of liberty and equality. Some replies to Rawls's arguments have reasserted the necessity to be a utilitarian by taking the "scaling" route, which was discussed earlier, and which —I think —is inappropriate in meeting Rawls's critique. But I must confess that I find the lure of the "original position" distinctly resistible since it seems very unclear what precisely would be chosen in such a situation. It is also far from obvious that prudential choice under *as if* uncertainty provides an adequate basis for moral judgment in *un*-original, i.e., real-life, positions.[12] But I believe Rawls's more direct critiques in terms of liberty and equality do remain powerful.

Insofar as one is concerned with the *distribution* of utilities, it

[12] On this, see Thomas Nagel, 'Rawls on Justice', *Philosophical Review* 83 (1973), and 'Equality' in his *Mortal Questions* (Cambridge: Cambridge University Press, 1979).

follows immediately that utilitarianism would in general give one little comfort. Even the minutest gain in total utility *sum* would be taken to outweigh distributional inequalities of the most blatant kind. This problem would be avoidable under certain assumptions, notably the case in which everyone has the *same* utility function. In the pure distribution problem, with this assumption the utilitarian best would require absolute equality of everyone's total utilities.[13] This is because when the marginal utilities are equated, so would be the total utilities if everyone has the same utility function. This is, however, egalitarianism by serendipity: just the accidental result of the marginal tail wagging the total dog. More importantly, the assumption would be very frequently violated, since there are obvious and well-discussed variations between human beings. John may be easy to please, but Jeremy not. If it is taken to be an acceptable prior-principle that the equality of the distribution of total utilities has some value, then the utilitarian conception of equality —marginal as it is —must stand condemned.

The recognition of the fundamental diversity of human beings does, in fact, have very deep consequences, affecting not merely the utilitarian conception of social good, but others as well, including (as I shall argue presently) even the Rawlsian conception of equality. If human beings are identical, then the application of the prior-principle of universalizability in the form of "giving equal weight to the equal interest of all parties" simplifies enormously. Equal marginal utilities of all —reflecting one interpretation of the equal treatment of needs —coincides with equal total utilities —reflecting one interpretation of serving their overall interests equally well. With diversity, the two can pull in opposite directions, and it is far from clear that "giving equal weight to

[13] The problem is much more complex when the total cake is not fixed, and where the maximization of utility sum need not lead to the equality of total utilities unless some additional assumptions are made, e.g., the absence of incentive arguments for inequality.

the equal interest of all parties" would require us to concentrate only on one of the two parameters —taking no note of the other.

The case-implication perspective can also be used to develop a related critique, and I have tried to present such a critique elsewhere.[14] For example, if person A as a cripple gets half the utility that the pleasure-wizard person B does from any given level of income, then in the pure distribution problem between A and B the utilitarian would end up giving the pleasure-wizard B more income than the cripple A. The cripple would then be doubly worse off: both since he gets less utility from the same level of income, *and* since he will also get less income. Utilitarianism must lead to this thanks to its single-minded concern with maximizing the utility sum. The pleasure-wizard's superior efficiency in producing utility would pull income away from the less efficient cripple.

Since this example has been discussed a certain amount,[15] I should perhaps explain what is being asserted and what is not. First, it is *not* being claimed that anyone who has lower total utility (e.g., the cripple) at any given level of income must of necessity have lower marginal utility also. This must be true for some levels of income, but need not be true everywhere. Indeed, the opposite could be the case when incomes are equally distributed. If that were so, then of course even utilitarianism would give the cripple more income than the non-cripple, since at that point the cripple would be the more efficient producer of utility. My point is that there is no guarantee that this will be the case, and more particularly, if it were the case that the cripple were not only worse off in terms of total utility but could convert income into utility less efficiently everywhere (or even just at the point of

[14] *On Economic Inequality* (Oxford: Clarendon Press, 1973), pp. 1G-20.

[15] See John Harsanyi, 'Non-linear Social Welfare Functions', *Theory and Decision 6* (1976): 311–12; Harsanyi (1977); Kern (1978); Griffin (1978); Richard B. Brandt, *A Theory of the Good and the Right* (Oxford: Clarendon Press, 1979), chapter 16.

equal income division), then utilitarianism would compound his disadvantage by settling him with less income on top of lower efficiency in making utility out of income. The point, of course, is not about cripples in general, nor about all people with total utility disadvantage, but concerns people —including cripples — with disadvantage in terms of both total *and* marginal utility at the relevant points.

Second, the descriptive content of utility is rather important in this context. Obviously, if utilities were scaled to reflect moral importance, then wishing to give priority to income for the cripple would simply amount to attributing a higher "marginal utility" to the cripple's income; but this —as we have already discussed — is a very special sense of utility —quite devoid of descriptive content. In terms of descriptive features, what is being assumed in our example is that the cripple can be helped by giving him income, but the increase in his utility as a consequence of a marginal increase in income is less — in terms of the accepted descriptive criteria —than giving that unit of income to the pleasure-wizard, when both have initially the same income.

Finally, the problem for utilitarianism in this case-implication argument is not dependent on an implicit assumption that the claim to more income arising from disadvantage must dominate over the claim arising from high marginal utility.[16] A system that gives some weight to both claims would still fail to meet the utilitarian formula of social good, which demands an exclusive concern with the latter claim. It is this narrowness that makes the utilitarian conception of equality such a limited one. Even when utility is accepted as the only basis of moral importance, utilitarianism fails to capture the relevance of overall advantage for the requirements of equality. The prior-principle critiques can be supplemented by case-implication critiques using this utilitarian lack

[16] Such an assumption is made in my Weak Equity Axiom, proposed in Sen (1973), but it is unnecessarily demanding for rejecting utilitarianism. See Griffin (1978) for a telling critique of the Weak Equity Axiom, in this exacting form.

of concern with distributional questions except at the entirely marginal level.

2. Total Utility Equality

Welfarism is the view that the goodness of a state of affairs can be judged entirely by the goodness of the utilities in that state.[17] This is a less demanding view than utilitarianism in that it does not demand —in addition —that the goodness of the utilities must be judged by their sum-total. Utilitarianism is, in this sense, a special case of welfarism, and provides one illustration of it. Another distinguished case is the criterion of judging the goodness of a state by the utility level of the worst-off person in that state —a criterion often attributed to John Rawls. *(Except* by John Rawls! He uses social primary goods rather than utility as the index of advantage, as we shall presently discuss.) One can also take some other function of the utilities —other than the sum-total or the minimal element.

Utilitarian equality is one type of welfarist equality. There are others, notably the equality of total utility. It is tempting to think of this as some kind of an analogue of utilitarianism shifting the focus from marginal utility to total utility. This correspondence is, however, rather less close than it might first appear. First of all, while we economists often tend to treat the marginal and the total as belonging to the same plane of discourse, there is an important difference between them. Marginal is an essentially *counter-factual* notion: marginal utility is the additional utility that *would be* generated if the person had one more unit of income. It contrasts what is observed with what allegedly would be observed if something else were different: in this case if the income had been one unit greater. Total is not, however, an inherently counter-factual concept; whether it is or is not would

17 See Sen (1977), and also my 'Welfarism and Utilitarianism', *Journal of Philosophy* 76 (1979).

depend on the variable that is being totalled. In case of utilities, if they are taken to be observed facts, total utility will not be counter-factual. Thus total utility equality is a matter for direct observation, whereas utilitarian equality is not so, since the latter requires hypotheses as to what things would have been under different postulated circumstances. The contrast can be easily traced to the fact that utilitarian equality is essentially a consequence of sum *maximization,* which is itself a counter-factual notion, whereas total utility equality is an equality of some directly observed magnitudes.

Second, utilitarianism provides a complete ordering of all utility distributions — the ranking reflecting the order of the sums of individual utilities — but as specified so far, total utility equality does not do more than just point to the case of absolute equality. In dealing with two cases of non-equal distributions, something more has to be said so that they could be ranked. The ranking can be completed in many different ways.

One way to such a complete ranking is provided by the lexicographic version of the maximin rule, which is associated with the Rawlsian Difference Principle, but interpreted in terms of utilities as opposed to primary goods. Here the goodness of the state of affairs is judged by the level of utility of the worst-off person in that state; but if the worst-off persons in two states respectively have the same level of utility, then the states are ranked according to the utility levels of the second worst-off. If they too tie, then by the utility levels of the third worst-off, and so on. And if two utility distributions are matched at each rank all the way from the worst off to the best off, then the two distributions are equally good. Following a convention established in social choice theory, I shall call this *leximin.*

In what way does total utility equality lead to the leximin? It does this when combined with some other axioms, and in fact the analysis closely parallels the recent axiomatic derivations of

the Difference Principle by several authors.[18] Consider four utility levels *a, b, c, d,* in decreasing order of magnitude. One can argue that in an obvious sense the pair of extreme points *(a, d)* displays greater inequality than the pair of intermediate points *(b, c)*. Note that this is a purely *ordinal* comparison based on ranking only, and the exact magnitudes of *a, b, c,* and *d* make no difference to the comparison in question. If one were *solely* concerned with equality, then it could be argued that *(b, c)* is superior —or at least non-inferior —to *(a, d)*. This requirement may be seen as a strong version of preferring equality of utility distributions, and may be called "utility equality preference." It is possible to combine this with an axiom due to Patrick Suppes which captures the notion of *dominance* of one utility distribution over another, in the sense of each element of one distribution being at least as large as the corresponding element in the other distribution.[19] In the two-person case this requires that state *x* must be regarded as at least as good as *y, either* if each person in state *x* has at least as much utility as himself in state y, *or* if each person in state *x* has at least as much utility as the *other* person in state *y. If,* in addition, at least one of them has strictly more, then of course *x* could be declared to be strictly better (and not merely at least as good). If this Suppes principle and the "utility equality preference" are combined, then we are pushed in the direction of leximin. Indeed, leximin can be fully derived from these two principles by requiring that the approach must provide a com-

[18] See P. J. Hammond, 'Equity, Arrow's Conditions and Rawls' Difference Principle', *Econometrica* 44 (1976); S. Strasnick, 'Social Choice Theory and the Derivation of Rawls' Difference Principle', *Journal of Philosophy* 73 (1976); C. d'Aspremont and L. Gevers, 'Equity and Informational Basis of Collective Choice', *Review of Economic Studies* 44 (1977); K. J. Arrow, 'Extended Sympathy and the Possibility of Social Choice', *American Economic Review* 67 (1977); A. K. Sen, 'On Weights and Measures: Informational Constraints in Social Welfare Analysis', *Econometrica 45* (1977); R. Deschamps and L. Gevers, 'Leximin and Utilitarian Rules: A Joint Characterization', *Journal of Economic Theory* 17 (1978); K. W. S. Roberts, 'Possibility Theorems with Interpersonally Comparable Welfare Levels', *Review of Economic Studies* 47 (1980); P. J. Hammond, 'Two Person Equity', *Econometrica* 47 (1979).

[19] P. Suppes, 'Some Formal Models of Grading Principles', *Synthese* 6 (1966).

plete ordering of all possible states no matter what the interpersonally comparable individual utilities happen to be (called "unrestricted domain"), and that the ranking of any two states must depend on utility information concerning *those* states only (called "independence").

Insofar as the requirements other than utility equality preference (i.e., the Suppes principle, unrestricted domain, and independence) are regarded as acceptable — and they have indeed been widely used in the social choice literature — leximin can be seen as the natural concomitant of giving priority to the conception of equality focussing on total utility.

It should be obvious, however, that leximin can be fairly easily criticised from the prior-principle perspective as well as the case-implication perspective. Just as utilitarianism pays no attention to the force of one's claim arising from one's disadvantage, leximin ignores claims arising from the *intensity* of one's needs. The *ordinal* characteristic that was pointed out while presenting the axiom of utility equality preference makes the approach insensitive to the magnitudes of potential utility gains and losses. While in the critique of utilitarianism that was presented earlier I argued against treating these potential gains and losses as the only basis of moral judgment, it was *not* of course alleged that these have no moral relevance at all. Take the comparison of (*a, d*) vis-à-vis (b, c), discussed earlier, and let (*b, c*) stand for (*3, 2*). Utility equality preference would assert the superiority of (*3*, 2) over (*10, 1*) as well as (*4, 1*). Indeed, it would not distinguish between the two cases at all. It is this lack of concern with "how much" questions that makes leximin rather easy to criticise *either* by showing its failure to comply with such prior-principles as "giving equal weight to the equal interest of all parties," *or* by spelling out its rather austere implications in specific cases.

Aside from its indifference to "how much" questions, leximin also has little interest in "how many" questions — paying no

attention at all to the number of people whose interests are overridden in the pursuit of the interests of the worst off. The worst-off position rules the roost, and it does not matter whether this goes against the interests of one other person, or against those of a million or a billion other persons. It is sometimes claimed that leximin would not be such an extreme criterion if it could be modified so that this innumeracy were avoided, and if the interests of *one* worse-off position were given priority over the interests of exactly *one* better-off position, but not necessarily against the interests of *more than one* better-off position. In fact, one can define a less demanding version of leximin, which can be called leximin-2, which takes the form of applying the leximin principle *if* all persons other than two are indifferent between the alternatives, but not necessarily otherwise. Leximin-2, as a compromise, will be still unconcerned with "how much" questions on the magnitudes of utilities of the two non-indifferent persons, but need not be blinkered about "how many" questions dealing with numbers of people: the priority applies to one person over exactly one other.[20]

Interestingly enough, a consistency problem intervenes here. It can be proved that given the regularity conditions, viz., unrestricted domain and independence, leximin-2 logically entails leximin in general.[21] That is, given these regularity conditions, there is no way of retaining moral sensitivity to the number of people on each side by choosing the limited requirement of leximin-2 without going all the way to leximin itself. It appears that indifference to *how much* questions concerning utilities implies indifference to *how many* questions concerning the number of

[20] Leximin —and maximin —are concerned with conflicts between positional priorities, i.e., between ranks (such as the "worst-off position," "second worst-off position," etc.), and not with interpersonal priorities. When positions coincide with persons (e.g., the *same* person being the worst off in each state), then positional conflicts translate directly into personal conflicts.

[21] Theorem 8, Sen (1977). See also Hammond (1979) for extensions of this result.

people on different sides. One innumeracy begets another.

Given the nature of these critiques of utilitarian equality and total utility equality respectively, it is natural to ask whether some *combination* of the two should not meet both sets of objections. If utilitarianism is attacked for its unconcern with inequalities of the utility distribution, and leximin is criticised for its lack of interest in the magnitudes of utility gains and losses, and even in the numbers involved, then isn't the right solution to choose some mixture of the two? It is at this point that the long-postponed question of the relation between utility and moral worth becomes crucial. While utilitarianism and leximin differ sharply from each other in the use that they respectively make of the utility information, both share an exclusive concern with utility data. If non-utility considerations have any role in either approach, this arises from the part they play in the determination of utilities, or possibly as surrogates for utility information in the absence of adequate utility data. A combination of utilitarianism and leximin would still be confined to the box of welfarism, and it remains to be examined whether welfarism as a general approach is *itself* adequate.

One aspect of the obtuseness of welfarism was discussed clearly by John Rawls.

> In calculating the greatest balance of satisfaction it does not matter, except indirectly, what the desires are for. We are to arrange institutions so as to obtain the greatest sum of satisfactions; we ask no questions about their source or quality but only how their satisfaction would affect the total of well-being. . . . Thus if men take a certain pleasure in discriminating against one another, in subjecting others to a lesser liberty as a means of enhancing their self-respect, then the satisfaction of these desires must be weighed in our deliberations according to their intensity, or whatever, along with other desires. . . . In justice as fairness, on the other hand, persons accept in advance a principle of equal liberty and they do this without a knowledge of their more particular ends. . . . An individual who finds that he enjoys seeing

others in positions of lesser liberty understands that he has no claim whatever to this enjoyment. The pleasure he takes in other's deprivation is wrong in itself: it is a satisfaction which requires the violation of a principle to which he would agree in the original position.[22]

It is easily seen that this is an argument not merely against utilitarianism, but against the adequacy of utility information for moral judgments of states of affairs, and is, thus, an attack on welfarism in general. Second, it is clear that as a criticism of welfarism —and *a fortiori* as a critique of utilitarianism —the argument uses a principle that is unnecessarily strong. If it were the case that pleasures taken "in other's deprivation" were not taken to be wrong in itself, but simply *disregarded,* even then the rejection of welfarism would stand. Furthermore, even if such pleasures were regarded as valuable, but *less* valuable than pleasures arising from other sources (e.g., enjoying food, work, or leisure), welfarism would still stand rejected. The issue— as John Stuart Mill had noted — is the lack of "parity" between one source of utility and another.[23] Welfarism requires the endorsement not merely of the widely shared intuition that any pleasure has some value —and one would have to be a bit of a kill-joy to dissent from this — but also the much more dubious proposition that pleasures must be relatively weighed *only* according to their respective intensities, irrespective of the source of the pleasure and the nature of the activity that goes with it. Finally, Rawls's argument takes the form of an appeal to the prior-principle of equating moral rightness with prudential acceptability in the original position. Even those who do not accept that prior principle could reject the welfarist no-nonsense counting of utility irrespective of all other information by reference to other prior principles, e.g., the irreducible value of liberty.

[22] Rawls (1971), pp. 30–31.

[23] John Stuart Mill, *On Liberty* (1859), p. 140.

The relevance of non-utility information to moral judgments is the central issue involved in disputing welfarism. Libertarian considerations point towards a particular class of non-utility information, and I have argued elsewhere that this may require even the rejection of the so-called Pareto principle based on utility dominance.[24] But there are also other types of non-utility information which have been thought to be intrinsically important. Tim Scanlon has recently discussed the contrast between "urgency" and utility (or intensity of preference), He has also argued that "the criteria of well-being that we actually employ in making moral judgments are objective," and a person's level of well-being is taken to be "independent of that person's tastes and interests."[25] These moral judgments could thus conflict with utilitarian —and more generally (Scanlon could have argued) with welfarist — moralities, no matter whether utility is interpreted as pleasure, or —as is increasingly common recently —as desire-fulfilment.

However, acknowledging the relevance of objective factors does not require that well-being be taken to be independent of tastes, and Scanlon's categories are *too* pure. For example, a lack of "parity" between utility from self-regarding actions and that from other-regarding actions will go beyond utility as an index of well-being and will be fatal to welfarism, but the contrast is not, of course, independent of tastes and subjective features. "Objective" considerations can count along with a person's tastes. What is required is the denial that a person's well-being be judged *exclusively* in terms of his or her utilities. If such judgments take into account a person's pleasures and desire-fulfilments, but also certain objective factors, e.g., whether he or she is hungry, cold, or oppressed, the resulting calculus would still be non-welfarist. Welfarism is an extremist position, and its denial can take many different forms —pure and mixed —so long as totally ignoring non-utility information is avoided.

[24] Sen (1970), especially chapter 6. Also Sen (1979).

[25] T. M. Scanlon (1975), pp. 658–59.

Second, it is also clear that the notion of urgency need not work only *through* the determinants of personal well-being — however broadly conceived. For example, the claim that one should not be *exploited* at work is not based on making exploitation an additional parameter in the specification of well-being on top of such factors as income and effort, but on the moral view that a person deserves to get what he — according to one way of characterizing production — has produced. Similarly, the urgency deriving from principles such as "equal pay for equal work" hits directly at discrimination without having to redefine the notion of personal well-being to take note of such discriminations. One could, for example, say: "She must be paid just as much as the men working in that job, not primarily because she would otherwise have a lower level of well-being than the others, but simply because she is doing the *same* work as the men there, and why should she be paid less?" These moral claims, based on non-welfarist conceptions of equality, have played important parts in social movements, and it seems difficult to sustain the hypothesis that they are purely "instrumental" claims — ultimately justified by their indirect impact on the fulfilment of welfarist, or other well-being-based, objectives.

Thus the dissociation of urgency from utility can arise from two different sources. One disentangles the notion of personal well-being from utility, and the other makes urgency not a function only of well-being. But, at the same time, the former does not require that well-being be independent of utility, and the latter does not necessitate a notion of urgency that is independent of personal well-being. Welfarism is a purist position and must avoid any contamination from either of these sources.

3. Rawlsian Equality

Rawls's "two principles of justice" characterize the need for equality in terms of — what he has called — "primary social

goods." [26] These are "things that every rational man is presumed to want," including "rights, liberties and opportunities, income and wealth, and the social bases of self-respect." Basic liberties are separated out as having priority over other primary goods, and thus priority is given to the principle of liberty which demands that "each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others." The second principle supplements this, demanding efficiency and equality, judging advantage in terms of an index of primary goods. Inequalities are condemned unless they work out to everyone's advantage. This incorporates the "Difference Principle" in which priority is given to furthering the interests of the worst-off. And that leads to maximin, or to leximin, defined not on individual utilities but on the index of primary goods. But given the priority of the liberty principle, no trade-offs are permitted between basic liberties and economic and social gain.

Herbert Hart has persuasively disputed Rawls's arguments for the priority of liberty,[27] but with that question I shall not be concerned in this lecture. What is crucial for the problem under discussion is the concentration on bundles of primary social goods. Some of the difficulties with welfarism that I tried to discuss will not apply to the pursuit of Rawlsian equality. Objective criteria of well-being can be directly accommodated within the index of primary goods. So can be Mill's denial of the parity between pleasures from different sources, since the sources can be discriminated on the basis of the nature of the goods. Furthermore, while the Difference Principle is egalitarian in a way similar to leximin, it avoids the much-criticised feature of leximin of giving more income to people who are hard to please and who have to be deluged in champagne and buried in caviar to bring them to a

[26] Rawls (1971), pp. 60–65.

[27] H. L. A. Hart, 'Rawls on Liberty and Its Priority', *University of Chicago Law Review* 40 (1973); reprinted in N. Daniels, ed., *Reading Rawls* (Oxford: Blackwell, 1975).

normal level of utility, which you and I get from a sandwich and beer. Since advantage is judged not in terms of utilities at all, but through the index of primary goods, expensive tastes cease to provide a ground for getting more income. Rawls justifies this in terms of a person's responsibility for his own ends.

But what about the cripple with utility disadvantage, whom we discussed earlier? Leximin will give him more income in a pure distribution problem. Utilitarianism, I had complained, will give him *less.* The Difference Principle will give him neither more nor less on grounds of his being a cripple. His utility disadvantage will be irrelevant to the Difference Principle. This may seem hard, and I think it is. Rawls justifies this by pointing out that "hard cases" can "distract our moral perception by leading us to think of people distant from us whose fate arouses pity and anxiety." [28] This can be so, but hard cases do exist, and to take disabilities, or special health needs, or physical or mental defects, as morally irrelevant, or to leave them out for fear of making a mistake, may guarantee that the *opposite* mistake will be made.

And the problem does not end with hard cases. The primary goods approach seems to take little note of the diversity of human beings. In the context of assessing utilitarian equality, it was argued that if people were fundamentally similar in terms of utility functions, then the utilitarian concern with maximizing the sum-total of utilities would push us simultaneously also in the direction of equality of utility levels. Thus utilitarianism could be rendered vastly more attractive if people really were similar. A corresponding remark can be made about the Rawlsian Difference Principle. If people were basically very similar, then an index of primary goods might be quite a good way of judging advantage. But, in fact, people seem to have very different needs varying with health, longevity, climatic conditions, location, work

[28] John Rawls, 'A Kantian Concept of Equality', *Cambridge Review* (February 1975), p. 96.

conditions, temperament, and even body size (affecting food and clothing requirements). So what is involved is not merely ignoring a few hard cases, but overlooking very widespread and real differences. Judging advantage purely in terms of primary goods leads to a partially blind morality.

Indeed, it can be argued that there is, in fact, an element of "fetishism" in the Rawlsian framework. Rawls takes primary goods as the embodiment of advantage, rather than taking advantage to be a *relationship* between persons and goods. Utilitarianism, or leximin, or —more generally —welfarism does not have this fetishism, since utilities are reflections of one type of relation between persons and goods. For example, income and wealth are not valued under utilitarianism as physical units, but in terms of their capacity to create human happiness or to satisfy human desires. Even if utility is not thought to be the right focus for the person–good relationship, to have an entirely good-oriented framework provides a peculiar way of judging advantage.

It can also be argued that while utility in the form of happiness or desire-fulfilment may be an *inadequate* guide to urgency, the Rawlsian framework asserts it to be *irrelevant* to urgency, which is, of course, a much stronger claim. The distinction was discussed earlier in the context of assessing welfarism, and it was pointed out that a rejection of welfarism need not take us to the point in which utility is given no role whatsoever. That a person's interest should have nothing directly to do with his happiness or desire-fulfilment seems difficult to justify. Even in terms of the prior-principle of prudential acceptability in the "original position," it is not at all clear why people in that primordial state should be taken to be so indifferent to the joys and sufferings in occupying particular positions, or if they are not, why their concern about these joys and sufferings should be taken to be morally irrelevant.

4. Basic Capability Equality

This leads to the further question: Can we not construct an adequate theory of equality on the *combined* grounds of Rawlsian equality and equality under the two welfarist conceptions, with some trade-offs among them. I would now like to argue briefly why I believe this too may prove to be informationally short. This can, of course, easily be asserted *if* claims arising from considerations other than well-being were acknowledged to be legitimate. Non-exploitation, or non-discrimination, requires the use of information not fully captured either by utility or by primary goods. Other conceptions of entitlements can also be brought in going beyond concern with personal well-being only. But in what follows I shall not introduce these concepts. My contention is that *even* the concept of *needs* does not get adequate coverage through the information on primary goods and utility.

I shall use a case-implication argument. Take the cripple again with marginal utility disadvantage. We saw that utilitarianism would do nothing for him; in fact it will give him *less* income than to the physically fit. Nor would the Difference Principle help him; it will leave his physical disadvantage severely alone. He did, however, get preferential treatment under leximin, and more generally, under criteria fostering total equality. His low level of total utility was the basis of his claim. But now suppose that he is no worse off than others in utility terms despite his physical handicap because of certain other utility features. This could be because he has a jolly disposition. Or because he has a low aspiration level and his heart leaps up whenever he sees a rainbow in the sky. Or because he is religious and feels that he will be rewarded in after-life, or cheerfully accepts what he takes to be just penalty for misdeeds in a past incarnation. The important point is that despite his marginal utility disadvantage, he has no longer a total utility deprivation. Now not even leximin—or any other notion of equality focussing on total utility —will

do much for him. If we still think that he has needs as a cripple that should be catered to, then the basis of that claim clearly rests neither in high marginal utility, nor in low total utility, nor — of course — in deprivation in terms of primary goods.

It is arguable that what is missing in all this framework is some notion of "basic capabilities": a person being able to do certain basic things. The ability to move about is the relevant one here, but one can consider others, e.g., the ability to meet one's nutritional requirements, the wherewithal to be clothed and sheltered, the power to participate in the social life of the community. The notion of urgency related to this is not fully captured by either utility or primary goods, or any combination of the two. Primary goods suffers from fetishist handicap in being concerned with goods, and even though the list of goods is specified in a broad and inclusive way, encompassing rights, liberties, opportunities, income, wealth, and the social basis of self-respect, it still is concerned with good things rather than with what these good things *do* to human beings. Utility, on the other hand, *is* concerned with what these things do to human beings, but uses a metric that focusses not on the person's capabilities but on his mental reaction. There is something still missing in the combined list of primary goods and utilities. If it is argued that resources should be devoted to remove or substantially reduce the handicap of the cripple despite there being no marginal utility argument (because it is expensive), despite there being no total utility argument (because he is so contented), and despite there being no primary goods deprivation (because he has the goods that others have), the case must rest on something else. I believe what is at issue is the interpretation of needs in the form of basic capabilities. This interpretation of needs and interests is often implicit in the demand for equality. This type of equality I shall call "basic capability equality."

The focus on basic capabilities can be seen as a natural extension of Rawls's concern with primary goods, shifting attention

from goods to what goods do to human beings. Rawls himself motivates judging advantage in terms of primary goods by referring to capabilities, even though his criteria end up focussing on goods as such: on income rather than on what income does, on the "social bases of self-respect" rather than on self-respect itself, and so on. If human beings were very like each other, this would not have mattered a great deal, but there is evidence that the conversion of goods to capabilities varies from person to person substantially, and the equality of the former may still be far from the equality of the latter.

There are, of course, many difficulties with the notion of "basic capability equality." In particular, the problem of indexing the basic capability bundles is a serious one. It is, in many ways, a problem comparable with the indexing of primary good bundles in the context of Rawlsian equality. This is not the occasion to go into the technical issues involved in such an indexing, but it is clear that whatever partial ordering can be done on the basis of broad uniformity of personal preferences must be supplemented by certain established conventions of relative importance.

The ideas of relative importance are, of course, conditional on the nature of the society. The notion of the equality of basic capabilities is a very general one, but any application of it must be rather culture-dependent, especially in the weighting of different capabilities. While Rawlsian equality has the characteristic of being both culture-dependent and fetishist, basic capability equality avoids fetishism, but remains culture-dependent. Indeed, basic capability equality can be seen as essentially an extension of the Rawlsian approach in a non-fetishist direction.

5. Concluding Remarks

I end with three final remarks. First, it is not my contention that basic capability equality can be the sole guide to the moral good. For one thing morality is not concerned only with equality.

For another, while it is my contention that basic capability equality has certain clear advantages over other types of equality, I did not argue that the others were morally irrelevant. Basic capability equality is a partial guide to the part of moral goodness that is associated with the idea of equality. I have tried to argue that as a partial guide it has virtues that the other characterisations of equality do not possess.

Second, the index of basic capabilities, like utility, can be used in many different ways. Basic capability equality corresponds to total utility equality, and it can be extended in different directions, e.g., to leximin of basic capabilities. On the other hand, the index can be used also in a way similar to utilitarianism, judging the strength of a claim in terms of incremental contribution to *enhancing* the index value. The main departure is in focussing on a *magnitude* different from utility as well as the primary goods index. The new dimension can be utilised in different ways, of which basic capability equality is only one.

Last, the bulk of this lecture has been concerned with rejecting the claims of utilitarian equality, total utility equality, and Rawlsian equality to provide a sufficient basis for the equality-aspect of morality — indeed, even for that part of it which is concerned with needs rather than deserts. I have argued that none of these three is sufficient, nor is any combination of the three.

This is my main thesis. I have also made the constructive claim that this gap can be narrowed by the idea of basic capability equality, and more generally by the use of basic capability as a morally relevant dimension taking us beyond utility and primary goods. I should end by pointing out that the validity of the main thesis is not conditional on the acceptance of this constructive claim.