SOVEREIGN VIRTUE

The Theory and Practice of Equality

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Introduction: Does Equality Matter?

I

Equality is the endangered species of political ideals. Even a few decades ago any politician who claimed to be liberal, or even centrist, endorsed a truly egalitarian society as at least a utopian goal. But now even self-described left-of-center politicians reject the very ideal of equality. They say they represent a "new" liberalism or a "third way" of government, and though they emphatically reject the "old right's" creed of callousness, which leaves people's fates entirely to the verdict of an often cruel market, they also reject what they call the "old left's" stubborn assumption that citizens should share equally in their nation's wealth.

Can we turn our backs on equality? 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 very unequally distributed, as the wealth of even very prosperous nations now is, then its equal concern is suspect. For the distribution of wealth is the product of a legal order: a citizen's wealth massively depends on which laws his community has enacted—not only its laws governing ownership, theft, contract, and tort, but its welfare law, tax law, labor law, civil rights law, environmental regulation law, and laws of practically everything else. When government enacts or sustains one set of such laws rather than another, it is not only predictable that some citizens' lives will be worsened by its choice but also, to a considerable degree, which citizens these will be. In the prosperous democracies it is predictable, whenever government curtails welfare programs or declines

to expand them, that its decision will keep the lives of poor people bleak. We must be prepared to explain, to those who suffer in that way, why they have nevertheless been treated with the equal concern that is their right. Perhaps we can—that depends on what genuine equal concern requires, which is the subject of this book. But if we cannot, we must act to redeem our political virtue, and what we can and must then do is also this book's subject.

The "new" left does not reject equal concern: when it rejects equality as an ideal, it means to reject only a particular conception of what equal concern requires. It saddles the "old" left with the idea that genuine equality among citizens holds only when everyone has the same wealth, cradle to grave, no matter whether he chooses to work or what work he chooses—that government must constantly take from the ants and give to the grasshoppers. But no one, I think, would seriously propose this as a political ideal: flat, indiscriminate equality is not just a weak political value, or one that is easily overridden by other values. It is no value at all: there is nothing to be said for a world in which those who choose leisure, though they could work, are rewarded with the produce of the industrious.

But if equal concern does not mean that government must insure that everyone has the same wealth, no matter what, then what does it mean? There is no straightforward or uncontroversial answer to that question. Equality is a contested concept: people who praise or disparage it disagree about what it is they are praising or disparaging. The correct account of equality is itself a difficult philosophical issue: philosophers have defended a variety of answers, many of which are discussed in this book. Would it not be wise, then, to follow the new fashion and abandon the ideal altogether, for just that reason? If we cannot agree whether true equality means equality of opportunity, for example, or of outcome, or something altogether different, then why should we continue to puzzle about what it is? Why not just ask, directly, whether a decent society should aim that its citizens have the same wealth, or that they have the same opportunities, or only that each has sufficient wealth to meet minimal needs? Why not forget about equality in the abstract, and focus instead on these apparently more precise questions?

But if 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—we cannot set aside the issue of what that equal concern requires. Would it be enough for a community to secure a minimal level of nutrition, housing, and medical care for everyone, and then to take no further interest in whether some citizens have vastly more wealth than

others? We must ask: would that policy satisfy the demand of equal concern for those who still cannot even dream of lives that some of their fellow citizens take for granted?

That might seem a pointless or at least premature question. The prosperous democracies are very far from providing even a decent minimal life for everyone—though some come closer to that goal than others—and we might therefore think it wise to concentrate on urging that lesser requirement and ignore, at least for the foreseeable future, the more demanding one of full equality. But once it is conceded that the comfortable members of a community do not owe their uncomfortable fellow citizens equality, but only some decent minimum standard of living, then too much is allowed to turn on the essentially subjective question of how minimum a standard is decent, and contemporary history suggests that the comfortable are unlikely to give a generous answer to that question. So even in the present lamentable state of affairs, it would be unwise to abandon the question whether equality, not simply some lessening of inequality, must be a legitimate community's goal.

This book argues that equal concern requires that government aim at a form of material equality that I have called equality of resources, though other names might be equally appropriate. The argument is divided into two parts. Part I begins in large theoretical issues and uses examples mainly in the standard philosophical way—as artificial cases invented to illustrate and test theoretical hypotheses. Part II, on the contrary, begins in contemporary and heated political controversies, including national debates over health care provision, welfare programs, electoral reform, affirmative action, genetic experimentation, euthanasia, and homosexuality. The discussions of this part work inside-out, from these critical political issues toward theoretical structures that seem appropriately to bear on and help to adjudicate them. Some of these discussions, like that of Chapter 11, carry the argument into considerable detail, attempting to supply not just a structure for confronting a particular issue but facts needed to apply that structure. Others aim only to show the structure, that is, to show what facts we need.

The difference between the two parts lies in mode of presentation, not in the overall level of abstraction or complexity that is reached. In particular, the second part does not consist merely in applications of theories elaborated in the first: several of the "inside-out" chapters make important theoretical advances on the earlier "outside-in" ones. Chapter 10, on campaign finance reform, for example, makes more articulate the account of democ-

racy latent in the earlier chapters, and though Chapters 8 and 9, on medical care and welfare reform, are extended examples of the hypothetical insurance device described in Chapter 2, they carry the theoretical elaboration of that device further.

I emphasize the interdependence of political theory and practical controversy because I believe it essential that political philosophy respond to politics. I do not mean that political philosophers should avoid theoretical complexity, nor do I claim that this book does that. We should not hesitate to follow an argument that begins in practical politics into whatever abstract acres of political philosophy, or even philosophy in its more general parts, that we are driven to explore before we achieve what strikes us as a satisfactory intellectual resolution, or at least as satisfactory a resolution as we feel able to reach. But it is important that the argument that ends in general philosophy should have begun in our life and experience, because only then is it likely to have the right shape, not only finally to help us, but also finally to satisfy us that the problems we have followed into the clouds are, even intellectually, genuine not spurious.

II

I emphasize the book's inside-out character for a further reason as well: to introduce a more philosophical level of the argument that is mainly indistinct in these pages but that I propose to develop in detail in a later book that will be based in part on the John Dewey Lectures that I gave at Columbia University, in the autumn of 1998, under the title "Justice for Hedgehogs." In those lectures I argued that a theory of political morality, such as the theory developed in this book, should be located in a more general account of the humane values of ethics and morality, of the status and integrity of value, and of the character and possibility of objective truth.[1] We should hope for a plausible theory of all the central political values—of democracy, liberty, and civil society as well as of equality—that shows each of these growing out of and reflected in all the others, an account that conceives equality, for example, not only as compatible with liberty but as a value that someone who prized liberty would therefore also prize. We should hope, moreover, for a theory of all these that show them reflecting even more basic commitments about the value of a human life and about each person's responsibility to realize that value in his own life.

These aims are contrary in spirit to two of the most powerful contempo-

rary influences on liberal theory—the political liberalism of John Rawls and the value pluralism of Isaiah Berlin—and the consequences of that contrary spirit emerge in this book. Berlin insisted that important political values are in dramatic conflict—he particularly emphasized the conflict between liberty and equality—but Chapters 3 and 5, among others, strive to dissipate such conflicts and to integrate those values. Rawls's social-contract device is designed to insulate political morality from ethical assumptions and controversies about the character of a good life. But this book's argument makes no use of any social contract: it hopes to find whatever support its political claims may claim not in any unanimous agreement or consent, even hypothetical, but rather in the more general ethical values to which it appeals—to the structure of a good life described in Chapter 6, for example, and to the principles of personal responsibility described in Chapters 7, 8, and 9. The contrast is exemplified, in Chapter 9, in the distinction between two designs for welfare provision: Rawls's difference principle, which prescinds from any consideration of individual responsibility, and the hypothetical insurance approach, which attempts to make as much turn on such responsibility as possible.

Two principles of ethical individualism seem to me fundamental to any such comprehensive liberal theory, and together they shape and support the account of equality defended in this book. The first is the principle of equal importance: it is important, from an objective point of view, that human lives be successful rather than wasted, and this is equally important, from that objective point of view, for each human life. The second is the principle of special responsibility: though we must all 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.

The principle of equal importance does not claim that human beings are the same or equal in anything: not that they are equally rational or good, or that the lives they create are equally valuable. The equality in question attaches not to any property of people but to the importance that their lives come to something rather than being wasted. The consequences of that importance for the rightness or wrongness of anyone's behavior is, moreover, a further question. Many philosophers accept what is often called a principle of beneficence: that individual people have a moral obligation always to act with as much concern for the fate of everyone else in the world as for their own fate or that of their family and friends. Some philosophers who accept that principle conclude that people must always act so as maxi-

mally to benefit all other people, on average, in the world; other philosophers conclude that people must act so as maximally to benefit the worst-off people in the world. But though the principle of equal importance is consistent with any such principle of beneficence, no such principle follows from it. True, if I accept the principle of equal importance, I cannot offer, as a reason why I may devote more of my attention to my children than to yours, that it is objectively more important that my children prosper than that yours do. But I may have other justifications for my special concern for my own daughter: for example, that she is my daughter. But the principle of equal importance does require people to act with equal concern toward some groups of people in certain circumstances. A political community that exercises dominion over its own citizens, and demands from them allegiance and obedience to its laws, must take up an impartial, objective attitude toward them all, and each of its citizens must vote, and its officials must enact laws and form governmental policies, with that responsibility in mind. Equal concern, as I said, is the special and indispensable virtue of sovereigns.

The second principle of ethical individualism, the principle of special responsibility, is neither metaphysical nor sociological. It does not deny that psychology or biology can provide persuasive causal explanations of why different people choose to live as they do choose, or that such choices are influenced by culture or education or material circumstance. The principle is rather relational: it insists that so far as choices are to be made about the kind of life a person lives, within whatever range of choice is permitted by resource and culture, he is responsible for making those choices himself. The principle does not endorse any choice of ethical value. It does not contemn a life that is traditional and unexciting, or one that is novel and eccentric, so long as that life has not been forced upon someone by the judgment of others that it is the right life for him to lead.

This book's argument—the answer it gives to the challenge of equal concern—is dominated by these two principles acting in concert. The first principle requires government to adopt laws and policies that insure that its citizens' fates are, so far as government can achieve this, insensitive to who they otherwise are—their economic backgrounds, gender, race, or particular sets of skills and handicaps. The second principle demands that government work, again so far as it can achieve this, to make their fates sensitive to the choices they have made. The central doctrines and devices that the book endorses—the choice of impersonal and personal resources as the metric of equality, of opportunity costs for others as the measure of anyone's holding

of impersonal resources, and of a hypothetical insurance market as the model for redistributive taxation—can all be seen as shaped by these twin demands. I make no assumption that people choose their convictions or preferences, or their personality more generally, any more than they choose their race or physical or mental abilities. But I do assume an ethics which supposes—as almost all of us in our own lives do suppose—that we are responsible for the consequences of the choices we make out of those convictions or preferences or personality.

I said earlier that many politicians are now anxious to endorse what they call a "new" liberalism, or a "third" way between the old rigidities of right and left. These descriptions are often criticized as merely slogans lacking substance. The criticism is generally justified, but the appeal of the slogans nevertheless suggests something important. The old egalitarians insisted that a political community has a collective responsibility to show equal concern for all its citizens, but they defined that equal concern in a way that ignored those citizens' personal responsibilities. Conservatives—new and old—insisted on that personal responsibility, but they have defined it so as to ignore the collective responsibility. The choice between these two mistakes is an unnecessary as well as an unattractive one. If the argument that follows is sound, we can achieve a unified account of equality and responsibility that respects both. If that is the third way then it should be our way.

III

Several of the chapters were published earlier—the first two chapters, for example, in 1981. They have been the subject of extended comment by others, and for that reason I have decided to revise them here only in minor—typographical or stylistic—ways. But I have benefited very much from criticism, and though I discuss some of that criticism directly in only one chapter—Chapter 7—I hope that its impact will also be evident in the chapters of Part II that were written for this volume or were first published after commentary on the earlier chapters had appeared.