
THE MEANING OF LIBERAL EQUALITY

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WHAT IS JUSTICE AS FAIRNESS

Classical utilitarianism argues that the basic moral value is utility or welfare. The basic moral good in this sense is that which is most beneficial. As such, the moral act is one that is aimed at the achievement of material satisfaction or gain. The human person, in this regard, is only secondary. The right act is always the achievement of the optimum benefit. This undermines the basic moral worth of the person, for ultimately, the person can be used in order to achieve maximum utility.

John Rawls' *A Theory of Justice* is a response to utilitarianism. In this work, he attempts to reconcile freedom and equality. The idea, precisely, is to value each person as equals while, at the same time, respecting their basic autonomy. The establishment of the basic structure, for Rawls, does fulfill this ideal. According to Rawls, "justice is the first virtue of social institutions, as truth is of systems of thought."¹

Rawls, who belongs to the social contract tradition of Kant and Rousseau, develops his theory of justice from what he calls the original position, a device in which "all parties choose the principles of justice from behind a veil of ignorance." The veil of ignorance

deems that people who participate in the design of the political apparatus do not know their status in society. They are essentially blind to all the facts about their lives that might affect what notion of justice they would agree. Rawls explains:

No one knows his place in society, his class position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance.²

The veil of ignorance ensures that no one is in a position to take advantage of others in choosing the principles of justice. Rawls points out that “they are the principles that rational and free persons concerned to further their own interests would accept in an initial position of equality as defining the fundamentals of the terms of their association.”³ Politics, from the point of view of utilitarianism, is sometimes about sacrificing the weak, the disadvantaged, and the vulnerable for the greater good or benefit of the majority. Proponents of utilitarianism used as context the feudal history of Old England, where the elite minority has taken advantage of the poor who constituted the majority of the English population then. It is for this reason that utilitarianism speaks of the “greater good of the majority.”

In terms of its epistemological status, Rawls says that the original position is hypothetical in nature. These principles are in fact what the parties would agree upon if they were in that hypothetical situation of the original position. Rawls explains this by calling upon us “to imagine a state of nature where we are blind as to our status or position in society.”⁴ This includes, for all members of society, not knowing where one would end up or which fortunes one gets in the natural lottery. Under this veil of ignorance, the position of equality is guaranteed. It ensures that those who might be able to influence the process in their favor, due to their better position in society, are unable to do so.⁵ This means, more importantly, that justice is about “protecting the weak and innocent” against the abuses of the strong and “binding the powerful” to the full moral force of the law.

The veil of ignorance indicates that individuals must be responsible for their judgments but not for the situations or circumstances beyond them, for instance, nationality, gender, or race. For this reason, equality means “equal opportunity for all.” There must be just distribution of social primary goods for equal opportunity requires that basic structure compensates for the unequal circumstances men and women are born into. Rawls says that:

Human beings should have the same initial expectations of "basic goods," i.e., all-purpose goods; this in no way precludes ending up with different quantities of such goods or resources, as a result of personal economic decisions and actions. When prime importance is accorded an assurance of equal basic freedoms and rights, inequalities are just when they fulfill two provisos: on the one hand, they have to be linked to offices and positions open to everyone under conditions of fair equality of opportunity; on the other hand, they have to reflect the famous ‘difference principle’ in offering the greatest possible advantage to the least advantaged members of society.⁶

Herein, the initial *status quo* is meant to emphasize the moral equality of human beings, which suggests that it is not only the case that each person is free, but that there is also equality in terms of the freedom of each person. Ideally, it requires a condition wherein no one can assert a privileged position in society, for the rights of each must be something that one deserves on the basis of his or her person. According to Will Kymlicka, the idea of “equal opportunity” means that people “must not be disadvantaged by race or class.” Their condition must be determined “as a matter of choice,” and they must not suffer on the basis of certain circumstances that come as a result of the natural lottery of life. The kind of life one lives, hence, is something that one must deserve. Ergo, the poor do not deserve to suffer from their natural circumstances, just as the rich should not benefit from unfair or unjust systems.

In relation to the above, justice as fairness makes it a moral imperative that the moral value of individual freedom far outweighs the general welfare, for if one person is to be sacrificed for the good of all then that would be a violation of the basic principle of justice as fairness. This is because, according to Rawls, each person, from the point of view of liberal justice, possesses an inviolable value that not even the welfare of society can override.⁷ In classical utilitarianism, as we have said at the outset, the good consists in maximizing overall welfare, even if that sacrifices someone. For utilitarianism, general welfare is prioritized over the basic liberty of each. This violates the person's basic autonomy – the person's very essence – for he or she is reduced to a mere means to an end in order for the majority to achieve whatever they so desire.

THE PRINCIPLES OF JUSTICE

Rawls asserts that the assurance of the moral equality of all parties means that people would adopt two principles of justice as theorized by the liberal position in the hypothetical contract.

These two principles, the priority of liberty and the difference principle, would then govern the social arrangement, including how certain rights, duties, social and economic opportunities are to be distributed. The two principles of justice: First: each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others. Second, that social and economic inequalities are to be arranged so that, a) offices and positions must be open to everyone under conditions of fair equality of opportunity and b) they are to be of the greatest benefit to the least-advantaged members of society (the difference principle).⁸

The first principle, the autonomy principle, suggests that the liberty of the individual is inviolable; this liberty is supreme and cannot be violated for the sake of the second principle. This is because the autonomy or liberty of the individual essentially constitutes his moral value. No person, in this sense, can be sacrificed for the sake of another good nor can a person be used as means to further another

end. Meaning to say, personal liberty means that the person is an end in itself. A liberal state guarantees the autonomy of each person, but he or she must not undermine the liberty of others nor exploit others to his or her advantage.

The second principle, the fair opportunity principle and the difference principle, considers how social primary goods like income, opportunity, and the basis of self-respect, can be distributed from a just social arrangement. First, Rawls says that government instrumentalities, i.e., offices, elections, must be open to all under the fair terms of cooperation. Every person must have the chance to avail of the benefits or advantages that the institutions of government can offer. This includes, among others, the right to run for office. Second, it is the worst off in society who must be favored primarily to make the distribution of social primary goods just.

The basic point is that in this condition of equal opportunity for all, people can pursue their life-plans and profit from the same, but they must contribute through taxes to serve the worst off⁹ or the disadvantaged, an adjustment meant to ensure that the worst off can have the opportunity to improve their lives. This is what the famous difference principle calls for. Fairness in the liberal sense therefore means that justice is served when we treat people as equals, “not by removing all inequalities, but only those which disadvantage the worst off”.¹⁰

Equality in the liberal sense therefore means that each person’s liberty is construed as the moral basis of society. Any person who may have an advantage in view of his talent can still pursue his ambition of wealth creation as long as the inequality brought about by his competence, talent or ability ultimately favors those who might enjoy the benefits resulting from his actions.

To illustrate, if a person gains more income, say, from being a manager of a bank, the inequality is not necessarily unjust if his access to more income serves the interests of his clients, who in turn must also serve the interest of their customers, most of which could belong to society’s lower end of the economic spectrum. Businessmen must sell goods at a fair price for its opposite means exploitation. Or, for example, if a person invests his shares from social primary goods and earns some profit, there is no injustice if people benefit from his

investments, say, from gainful employment. Entitlement to the profit that one's basic liberties allow, granting such profit is not acquired and used to the disadvantage of the worst off, forms as the firm foundation of liberal equality.

According to Will Kymlicka, liberal equality follows from what Rawls calls the *maximin* strategy. For instance, we have situations A, B, and C for three people who are given the following amount of goods: A – 10,000:8,000:1,000; B – 7,000:6,000:2,000; C – 5,000:4,000:4,000. Since people do not know where they will end up in the just distribution, one should maximize his or her chances of getting an adequate amount of goods and minimize the risks of getting into the bottom. In this case, it would be rational to choose C, for it maximizes your chances and your risks are little if you end up getting the minimum. A is a form of oligarchy, where there are two sectors or perhaps families in society enriching themselves unabatedly, and making use of the less well off. B does not fare better, for there's still a huge gap, and since nobody knows where one would end up, nobody would agree to such a condition. C seems to show that there is some form of inequality, but such can be compensated by the fact that the less well-off at least possesses a chance to catch up, given that the rich is not too rich to usurp everybody, and that the poor is not too despondent that life is in such a terrible state means nothing to the person.

CRITIQUE OF EQUALITY

Liberal equality is not a perfect theory. For instance, following Ronald Dworkin, it can be argued that the difference principle accounts only for disadvantages in terms of social primary goods and neglects natural disadvantages like mental disabilities.¹¹ Dworkin says that even if social primary goods are redistributed, those with disabilities will still be disadvantaged because of their condition. Thus, for Dworkin, a certain form of insurance must first be provided to those with natural disabilities before the resources of society are auctioned off. Justice as fairness demands in this sense that it must be endowment sensitive. This will ensure that the distribution of resource will not be biased to those with natural disabilities.

It is also important to point out that people, being free, can waste their fair share due to bad choices. But also, it is equally unjust for one to demand that someone else pay for the cost of one's choices simply because one has misappropriated what has been allocated to him/her as his/her fair share. Thus, the difference principle must be ambition-sensitive. Here, Kymlicka, following Dworkin, makes the analogy of the tennis player and the gardener who are provided with the same resource, the former opting for leisure while the latter wisely investing the said resource through hard work.

We can improve on his analogy by citing a real world example instead. Say Pupil A and Pupil B go to the same public school – Pupil A drops out whereas Pupil B succeeds. Let's find out why. Ambition-sensitivity is an important account, but a real world example is more reflective of reality. It is a fact that there is a great imbalance in terms of access to society's resource. Much is invested in private education by way of grants, tuitions, endowments, but like in our case, so little is put into public education, creating a huge disparity in terms of the kind of education received by rich and poor children. Both Pupil A and Pupil B go to the same public school, but Pupil A might fail although they are given the same resource in the same manner as both the tennis player and gardener were given the same resource. Why? The reason is that basic needs may not even be adequate in the first place! What Dworkin emphasizes in the idea of ambition sensitivity is that individuals must be responsible for the goods allocated for them.

Fairness is discussed generally in terms of equality of opportunity, which suggests that a bigger income is deserved as long as there has been fair competition.¹² But such notion of fair competition can put those who do not possess high intelligence or skill at a disadvantage. The concept of fair competition is deceptive because others have natural talents they do not deserve to possess if we put premium in the moral equality of persons. The central argument of Rawls then is that all social arrangements, to be fair, should ultimately favor the worst off, whose disadvantage, say in their social position or natural talent is something they don't deserve.

So how is liberal egalitarianism attained in view of social inequality? Liberal theorists focus on the second principle of justice –

the difference principle. This principle provides for the basis of a theory of just redistribution. Why redistribute the resources of society? The argument for this is that I believe if the rich are left on their own, chances are they will be using the worst off to advance their interests. Justice as fairness ensures that enough opportunities are available to the worst-off. How is this done? For Rawls, this means removing inequalities which disadvantage people by giving them a just share of the social primary goods. As an example, a landlord who gains 60 percent of the share of harvests is simply taking advantage of a farmer who gains only 40 percent out of which he will also have to pay for farm implements, fertilizers, etc. apart from the fact that he is the one who tills the land. This form of inequality is unacceptable. To remove this form of injustice, a democratic state can implement land reform.

However, the distribution of resources in terms of income only touches the superficial symptoms of poverty but does not address the differences and heterogeneities between two people. For instance, person A and B can have the same amount of income. But if person A is a person with a physical handicap, there is no real equality though they have the same amount of income. The difference principle is good, but not good enough.¹³ The income approach only addresses the poverty of income but not the poverty of human life. Unjust social arrangements diminish the capabilities of people, and as such, re-arranging the mode of social cooperation therefore entails looking at holistic approaches to development. For instance, if we consider those with natural disabilities, it is not income that they need but a sense of human well-being beyond what economic provisions provide.

The most recent critique on Rawls argues for a global difference principle. Thomas Pogge, for instance, in *Realizing Rawls*, suggests that liberal equality limits justice to the domestic case and disregards the issue of global injustice. The basic structure treats only the problem of redistribution on a local level, whereas injustice due to unfair and unjust global structures harm individuals in disadvantaged nations, specifically those in the third world. Global injustice involves the problem of exclusion. People from outside the community of a

nation state are excluded from the rights, privileges, and opportunities that come with citizenship.

It is important to consider, however, that in the global arena the wealth produced in a developed economy is not necessarily and exclusively from its own natural resources, but involves a complex and vast network or apparatus of global trade which entail using resources from the third world, both material and human, for the benefit of developed countries. Redistribution, hence, must go beyond the mere duty of assistance. It must also involve the transfer of resources and technology, including ending unjust global structural barriers, in order to create a more egalitarian world.

BIBLIOGRAPHY

Dworkin, Ronald. *Taking Rights Seriously*. Cambridge, MA: Harvard University Press, 1977.

Kymlicka, Will. *Contemporary Political Philosophy*. Oxford: Oxford University Press, 2007.

Rawls, John. *A Theory of Justice*. Cambridge, MA: Harvard University Press, 1971.

_____. *Political Liberalism*. New York: Columbia University Press, 1993.

Sen, Amartya. *Development as Freedom*. Oxford: Oxford University Press, 1999.

Pogge, Thomas. *Realizing Rawls*. Ithaca: Cornell University Press 1989.

ENDNOTES

¹ John Rawls, *A Theory of Justice*, (Cambridge, MA: Harvard University Press, 1971), 3.

² *Ibid.*, 11.

³ *Ibid.* By “rational and free”, Rawls means persons who can give their consent and can justify giving that consent.

⁴ *Ibid.*

⁵ Will Kymlicka, *Contemporary Political Philosophy*, (Oxford: Oxford University Press, 2007), 63.

⁶ John Rawls, *Political Liberalism*, (New York: Columbia University Press, 1993), 5.

⁷ See Rawls, *Theory of Justice*, 11-13.

⁸ *Ibid.*, 47.

⁹ The worst off refers to those who are disadvantaged in society, for instance, members of poor communities, those who belong to cultural minorities, or the individuals in sectors which are vulnerable due to their social condition, i.e. poverty, conflict, disabilities, etc.

¹⁰ Kymlicka, *Contemporary Political Philosophy*, 55.

¹¹ *Ibid.*, 59.

¹² *Ibid.*, 57.

¹³ See Amartya Sen, *Development as Freedom*, (Oxford: Oxford University Press, 1999).