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"WHAT IS TO BE DISTRIBUTED?"

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ABSTRACT

I take up the "What is Equality?" controversy begun by Amartya Sen in 1979 by first considering – and briefly criticizing -- **utility** (J.S. Mill), **primary goods** (John Rawls), **property rights** (John Roemer), and **basic capabilities** as what is to be distributed according to principles and theories of social justice. I then consider the four most general principles designed to answer this question (as found in the current philosophical debate among such moral, social, and political philosophers as Ronald Dworkin, G.A. Cohen, Will Kymlicka, and Richard Arneson): the **Equality of Welfare Principle**, **Equality of Opportunity for Welfare Principle**, **Equality of Resources Principle**, and **Equality of Opportunity for Resources Principle**. I consider each of them with respect to the even more general normative principle that whatever theory of social or distributive justice we accept should be as **ambition sensitive** and **endowment insensitive** as feasible in real world circumstances. In this context I take up the problems of **expensive tastes**, **expensive disabilities**, **lowered or manipulated preferences or "needs"**, and **differential needs vs. differential talents and abilities**. I argue that the best solution is to adopt a modified version of Rawls' theory which takes **primary social goods** as that which is to be distributed but which demands a **Basic Rights Principle** that insures **Basic Subsistence Rights** (as well as **Basic Security Rights**) as the most fundamental principle of morality (and social justice) and then demands that **Rawls' Difference Principle** be applied lexically to the "material" goods of **income**, **wealth**, **leisure time** but applied in such a way that the **social basis of self-respect** is never undermined. At the same time I note that most of the answers given to this issue by contemporary egalitarian liberal and socialist philosophers – such as those mentioned above – will almost always result in the same policy recommendations under real world circumstances.

Dr. Rodney G. Peffer

WHAT IS TO BE DISTRIBUTED?

Since Amartya Sen's article "What is Equality?" was published in 1980 (Sen 1980a) the question of *what is to be distributed* according to theories and principles of social justice has been at the fore of much thinking and debate in the field of moral, social, and political philosophy. In this article I shall briefly outline and evaluate the major positions that have been taken on this issue, and argue for my own. But before I begin that analysis I would like to note that this issue/controversy provides an excellent illustration of the fact that the differences between contemporary liberal egalitarians and contemporary socialist and – (in some cases Marxist) – moral, social, and political philosophers (to the extent they actually exist) are in the area of empirical assumptions and theories rather than in the area of moral assumptions and theories. With respect to this controversy the fact is that there is as much difference within the liberal egalitarian camp (John Rawls, Ronald Dworkin, Amartya Sen, Martha Nussbaum, Thomas Scanlon, Norman Daniels, Will Kymlicka, et al.) as there is within the socialist egalitarian camp (G.A. Cohen, John Roemer, Jon Elster, Kai Nielsen, David Schweickart, Richard Arneson, et al.) and most or all of the major positions on this issue are represented in both camps. And this, in turn, brings up another interesting point: within the more general group of liberal and socialist egalitarians, whether some sort of socialism is still worth studying on and/or advocating depends much more on the definitions one gives such terms as "socialism," "capitalism," and "property-owning democracy" and on what empirical claims and theories one accepts than it does on differences in moral theory.

The question "what is it that egalitarians are concerned to distribute more or less equally?" constitutes a very deep philosophical problem. Up until Rawls' *A Theory of Justice*

came out in 1971 the dominant answer to this question among Anglo-American philosophers, economists, and other theorists was *utility*, although the definition of utility ranged over pleasure, happiness, and – the current most favored state of well-being among utilitarians and other welfarists – *preference satisfaction*. However, it should be noted that whereas previously *welfarists* (i.e. those theorists looking to states of well-being, especially mental states, in making moral assessments) were primarily utilitarians who advocated making such assessments on an *aggregate* basis, many current welfarists refuse to join their utilitarian colleagues in this. Instead, nowadays many of them demand an equal or at least a fair distribution of the welfare in question, according to some non-utilitarian (i.e. deontological) standard (Sen 1979 and 1980). On the other hand, in this current debate, we have the *resourcists*; i.e. those who assess distributions from a moral point of view in terms of how *resources* are distributed. Of the two most famous proponents of this approach, John Rawls concentrates on certain primary social goods (i.e. general social goods such as liberties, opportunities, income, wealth, leisure time, and the social bases of self-respect that are useful means for almost anyone, no matter what their life goals or plans happen to be). On the other hand, Ronald Dworkin speaks of resources in general (i.e. any and all resources), including – in some way and to some extent – the “internal” resources of people; i.e. their talents. (This issue will be discussed presently.) (For the debate concerning these options see Rawls 1971, 1982, and 1993; Dworkin 1981a, 1981b, 1987, and 1988; Scanlon 1975 and 1986; Roemer 1985 and 1986; Arneson 1989 and 1990; G.A.Cohen 1989 and 1993; and Daniels 1990)

A further complication is that Sen has recently broken from his earlier welfarist position and now advocates a Basic Capabilities Approach on which the distribution of resources among individuals in a society is to be evaluated on the basis of its contribution to individual capabilities to function in certain basic ways that are thought to be *objectively* important or valuable (Sen

1980a, 1984a, 1984b, 1985, 1992, 1993 and Crocker 1992). Thus, for example, food is not important in and of itself; it is important because it allows one to stay alive and healthy and, thus, to be able to perform other acts and pursue other goals the individual deems worthwhile. Although this approach is not easily classifiable as either welfarist or resourcist, it has the advantages of carrying our moral view to a very deep level of what is really (intrinsically) valuable in human lives and of keeping us focused on the fact that, due to differential natural talents and abilities, resources are differentially converted into valuable functionings (or capabilities for such functionings) by individuals. But the reason that this approach can not provide an adequate overall standard for egalitarians is that it is limited to covering only *basic* capabilities and once these are achieved it doesn't tell us how to govern any further distributions of resources above the levels necessary for these purposes. Indeed, this capabilities approach is simply not useful beyond this basic level. As G.A. Cohen puts it, "Capacities beyond the basic (Can I run a mile? Can I impress Ukrainians with my impersonation of Russians? Can I sew more quickly than you?) seem quite irrelevant to measurement, deprivation, inequality or anything else of urgent concern from the point of view of justice" (G.A. Cohen 1994,).

Finally, although I will not examine this position in detail here, John Roemer claims that, as opposed to welfare or resources, "Marxian theories call for equality of access to the means of production" (Roemer 1986, p. 753), and he puts forward a general theory of class and exploitation – including a *distributional* theory and definition of "exploitation" – as the correct empirical theoretical framework in which to analyze such things. My view is that his general theory of class and exploitation is really primarily a theory of social justice rather than an explanatory framework for empirical phenomena; that Roemer's distributional definition of "exploitation" is neither very Marxian nor very useful; and that once the proper distinctions are made between *Simple Exploitation* (as the appropriation of surplus value or the direct producers not getting back the full

value of what they produce), *Exploitation Proper* (as forced, unpaid, surplus labor, the product of which is not under the control of the direct producers), and *All-things-considered Unjustified Exploitation* (as Exploitation Proper that is not justified by its promotion of some other weighty moral concern) most of his (and various other theorists') objections to the more orthodox Marxist *force-inclusive, labor-transfer* definition of "exploitation" can be seen to not hold water (Peffer 1990, pp. 132-165). (For the debate over the normative components of Roemer's theories see, in addition to my work just cited, Roemer 1982a, 1982b, 1982c, 1985b, 1986b, 1988, 1989a, 1989b; Arneson 1981; Reiman 1987 and 1989; and Elster 1985, pp. 166-233. And for more traditional Marxian analyses of classes than Roemer's see G.A. Cohen 1978, Chapter 3; Elster 1985, Chapter 6, and 1986; Poulantzas 1975 and 1978; and Wright 1976, 1978, 1979, 1983, 1985, 1989a, 1989b, and 1994.)

However, another distinction that cuts across these distinctions concerning what is to be more or less equally distributed is the distinction between a "straight" equal distribution of the good or goods in question and a principle demanding only that people have an *equal opportunity* to garner an equal (or fair) share of these goods. As Richard Arneson points out, this means that we have four basic over-all positions: the Equality of Welfare Principle, the Equality of Resources Principle, the Equal Opportunity for Welfare Principle, and the Equal Opportunity for Resources Principle (Arneson 1988). (Assuming, with Dworkin and Kymlicka, that we want a principle or theory that is *ambition sensitive* and *endowment insensitive*, the difficulties with each of these principles are as follows. The Equality of Welfare Principle does not adequately account for *expensive tastes*. For example, if some people will achieve an average level of happiness or preference satisfaction only if they consume caviar and expensive champagne all day while lounging around on yachts in the tropics, this principle would demand that society provide them the resources (e.g. income) to acquire these goods and services. But why should society give a

vastly disproportionate share of resources to people who happen to have such expensive tastes? The argument against doing this is that people can, within limits, govern the development of their tastes and life projects and they are, thus, responsible for them. Hence, they must choose to develop tastes and life projects that don't require more than their fair share of resources; if they don't do this then they can not expect society to provide the level of resources necessary to satisfy their overly-expensive tastes and life projects. As Arneson writes: "it would be inappropriate to insist upon equality of welfare when welfare inequality arises through the voluntary choice of the person who gets lesser welfare. ... Divergence from equality of welfare arising in these ways need not signal any fault imputable to individuals or to 'society' understood as responsible for maintaining distributive equality" (Arneson 1988, p. 86).

There is also a sort of mirror problem to this at the other end of the spectrum which, interestingly enough, has come to light primarily due to empirical, social-scientific research rather than philosophical theorizing or reflection. This involves the fact that poorer people will sometimes *lower* their expectations and satisfaction thresholds as a response to the conditions they find themselves in, such that they will come to be satisfied or even relatively happy with fewer resources than would seem to be their fair share. But the question is whether an adequate theory of social justice should judge as fair a distribution of resources that gives poor people substantially less resources than the more well-off simply because – by means of this psychological mechanism – the poorer people have come to be satisfied with their meager share. The answer to this would seem to be *no*; yet this is what an Equality of Welfare Principle could conceivably justify. This would seem to be another reason, then, to reject this position. (For interesting discussions of how this social-psychological phenomenon – and others – are relevant to moral, social, and political philosophy and theory see Jon Elster 1978, 1979, 1983, and 1985.)

Another difficulty with this view – although this is probably a difficulty with all of these principles (so I won't mention it again) – involves persons who may happen to have *incredibly expensive disabilities* (i.e. disabilities that take an immense amount of resources to compensate for). What if someone could only be brought up to an average standard of living or happiness (or reach their basic capabilities level) if society spent so much on that one person that everyone else would only have the resources necessary to meet their basic needs, but nothing more. Would society be required to make this vast expenditure on this one person, morally speaking? This is a most perplexing and difficult moral problem and I mention it here only to set it aside. Fortunately, in the real world such cases are rare; perhaps, even nonexistent.

On the other hand, an Equality of Resources Principle that considers only “external” resources – as opposed to both “external” resources and the “internal” resources of people (i.e. their talents) – has the problem that it does not adequately account for *differential needs*, on the one hand or *differential natural talents and abilities*, on the other. That is, if individuals have different needs due to no fault of their own, it hardly seems fair to simply have a strictly equal division of resources (or even of social primary goods). Disabled persons, for example, are not responsible for their greater (i.e. more expensive) needs, so they shouldn't disproportionately suffer for their misfortune. This is why, I submit, any adequate theory of social justice must have a *basic floor of well-being principle* below which people are not allowed to fall (unless, of course, they rationally and intentionally do so as – for example – when individuals go on a hunger strike for political purposes). Such a principle – e.g. the Subsistence Rights component of a Basic Rights Principle – assures that peoples basic needs will be met and, thus, that the disabled (for example) are not further punished for their misfortune. Thus, a Basic Rights principle takes care of the problem that the insurance scheme part of Dworkin's theoretical scenario takes care of and seems to also preempt Sen's Basic Capabilities Approach since meeting people's basic needs (for

them to be both normally functioning human beings and citizens, as required by my principle) would require that people's basic capabilities be assured (Dworkin 1981a and 1981b and Peffer 1995). On the other hand, a straight Equality of Resources distribution would have the result that the more naturally talented would be able to achieve their goals or their well-being to a significantly greater extent than the substantially less talented. But why should the naturally talented be allowed such a privilege? After all, it is usually thought that people should only benefit from advantages that they have earned or merited, but – setting aside the possibility of karma and reincarnation – it is obvious that people have done nothing to deserve the natural talents and abilities they were born with. Nor, as Rawls points out, do we deserve the advantages (or disadvantages) of the social circumstances into which we are born. His way of putting this is that no one deserves the advantages (or disadvantages) that the natural and social lotteries dispense (Rawls 1971, pp. 100-104).

But what is the solution to this problem? Shall we say that the more naturally talented should not be able to benefit from their talents at all? Rawls, Dworkin, and Kymlicka – among others – argue that this is going too far. In fact, some have referred to this possibility as the problem of “the slavery of the talented” (Dworkin 1981b, p. 312). The intuition behind this claim seems to be that talents are internal components of individuals and – just like their internal organs – are not to be subject to redistributive schemes (on grounds of personal autonomy and integrity, and a person's right to not have these aspects of one's self violated). As the positive component of this position, they claim that the more talented should be able to benefit from their greater talents but that, in order to compensate the less talented, they must agree to transfer some of the resources they may be entitled to, or may be able to garner for themselves, to the less talented. This is a sort of “middle ground” policy or alternative since it is between the libertarian position that the talented can not be required to compensate the less talented at all – since people own their own talents and

property (ownership) is sacrosanct according to their view (Nozick 1974) – and the extreme egalitarian position that the internal resources called talents should, in our calculations, simply be pooled with the external resources that society has available to distribute and then an egalitarian distribution should be made of the entire pool of resources in the sense that the total benefits of social cooperation will be distributed so as to equalize preference satisfaction among people (Roemer 1985 and 1986). This latter position is clearly the most consistently egalitarian one and, thus, when I confess that I am nevertheless more attracted to the “middle ground” position, perhaps I am falling into J.S. Mill’s category of those who “tolerate other inequalities under an equally mistaken notion of expediency, the correction of which would make that which they approve, seem quite as monstrous as what they have at least learnt to condemn”; but that is simply where my moral intuitions presently lie.

Finally, we have the *opportunity* positions (for either welfare or resources), the argument for which can take a general form. As Arneson puts it: “The argument for equal opportunity rather than straight equality is simply that it is morally fitting to hold individuals responsible for the foreseeable consequences of their voluntary choices, and in particular for that portion of these consequences that involves their own achievement of welfare or gain or loss of resources. If accepted, this argument leaves it entirely open whether we as egalitarians ought to support equal opportunity for welfare or equal opportunity for resources” (Arneson 1988, p. 90). But an Equal Opportunity for Resources position has the problem that if it doesn’t demand talent pooling then it is barely different from the libertarian position (or what Rawls calls the system of natural liberty), and if it does include talent pooling then it runs into the same “slavery of the talented” problem that straight Equality of Resources runs into. Of course, it can choose to make the same “middle ground” compromise in which case it may be superior to straight Equality of Resources in that it would seem to better take into account the “ambition sensitive” criterion of our general standard

for the adequacy of egalitarian theories. (And another dimension that these theories can differ on is the exact principle or principles of distribution to be adopted: e.g., the Difference Principle not lexically applied, the Difference Principle lexically applied, an even more egalitarian principle of some sort, etc.)

If these four positions were our only egalitarian choices I would have to agree with Arneson that the Equal Opportunity for Welfare would be the best choice, but these are *not* our only choices because we can still choose to use the Difference Principle or, more specifically, the lexical version of the Difference Principle as applied to one or another of these goods. Thus, it seems to me that a theory of social justice which guarantees that people's basic needs will be fulfilled (by a Basic Rights Principle) and guarantees that social and economic inequalities will not be so great as to undermine the equal worth either of people's political rights or those liberties required by due process, and *then* demands that the Difference Principle be *lexically* applied to the social primary goods of income, wealth, leisure time, and the social bases of self-respect – is as good an option as any and better than most.¹ But I think it is also important to realize that in real world circumstances many of these competing egalitarian theories will be pretty much indistinguishable from one another in that they will all, presumably, choose more or less the same social policies given the same empirical assumptions. As Kymlicka puts it, when comparing Dworkin's theory with Rawls': "... it seems that in practice [Dworkin's Equality of Resources] ideal is indistinguishable in its strategic implications from theories, like Rawls's difference principle The hypothetical calculations Dworkin's theory requires are so complex, and their institutional implementation so difficult, that its theoretical advantages cannot be translated into practice" (Kymlicka 1990, p. 84). Similarly, Arneson – even though he believes Equal Opportunity for Welfare to be the theoretically correct position – is forced to admit that "the practical implications of these conflicting principles may be hard to discern, and may not diverge

much in practise. Familiar information-gathering and information-using problems will make us unwilling to authorize government agencies to determine people's distributive shares on the basis of their preference satisfaction prospects, which will often be unknowable for all practical purposes. We may insist that governments have regard to primary good equality or resource equality as rough proxies for the welfarist equality that we are unable to calculate" (Arneson 1988, p. 89).

In order to make a rational, morally sound judgment concerning the types of social institutions, programs, and policies we should advocate we need both a defensible egalitarian theory of social justice and enough trustworthy social-scientific information to apply this theory. Only if both of these conditions are fulfilled will we be able to make an informed choice between moderately egalitarian liberal, democratic capitalism (such as more or less exists today in the West); basic income or social democratic capitalism; Rawls' idea of the (purportedly) even more egalitarian form of capitalism he calls "property-owning democracy"; non-market democratic forms of socialism; and various forms of democratic market socialism. (See Schweickart 1980, 1992, and 1993; Nove 1983; Buchanan 1982 and 1985; Levine 1984 and 1989; Arneson 1987; D. Miller 1989; Rawls 1990; Peffer 1990, 1991, and 1995; Albert and Hahnel 1991a and 1991b; Avineri 1992; Van Parijs 1992b; Weiskopf 1992a and 1992b; Bowles, Gintis, and Gustaffson 1993; Bardham and Roemer (ed.) 1993; Roemer 1994.)

ENDNOTES

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1. These features are incorporated in my theory of justice -- see Peffer 1990 and 1995 -- which Rawls has endorsed with the exception of my principle in favor of social and economic, as well as political, democracy in *Political Liberalism* (Rawls 1993, p. 7).
 2. For the debate concerning these options see Rawls 1971, 1982, and 1993; Dworkin 1981a, 1981b, 1987, and 1988; Scanlon 1975 and 1986; Roemer 1985 and 1986; Arneson 1989 and 1990; G.A. Cohen 1989 and 1993; and Daniels 1990.

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3. See Sen 1980a, 1984a, 1984b, 1985, 1992, 1993, and Crocker 1992.
 4. See Peffer 1990, pp. 132-165. For the debate over the normative components of Roemer's theories see, in addition to my work just cited, Roemer 1982a, 1982b, 1982c, 1985b, 1986b, 1988, 1989a, 1989b; Arneson 1981; Reiman 1987 and 1989; and Elster 1985, pp. 166-233.
 5. For interesting discussions of how this social-psychological phenomenon – and others – are relevant to moral, social, and political philosophy and theory see Jon Elster 1978, 1979, 1983, and 1985.
 6. These provisions are all contained within the theory of social justice I put forward in Peffer 1990 and 1995. In *Political Liberalism* Rawls explicitly accepts three of the four modifications I make of his theory, holding out only on my principle in favor of social and economic democracy (Rawls 1993, p. 7). For my response to Rawls' reason for not accepting this modification of his theory see Peffer 1995.
 7. See Schweickart 1980, 1992, and 1993; Nove 1983; Buchanan 1982 and 1985; Levine 1984 and 1989; Arneson 1987; D. Miller 1989; Peffer 1990, 1991, and 1995; Albert and Hahnel 1991a and 1991b; Avineri 1992; Van Parijs 1992b; Weiskopf 1992a and 1992b; Bowles, Gintis, and Gustaffson 1993; Bardham and Roemer (ed.) 1993; and Roemer 1994.

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