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Fairness, Respect and the Egalitarian Ethos Revisited

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ABSTRACT

This paper reconsiders some themes and arguments from my earlier paper "Fairness, Respect and the Egalitarian Ethos." That work is often considered to be part of a cluster of papers attacking "luck egalitarianism" on the grounds that insisting on luck egalitarianism's standards of fairness undermines relations of mutual respect among citizens. While this is an accurate reading, the earlier paper did not make its motivations clear, and the current paper attempts to explain the reasons that led me to write the earlier paper, assesses the force of its arguments, and locates it in respect to work of Richard Arneson and Elizabeth Anderson. The paper concludes by bringing out what now appears to be the main message of the earlier paper: that the attempt to implement an "ideal" theory of equality can harm the very people that the theory is designed to help.

Introduction

In 1998 I published a paper called 'Fairness, Respect and the Egalitarian Ethos' (Wolff, 1998) which was an attempt to work out what I thought was wrong with the leading contemporary theories of equality in the analytic tradition. These theories gave a central place to the idea of individual responsibility within equality, and were very soon after to be given the name 'luck egalitarianism' by Elizabeth Anderson (1999). Along with Anderson and Scheffler (2003), my paper has sometimes been regarded as part of a critical reaction to luck egalitarianism, arguing that egalitarianism had failed to pay sufficient attention to issues of respect and self-respect.

The purpose of my paper was indeed largely critical, although it did contain some sketchy remarks in a more positive direction. The general motivation of the paper was an attempt to work out my reasons for discontent with the theories of equality that dominated the literature I was familiar with: namely the work continuing a tradition that Jerry Cohen had introduced me to as a student at UCL. Jerry had been particularly impressed with the work of Dworkin (1981a, 1981b), and while he was later to make clear,

¹ Versions of this paper have been presented in Oxford, Pavia, Rome and Jerusalem. I am grateful to the participants for their comments, and especially to Adam Swift, for very helpful written remarks.

he wasn't entirely satisfied with the details of Dworkin's approach (Cohen, 1988), see also Arneson, 1988), he was never less sure that Dworkin had made a major advance in egalitarian theory.

From the mid-80s I had felt that I should have joined in the project of refining post-Dworkinian egalitarian theory, as others were doing, but my heart wasn't in it. I eventually expressed some of this discontent in my 1998 paper. Looking back, now, though, I see that this paper contains a variety of complaints and concerns, not always properly distinguished from each other and none developed in sufficient detail. There is a limit to how much I can remedy the lack of development here, of course, but I can at least try to make out the main points with more care, or if not more care than at least more emphasis.

In the first section of this paper I will set out the general difficulties I perceived in contemporary egalitarianism that led me to write the earlier paper, while the task of the second section will be to review the main arguments of that paper, with my current assessment of their force. The argument of the paper to have generated the most discussion is the example of 'shameful revelation', and I will make my observations on some responses to this argument, most notably from Arneson. In the final section I will explain why I do not endorse what Elizabeth Anderson has called 'Democratic Equality' as a possible alternative to luck egalitarianism and make some concluding remarks concerning the lessons I now draw from my earlier discussion.

Section 1. What's Wrong With Recent Egalitarianism?

1(a) Introduction

From the 1980's one main current in egalitarianism thought has been to try to generate a theory of equality which resists the most telling criticisms offered by libertarians, yet remains true to the high standards of rigour of analytic philosophy. The major move in this direction was made by Ronald Dworkin, who set a new agenda for thinking about equality (Dworkin, 1981a, Dworkin 1981b, for discussion see Wolff, 2007). Yet while the motivations of this project seem firmly rooted in a concern for equality, and the ingenuity with which it has been developed is impressive, it seemed to me to have rather little to do with earlier traditions of thinking about equality and which one might hope to see political philosophers formulate in a precise manner. The tradition I have in mind is the line of thought running from the Levellers and Lockean Socialists, through Marxism, to the early 20th century English socialism of Orwell and Tawney. One great surprise, of course, is that Jerry Cohen's own work did not

bring together Marxist and liberal egalitarian theory in the way in which one might have expected given his other philosophical concerns.

There are a number of ways in which the liberal egalitarianism of analytical political philosophy failed to connect with these earlier socialist writers, and, it could be argued, suffers by comparison. In what follows in this section I will present a number of sources of dissatisfaction with liberal egalitarian theory. Many of the objections may seem exaggerated, or polemical, and to apply to some versions of the theory but not to others. Some of the criticisms may also seem unfair, or to have easy answers, but what I am trying to do here is to capture a sense of discontent, rather than to state a set of decisive objections. Suffice to say, though, I do think that the objections need to be taken into account in any comprehensive account of egalitarianism, and in this respect I must admit that in my own work I am still struggling.

Note that I am considering a tradition that starts with Dworkin, rather than Rawls; a tradition which self-consciously tries to incorporate a response to Nozick, or at least Nozick-like arguments. (Nozick, 1974). How much of what I shall say also applies to Rawls is a further question, on which I will say little here, but on the whole Rawls will come off somewhat better than the post-Rawlsians. (Rawls 1971, Hinton 2001).

1(b) The Good Society

A first apparent lack in contemporary theories of liberal egalitarianism is that they rarely seem to be animated by a vision of the good society. Of course by providing principles of justice it is possible to assess societies as better and worse, and hence comparative evaluation may in some cases be possible, but there is little sense of what would be a good way to live together. This agnosticism is, of course, part of what it is to be a *liberal* egalitarian, but in some ways it can seem unsatisfying. Traditional egalitarianism has a view of a society of equals with no one above me, no one below me, and based on some notion of community or common wealth. As has often been noted recently, on the socialist egalitarian view the goal of equality is not so much to achieve an equal distribution of material goods, but to create a society in which each individual can think of themselves as valued as an equal (Norman 1998, Miller 1994, Anderson 1999, Scheffler, 2003). By contrast, liberal egalitarianism can seem rather soulless; as if it begins with the idea of equality before the law, and then pushes it, via anti-discrimination, and active equality of opportunity, ultimately to include equal access to private property. Communitarianism has been the most obvious attempt to recover the idea that political philosophy needs to recognise that its subjects are human beings, rather than bundles of ambitions and endowments, but communitarianism has only partially been integrated into egalitarian thought, by

means of Michael Walzer, and it has generated only a limited amount of systematic discussion as to how communitarian egalitarianism should be understood (Walzer 1983, Miller and Walzer, 1994).

1(c) Materialism and Anti-Materialism

Related to the absence of a vision of a good society is a second concern. For those who came to egalitarianism from a reading of the classic works of socialism it can come to seem very strange that liberal egalitarianism is so focused on the question of the distribution of material goods. Consider the romantic anti-materialism exemplified in the work of thinkers such as William Morris. How important are material goods? On any view material goods are, of course, necessary to achieve a certain level of well-being and dignity, and that one of the problems of contemporary society is that far too many people have far too little. However on many socialist views, beyond a certain point a concern with material values is a sign of corrupted values and priorities. These socialist views tell us that material goods are relatively unimportant and where we can, we should transcend our interest in them. Liberal egalitarianism, in comparison, appears to assume that material goods are so important that we should make sure that everyone has an equal share.

Such an emphasis on material equality can seem almost a betrayal of ideas animating equality, as it highlights the way in which people are at odds with each other, rather than seeing themselves as members of a supportive collective enterprise. Material goods are typically 'rival' in the economists' sense that if something is possessed or enjoyed by one person it cannot be possessed or enjoyed by another, and hence social justice essentially provides rules to settle competition over desirable scarce goods. However not all goods have this rival or competitive structure. Consider, for example, goods arising out of companionship, community, friendship or belonging. There is not a fixed pot of friendship. Of course it could happen that making friends with one person means losing another friend, but equally it is possible that within a group over time they all increasingly enjoy the goods of friendship without anyone suffering a loss.

There are, then, goods which, in Tawney's words, 'to divide is not to take away' (Tawney, 1931, p. 291). A socialism inspired by, Tawney, or by William Morris or Oscar Wilde, plays down the importance of the acquisition and consumption of material goods, and the conflict and rivalry that goes with it, substituting an emphasis on the enjoyment of what can be shared, rather than privately consumed: art, culture, conversation, and companionship as well as the development of a many-sided human potential. Harmony, rather than conflict, takes centre stage.

1(d) Production

So far, then, I have stated two related general objections to, or at least concerns with, liberal egalitarianism. First, it lacks a positive vision of the good society; second it seems overly concerned with settling conflicts over the division of material goods. A third objection is that it typically gives rather little attention to the production side of economic life. A Marxist analysis begins with the concepts of land, capital and labour, looking at who currently controls, and receives income flows, from them, and how an economy could be arranged for the common good in future society. Liberal egalitarianism starts in a different place; apparently with a model of human beings who look suspiciously like the modern office worker: consumers who have salaried jobs in large organisations, which are a burden in proportion to the hours of leisure that need to be sacrificed, and a benefit in proportion to the amount of income they yield. Many liberal egalitarian theories make no reference to modern economic realities; their theories are stated at an abstract level. Where differential conditions of production are mentioned we are given examples of individual rural entrepreneurs (the hard-working market-gardener) rather than the multi-national joint-stock company owned by a combination of other institutions managing money on behalf of investment funds, pension funds, and a small number of wealthy individuals, which is the dominant ownership pattern of modern capitalism. On the whole, liberal egalitarianism simply ignores many aspects of the economy. These include the ownership of the means of production; the management of production; the consequent distribution of income that follows more or less directly from the ownership of the means of production; banking; finance; and the ways in which different forms of work can be differentially a benefit and burden (Gomberg, 2007).

One response is to argue that nevertheless what matters is the condition of individual lives, and that the organisation of work and the economy is primarily an instrumental question. So, for example, Rawls is often read as arguing that what matters is the level of income and wealth of the worst off in society, and therefore we need to arrange the economy in whatever way will make the worst off as well off as possible. Whether this means a planned economy, market socialism, welfare capitalism, laissez-faire capitalism, or a property-owning democracy is merely a question of means. This may seem a liberating move, but few contemporary egalitarians have taken seriously the point on which Marx criticised Mill: that one cannot treat production and distribution as separate issues, for the two will inevitably interact. Income distribution will inevitably reflect patterns of ownership of productive capital, and therefore egalitarians need to find ways of integrating the topics of production and distribution.

1(e) Responsibility

Finally it is worth highlighting liberal egalitarians' concentration on issues of individual responsibility, especially as the focus of the attention has been the responsibility of those towards the bottom of the income distribution. There has been a great deal of attention to the question of the circumstances under which those who are unemployed should receive or, conversely, forfeit, welfare benefits. Yet it seems odd for those who profess themselves to be egalitarians to want to spend so much effort on the question of how to make the distinction between the deserving and the non-deserving poor. In response, it will be said that every theory will have to work out some way of dealing with issues of responsibility, and, in the end, this may well have the consequence that some welfare claimants will have their claims disallowed. This I grant, but I would also make two observations. First, egalitarians seem not to have been so concerned about the distinction between the deserving and undeserving rich: should they not also press hard for a distinction between 'earned' and 'unearned' income, with differential tax rates, as the British Labour Government of the 60s and 70s enforced? Or if they have reasons to reject such a distinction, should this not be brought out into the open? Second, while it is true that any theory of responsibility will have consequences for the poor, it seems odd that this issue appears in the foreground, and the rest of the theory is built around it (Wolff, 2004).

Section 2. Themes from Fairness, Respect and the Egalitarian Ethos

2 (a) Introduction

The previous section has set out some of the background concerns that led me to question contemporary egalitarianism in the mid-1990s. I do not think I had formulated all these concerns but they were lurking in the background. They crystallised in a somewhat different form in my 1998 paper, and in this section I review what I take to be the major points from that paper and to give my current view of their force.

2(b) Abstract examples

My earlier paper was, in effect, an attempt to rescue egalitarianism from the distorting effects caused by taking libertarianism too seriously. One way in which the influence of libertarianism is apparent in concentration on the idea of responsibility in the resulting theory, as mentioned above, and this will be a major focus of what follows. However there is another way in which libertarianism – in the particular form in which it is presented by Nozick – has also had its effect. This is the methodology of using very

abstract examples, often depicting a small number of people in quite bizarre situations, as a way of helping formulate, hone and assess proposed principles. Nozick understands that he is doing political philosophy in a new style, and one which owes a great deal to standards of argument in contemporary epistemology, especially in the wake of Gettier and the attempt to generate a water-tight definition of knowledge by means of ‘theory, counter-example, patch-condition, counter-example’ and so on. In Nozick we find examples of a person who can only get exercise by swinging a baseball bat in such a way that it smashes the head of a cow, and another person who can only get exercise by throwing books through your open window. There must be dozens, perhaps even hundreds, of examples like this in *Anarchy, State, and Utopia*, while there are very few in *A Theory of Justice*. Nozick was probably not the first person to argue in this style in value theory (Judith Jarvis Thomson’s paper on abortion pre-dates Nozick by a few years, Thomson 1971) but the egalitarian literature generally looks more like Nozick than Rawls (Wolff, forthcoming).

Now, one may feel that this may be a notable fact from the point of view of the sociology of political philosophy, but it may be harder to see why it should be a problem. The advantages of this method are obvious: if one advances a principle that yields counter-intuitive consequences for particular examples then there is a difficulty. Normally the difficulty is taken to be that the principle is, strictly speaking false, and therefore, at the least, requires amendment. Or, to go the other way, it may be possible to explain why the consequences are not counter-intuitive after all. But in any case the use of abstract counter-examples yields benefits in precision, and possibly depth, of view. Hence it is clear that abstraction is not a problem in itself, and, indeed, is unavoidable. No statement of any example can be true to all the subtleties of the case, and so abstraction is always present, and hence only ever a matter of degree.

Could it be, though, that the methodology is misleading in its promise of precision? After all, the method has not proven conspicuously successful even where it is most at home, in the theory of knowledge. Perhaps we should take notice of Aristotle’s dictum that we should not expect from ethics and politics the level of precision that we seek in mathematics, and therefore the method pre-supposes that an unattainable level of precision is an appropriate goal. Now, while there is something comforting in the idea, the level of precision an area can bear is, partly at least, an experimental question, and it would be unsatisfactory to give up too early. Once more rigour and precision is a good thing, not a problem, and if the use of abstract counter-examples can help in this respect, then so much the better.

Abstraction, then, is not a problem in itself; nor is the search for precision. Could the problem be, though, that the method is distracting? Myles Burnyeat, in a famous review of two authors’ works on

Plato, suggested that one of them suffered from the problem that it was that it was 'all vision and no argument' while the other was 'all argument and no vision'. Whether this was a fair assessment of the books under review I will have to leave to others, but perhaps we can agree with Burnyeat's lesson: that good philosophy needs both vision and argument (Burnyeat, 1979). This danger of the method of abstraction is that it encourages argument, at the cost of vision. However, one can accept that there is such a danger, and thank those who point it out for their concern, yet simply take it as a warning that refining principles by means of abstract examples can only be part of one's project. It would be absurd to think that using the method of abstraction excludes vision; after all one can hardly accuse Nozick of lacking vision, which is distinct from the question of whether we find his vision attractive.

What, after all, then is the problem of abstraction? As I now see it, the point can be made rather simply. Any example contains limited information, and very abstract examples will typically contain very little. There is, thus, a hidden assumption that nothing else is relevant; that all other things are equal. By focusing only on abstract examples we are in danger of not taking account of all pertinent features of the cases that are of interest in practical life. Again this is a danger rather than a necessary consequence, and the charge needs to be made out in detail. However, in this case I think it can be made out in detail, and it is something I will return to below.

2(c) A Principle of Justice

Much of contemporary egalitarianism has been concerned with the task of formulating the correct principle of egalitarian justice. There is a great deal to be said about the role of principles in intellectual endeavour. Principles seem to be privileged, and can be very powerful. The allure of a principle is that with a small number of concepts, formulated in the right relations, pronouncements can be made over what before appeared to be a wide range of disparate phenomena. In the sciences these pronouncements are often explanations or predictions of events, and hold out the hope either of control or rational response. In the realm of values principles offer a normative standard which then permits judgement again over an unlimited range of cases. The ideal appears to be that principles should be simple to state; that there should be very few of them (ideally just one), and that they should have very wide – perhaps universal – application, rather like the law of gravity, perhaps.

But should we really expect to be able to devise principles of such nature in political philosophy? It is a lively matter of debate in the philosophy of science as to whether or not there are 'real' laws of nature, and if so how they fit together. Much of western intellectual pursuit has been conducted as if God wrote a highly elegant and fully consistent 'book of nature' and for reasons of his own set human beings the challenge of trying to recreate it, based on the clues that he left sprinkled around the

natural world. Yet if we reject this image of science and of the world we are left with some powerful question, such as there: Why should there be laws or principles? Why should they be fairly simple to state? Why should they be few in number? Why should they be consistent? Even if we think that political philosophy should be modelled on science, why take classical mechanics as the model rather than, say, medicine? These questions are even more pressing in moral and political enquiry than they are in science, given that each value has a history and development which could easily bring it into conflict with other values. Those searching for a fundamental principle of equality, which is true to the concerns that motivate egalitarians and also has wide application, owe us some reason to think that this is a task that could possibly bear fruit. A better response still, of course, would be to produce the principle.

2(d) An Ethos of Equality

For reasons such as this I suggested in my earlier paper that it is better to see egalitarianism as constituted not in terms of a fundamental principle of justice, but in terms of what I called there an 'ethos'. Whether or not the term 'ethos' is helpful, the key idea there was that egalitarianism starts from a collection of values, not principles, and, as I suggested in my earlier papers, those values include fairness and respect. The heart of the paper, of course, was to argue that there is no guarantee that these values can always be jointly pursued, and, indeed, they can conflict in some case (I use an abstract example to make the point). Egalitarians need to manage their way around that conflict, somehow or other, when it arises. My own feeling is that we are unlikely to be able to guarantee a permanent, stable, solution, and that we are likely to have to compromise. However the compromise may well change over time as we try to adjust to changing circumstances, and, indeed, changing emphasis on different values.

2(e) Fairness, Respect and Shameful Revelation

The main argument of my earlier paper was based around an argument that purports to show that there can be a tension between two egalitarian values: fairness and respect. The argument is that the responsibility element in egalitarianism – incorporated in order to ensure that redistribution takes place only when it is fair to do so – leads to the view that individuals are entitled to help only when their plight is in the relevant sense outside their own control. In the example of welfare benefits for the unemployed the doctrine appears to entail that individuals will be entitled to receive unemployment benefit only if they are unemployed for reasons that are outside their own sphere of responsibility. Specifically, those unemployed through choice would not be morally entitled to unemployment benefit.

Consequently, in order to prevent individuals from benefiting unfairly, those making decisions about who should receive unemployment benefit need to be able to distinguish between those who are unemployed by choice and those who are unemployed through lack of relevant opportunity.

Consider now a situation in which there is no general problem of unemployment, and, on the whole, those who seek jobs manage to obtain them. Under such circumstances, therefore, anyone who has difficulty getting or keeping a job must presumably either lack the talents other people standardly have, or have some sort of character trait that renders him or her unattractive on the job market. In such circumstance such a person will have to make out the case to the welfare officers that he or she lacks talent or is otherwise undesirable from the point of view of the labour market, if a claim for unemployment benefit is to be upheld. Yet this will be humiliating; it undercuts self-respect, and may well lower one's standing in the eyes of others, given that, as a matter of contingent but stubborn fact, an ability to contribute to society's productive work is considered so important in the contemporary world. Note that under such conditions the mere receipt of unemployment benefit would be an indication of one's unemployability.

The example was intended to show that fairness and respect can conflict: more precisely the responsibility element incorporated into luck egalitarianism forces a distinction between those who are responsible for their difficulties and those who are not, and in some cases it can be humiliating to have to reveal – first to oneself and then to others – that one lacks talents others have. This is why the term 'shameful revelation' is used, and the suggestion is that those who have to make shameful revelations are not treated as equals.

There is, of course, a question of what this argument really shows. It was never intended to show that fairness and respect are in contradiction in the sense that they can never be jointly satisfied. And so it has often been pointed out in reply to me – as I pointed out myself - if it was not regarded as shameful to lack employable talents then there would be no problem. Indeed there would be no problem if everyone had a job and no-one claimed unemployment benefit. My point was not intended to be fully general. Rather, in the circumstances of the actual world, going through a test, required from the point of view of fairness, to see if one meets the conditions for state support specified by luck egalitarianism, can be experienced as humiliating, and produce in the individual concerned the thought that they are not respected as an equal, even though the theory declares them deserving of help.

Now, in my earlier paper I anticipated several responses. Those who believe that the currency of justice is welfare can argue that humiliation is a welfare loss. This is perfectly plausible. However a

great deal depends on the next step in the argument. If welfare is treated as something like preference satisfaction, and is fully commensurable, then welfare can typically be addressed by financial compensation, and therefore those who are humiliated should, on this view, receive financial compensation for their humiliation. Yet, I also suggested, this could possibly make matters even worse by compounding humiliation rather than overcoming it. Hence to turn this response into an adequate reply it appears necessary to accept that well-being is complex in nature, with some partially non-substitutable elements.

Once, though, it is recognised that humiliation is a welfare loss that cannot easily be compensated, it is possible to suggest that, therefore, where humiliation is anticipated steps should be taken to avoid its occurrence. This has been argued with particular force by Arneson (Arneson, 2000). Arneson's view is now what he calls as 'responsibility-catering prioritarianism'. It is a form of aggregative consequentialism that requires first of all, an assessment of each person's welfare, and then, in calculating the desirability of outcomes, two weighting factors are introduced, prior to aggregation. One is to take account of responsibility: the more outcomes track individual responsibility, the higher the 'moral value'. The second is that the lower one is placed in the distribution array, the greater the moral value in any increase in one's welfare. The question, then, of whether there should be a conditional benefit test for unemployment benefit now turns on the question of whether having such a test would increase aggregate moral value. The presence of the test would allow greater correspondence between responsibility and outcomes, and hence gets a positive evaluation on that score, but in so far as the humiliation it causes creates a welfare loss for the worst off, this creates a heavily weighted negative factor. In the end, then, whether society should have the test depends on how the sums work out: what the inputs are, and what the weighting factor is.

In principle, then, both results – using a test and not using it - are possible, and so let us consider them. Suppose the sums work out so that we continue to insist on the test. This would be justified as consistent with the form of prioritarianism that Arneson endorses; a weighted form of priority rather than absolute. On such a view it is a commonplace that even the worst off can suffer a loss if the aggregated benefits – in this case the total moral value – is high enough. Humiliation, or loss of self-respect is nothing special, it is just one more thing to be put in the balance, and if the sums work out a particular way we should accept that the worst off in society can justifiably be made worse off in this way. (Of course there may be ways of mitigating their humiliation, and I will return to this.) I concede that I am prepared to accept this conclusion in modified form. If unconditional benefits led to extremely unfavourable consequences, then, reluctantly, we should consider introducing conditional tests, even if it leads to shameful revelation. Yet it still seems to me that we should give a particularly high emphasis to avoiding humiliation of the worst off.

Consider, though, the alternative and that the sums come out the other way, and that the welfare loss caused by humiliation is considerable. On this view the benefits achieved by tracking fair outcomes is outweighed by the weighted welfare loss of the worst off. In such a case society would no longer insist on a conditional test, even though responsibility would be less well tracked. However, no-one would be humiliated. Responsibility-catering prioritarianism, it seems, no longer would have a responsibility test, and might even propose unconditional unemployment benefit. But then something strange has happened for it would turn out that responsibility catering prioritarianism would not actually implement the responsibility catering element, at least with respect to unemployment benefits for the poorly off. This does not make it entirely self-effacing, for it provides a theoretical way of evaluating the relative benefits of different outcomes, but nevertheless it presents a striking difference between theory and practice. In general, though, it is unclear whether or not responsibility catering prioritarianism will give sufficient weight to responsibility to impose the test; or sufficient weight to the humiliation of the worst off to oppose it. Cases, no doubt, will differ, but it is interesting to note that despite its name Arneson's responsibility catering prioritarianism is consistent with abandoning the responsibility catering element.

Alongside this response, however, Arneson and others have made another. I have assumed that forcing individuals to reveal their talent status is, first, required by a fairness test, and second, more humiliating for those individuals than leaving their talents unrevealed. Both can be questioned, and have caused me certain discomfort about the example. Let me take them in reverse order.

My main unease about the case concerns the argument that being forced to consider the issue of whether or not one is unemployed through choice or through lack of talent can require one to face up to the fact that one has no employable talents, and can be humiliating. If one could, instead, believe that one was unemployed through choice – that none of the jobs on offer are sufficiently appealing – this would allow one to retain self-respect. But what worries me – and not only me - is that this is a rather unappealing way of maintaining self-respect; essentially through self-deception. Would it not, perhaps, be better for self-respect to face up to one's problems so that it becomes more likely that one will do something to overcome them?

This, then, leads to the second concern; that even if institutions are concerned about fairness, they need not act in such humiliating ways. Sensitive interviews which allow people to recognise and build up whatever talents they have, and to overcome their difficulties, could serve the dual purpose of screening out fraudulent claimants, while building up self-respect. Hence it is arguable that fairness does not require humiliating interventions even in the circumstances of the actual world (Brown, 2009).

The lesson from the discussion is more complex, therefore, than I initially supposed, and I will come back in the following sections to say more about what I now think should be taken from the example. First, though, I want to note that while the responses made so far are available on a prioritarian welfarist view, a prioritarian resource based view does not have recourse to similar lines of escape. Those who wish to maximize the wealth and income of the worst off – whether absolute or weighted priority, whether responsibility-catering or not – must assess outcomes simply in terms of whether they maximize wealth and income. Humiliation is not even a factor to put in the balance. If it turns out that the way to maximize the wealth and income of the worst off is to introduce measures which undermine their self-respect to such a degree that their life is a torment, so be it. For obvious reasons this strikes me as a very unappealing view, and the argument from shameful revelation is simply one more way of bringing out what is so problematic in an index which ignores everything except money.

2(f) Transition and theory of second best

Before returning to question of what, in detail, I now take from the argument from shameful revelation, I want to address the question of whether or not I think of myself as a critic of luck egalitarianism. As mentioned above, the term ‘luck egalitarianism’ was not introduced into the published literature until a year after I published the paper under discussion, and indeed the term places in a single category a number of theorists who conceived of themselves as engaged in a detailed debate, rather than members of a particular camp or movement. But in any case my intention in that paper was not to reject luck egalitarianism as a theory of fair shares, but rather to argue that the fairness perspective is too limited and can do harm. As I now see it, the part of the force of my argument can be put in terms of the now fashionable questioning of ‘ideal theory’. Even if there are ideal circumstances in which the demands of equality could be fully realised by luck egalitarianism, it does not follow from this that what we ought to do in the real world is to implement as much of luck egalitarianism as we can.

This point can be seen most clearly in respect to a (simplified) version of Dworkin’s equality of resources. Suppose we represent Dworkin’s theory as suggesting that there are two elements to equality, First of all, society has to create the background of equality of resources, and then, second, it should make people bear the true social costs of their freely made choices. Suppose, now, that policy makers are convinced, and decide to take whatever steps they can to bring about that world. It seems that it will be much easier to make people responsible for the social costs of their choices than it would be to provide background equality of resources. Yet if policy makers decide to do what they can to make people responsible for their choices, without first implementing background equality, then what results is not halfway to equality but laissez-faire libertarianism.

Consequently we need to think hard about the relation between ideal theory and practical politics. What I think the last argument shows is that we cannot simply take our preferred theory and implement whichever parts of it are easiest to apply. Indeed this is a version of the theory of second-best in economics, which suggests that aiming for a 'first-best' solution may be very foolish, for the costs of aiming and missing could be very high. Consequently aiming at a 'second-best' solution could be preferable, either because it is achievable, or because aiming at it, yet failing to achieve it, will still lead to an acceptable outcome, and one that is better than what would result from failing to achieve the first best solution. However it may be that aiming for the second best solution can put the first best solution permanently out of reach, and this is a cost that, on balance, it may be worth paying.

In sum, even for those who believe luck egalitarianism to be the ideal theory, there is still a great deal of thinking to do about whether we should aim to implement it in the real world; whether there is a path from here to there; what the steps are in the path; and in what order they should be attempted. Only with answers to these questions can we decide whether or not it would be better to aim for a second-best solution. The case of shameful revelation can be taken as an illustration of how the process could go wrong, and to point out the need for broader reflection.

2 (g) Adverse effects of well-meaning action

Whether or not the case of shameful revelation is as clear cut as I hoped in showing a tension between fairness and respect, it remains obvious that there are circumstances in which attempts to implement a fairness test can undermine self-respect. However, it may be that there will generally be more subtle and sensitive instruments available to implement policies based on a concern for fairness which also boost, or at least do not undermine, self-respect. Nevertheless, the example was intended only to be a more specific and focused version of an old argument which goes back to the foundation of the poor laws, and afflicts all welfare states: that very often various forms of qualification tests are used to check whether individuals are entitled to the benefits that they claim, and those who are subject to these tests – whether for housing or unemployment benefit, or for disability allowance – have often experienced them as demeaning, even when the purpose of the test is simply to verify the basis of a claim. Those who experience government help can find the manner of that help oppressive.

The contrast between fairness and respect, and how the two can thus be in tension, can be seen as an example of a much wider phenomenon, and whether or not that particular example works well, the existence of general phenomenon seems clear. A first attempt to generalise it, and this accords well with current debates in egalitarianism, is to see the conflict as an instance of a broader conflict

between distributive and social models of equality. Distributive models aim to distribute goods in a fair and equal manner; social models aim to generate a society in which individuals can view each other as equals. The example of shameful revelation, as well as many of Elizabeth Anderson's examples, are intended to show that a concern with distributional fairness can undermine people's sense of being an equal, among others, in their society.

Once more, however, it is unclear that there is a necessary tension between the goals. It is possible, of course, to show that clumsy attempts to achieve distributional equality can undermine people's sense of belonging to a society of equals, but this does not mean that our only options are clumsy ones. And indeed I now think it is possible to reconcile a concern for both distributional and social equality by being clear about the goods social equality brings people, and having a wide enough concept of well-being, and a wide enough concept of distribution, so that there 'goods' are also included as those to be distributed, at least indirectly, by government action (cf Wolff and de-Shalit, 2007).

Yet the apparent conflict can be seen in still broader terms: simply that well-meaning government action can make people better off in one respect but worse off in others. A classic example of this in the UK is various post-war housing schemes which removed people from the 'slums': unsanitary, overcrowded, poor quality housing, and removing them to newly built, modern, convenient, flats in tower blocks. In terms of the criteria of the housing departments such moves are a great success, but in many cases the dislocation from existing neighbourhoods and communities caused a huge amount of damage and long-term harm. For many years libertarians such as Friedman have pointed out that government action typically has negative externalities. Egalitarians need to recognise that these negative externalities can fall on the very people that governments are trying to help. In some cases those people will still be better off as a result, in other cases clearly worse, and in still other cases it may be indeterminate, with no clear fact of the matter. To understand how that could be, some sort of pluralist view of well-being is needed. This, perhaps, is the final message of my earlier paper, even though it was aimed at much more localised target. And, once more, there is no attempt to argue that there is a necessary tension, but rather that policy makers must always keep in mind the possibility that making people better off in one respect may make them worse off in some other, and it is not always clear whether or not they have been made better off overall.

3 Anderson's Democratic Equality

Before closing I want to make some comments about Anderson's theory of Democratic Equality, and especially why, although I agree with many elements of her account, I do not endorse her approach to

equality, the central core of which is that a society of equals will guarantee to individuals a particular 'sufficient' level of capabilities.

First, though, a word about the guarantee. Note that it is couched in the language of capabilities rather than functionings, which allows Anderson to argue that a society of equals need not subsidize those who could work, but are not prepared to do so (1999, 328). This is important for Anderson for she wants to avoid the libertarian charge that equality subsidised the undeserving who chose not to work. Such people, Anderson suggests, do not lack capabilities, and so there is no case for subsidy. But note that to implement such a policy we need, once more, to check who lacks a functioning through choice and who lacks it through lack of capability. In other words, despite her trenchant critical response to luck egalitarianism she shares their endorsement of conditional benefits. Hence if there is a problem with shameful revelation then it affects Anderson as much as Dworkin, Cohen and Arneson. Indeed it is unclear how she will escape some of her own criticisms of their views, and there seems to be a larger element of luck egalitarianism in her own view than she is prepared to own up to.

But that internal criticism aside, any type of sufficiency view faces a battery of objections, especially concerning the fetishism of setting any particular level of sufficiency. Anderson is not the first person to suggest that the way to solve this problem is in functional terms: sufficiency means 'sufficient to achieve some goal or function'. One reason why Anderson's theory is called 'democratic equality' is that it sets the threshold using political concepts: what is necessary to function as an equal citizen in one's society (1999, 316-321). Now there are two closely related difficulties with setting the sufficiency threshold in this way. The first is that it is unclear that everything we feel that individuals should be guaranteed access to in developed societies relates to their role as citizens. Housing, nutrition, and health, are necessary for taking one's role as a citizen, but it is unclear that we would define adequate levels in terms of what is necessary to act as a citizen. Certainly, and this is the second point, they are regarded as valuable independent of any role they have in allowing people to act as citizens. People are not provided with housing in order to function as citizens. Even if democratic equality hits the right threshold (which I don't believe it does) it does so for the wrong reason.

Perhaps, for this reason, Anderson widens the functional role of the capabilities to those we need 'as a human being, as a participant in a system of cooperative production, and as a citizen of a democratic state' (Anderson 1999, 317). Now including the idea of what one needs as a human being overcomes the objections just mentioned, but at the cost of losing the critical edge of the theory, and making it broad to the point of vagueness. There is nothing especially 'democratic' in deciding that people ought to have enough to be able to function as a human being or as a member of a co-operative workforce. Indeed it appears that no threshold has really been set, and we are left in difficulties in understanding

what Anderson's view really comes to. So while, of course, I am sympathetic to her approach it is not determinate enough to know whether one can agree with it.

But in conclusion, my 1998 paper attempts to make a very specific point about a tension in egalitarianism, and the difficulties of combining different egalitarian values. I now think that there are ways of overcoming some of these tensions, although work does need to be done to do so. However the main point I take from the paper still holds, I believe, even if it now seems rather bland. It is simply that things are very likely to go badly wrong if we set out an ideal theory of equality and then attempt to implement it in the real world without a great deal of further thought about how it would actually impact on people, and the relations between them. In the worst case, our best efforts can hurt the very people we set out to help.

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