

Equality and Government Policy:
What Is the Proper Scope of Equality?

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Introduction

The purpose of what follows is to examine how government policy should be shaped by the concept of equality. I will divide the discussion into two sections: the first examines what a proper concept of justice should be, while the second examines how a just government ought to concern itself with equality. The subject matter of these sections may overlap, but the distinction still may be useful. It will hopefully become clear to the readers that the scope of equality is much more complex and far reaching than they had previously thought.

My application of equality to a just governmental policy will in many ways be idealized, but some presuppositions I make show that in other ways it is not. For example, in discussing a government's foreign policy, I will not spend space considering whether there should be one globally unified state; this is not the way the modern world is, and I consequently prefer to be less idealized in my theory. Nevertheless, most of my examination will still remain idealized in other respects because this does not seem to preclude such considerations from being useful in the modern world but, I find, proves quite useful in shaping how one ought to view equality, justice, politics, and the like.

Liberté, Égalité, Fraternité: Defining Justice

The first section I will examine concerns what a proper theory of justice should look like. This is relevant to the main discussion of equality since the second section will consider what is the proper scope of equality from the perspective of just governments. The first section will also establish the views of equality I find most plausible. My position concerning justice will largely rely on John Rawls's *A Theory of Justice*. We can begin by looking at the principles of justice he lays out in it.

1.1 Rawls's Principles of Justice

I will start with discussing Rawls's formulation of his principles of justice, for these will help to lay the structure of this section. His first principle of justice is, 'Each person is to have an equal right of the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.' The second is, 'Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.'¹ Much can be said about these principles; he has suggested that they largely can be compared to the ideas of liberty, equality, and fraternity, and it is under these headings that the first section will be divided in order to gain a proper understanding of justice.

¹ John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, MA: Harvard University Press, 1971), 266. For the remainder of the first section, page numbers for this work will be cited parenthetically.

1.2 Liberty

Rawls suggests that the concept of liberty corresponds to his first principle, according to which people are guaranteed the most extensive system of rights compatible with a similar system for others. But the question arises as to how these rights or any of the principles to which the people adhere come about. To decide what these principles and rights will be, he adopts a contractarian theory of justice, following in similar suit to Locke, Rousseau, and Kant. Examining his concepts of the original position and the veil of ignorance will help highlight the contours of his position. The liberties of individuals may not be explicitly mentioned, but the discussion which follows will at least explain how they should be determined.

1.2.1 The Original Position

In seeking a conception of social justice, Rawls seeks to provide 'a standard whereby the distributive aspects of the basic structure of society are to be assessed' (8). On his contractarian account, the principles of justice are determined in an original agreement—what he calls the *original position*. They are the principles which 'free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association. These principles are to regulate all further agreements' (10). Thus he chooses to give his conception of justice the name 'justice as fairness,' which suggests that the principles of justice are agreed to in an initial position which is fair. Of course, the original position is not an actual historical event but rather a hypothetical situation used to understand what a proper conception of justice should be.

Rawls's contractarian original position allows individuals to pursue their conception of the good to the greatest extent. Obviously a person cannot have absolutely everything he wants; Rawls points out that the existence of other people precludes this. He explains that in price theory equilibrium results from agreements struck between willing traders. 'For each person it is the best situation that he can reach by free exchange consistent with the right and freedom of others to further their interest in the same way' (103). Similarly, in the original position individuals deliberate about what principles of justice will regulate their future interactions, and equilibrium is reached when individuals have pursued their own conception of the good to the greatest extent that is harmonious with the rights of others who are doing likewise. Thus it seeks to allow individuals to have the greatest liberty that is compatible with the same liberty for others.

Two conditions he places on the circumstances of the original position are that there is moderate scarcity and that people will have different ends and purposes. If there were not the condition of moderate scarcity, a scheme of cooperation would seem superfluous. Moreover, a theory devoid of this condition would not be particularly relevant to reality, where I assume there is not an unlimited supply of resources. In addition, the condition that different people have different purposes seems to be a warranted requirement which keeps this theory applicable since it is a fact that there is a plurality of beliefs, religions, purposes, etc. in the world. Rawls notices that, without these circumstances, 'there would be no occasion for the virtue of justice, just as in the absence of threats of injury to life and limb there would be no occasion for physical courage' (110).

1.2.2 The Veil of Ignorance

Within the original position, parties are under what Rawls calls the *veil of ignorance*. I find this concept quite illuminating, and many of the remaining arguments will stem from it. Under the veil of ignorance, parties deliberating in the original position 'do not know how the various alternatives will affect their own particular case and they are obliged to evaluate principles solely on the basis of general considerations.' They do not know their class position, natural abilities, intelligence, psychological features (e.g., risk aversion), nor do they know what political or economic situation or time in which their society exists (118). The only particular facts of which they are aware are that they are the contemporary generation (254) and are subject to the principles of justice and whatever this implies (119).

Thus under the veil of ignorance, no party knows what is in its interest. The principles of justice, then, presumably will be the most beneficial arrangement for all parties, since each party, not knowing any particulars pertaining to itself, will secure some arrangement that would be the most likely to be to its advantage. And since all would have an equal opportunity to pursue their concept of the good when establishing principles of justice, such principles would be fair.

1.3 Equality

The previous discussion of the original position and veil of ignorance has demonstrated how the liberties of individuals and the principles by which they are to abide should be formed. The concept of equality also plays a

central role in Rawls's concept of justice. And it deserves especial attention since it is with this concept that I am primarily concerned.

1.3.1 Equality of What?

While many will likely say that equality is an important consideration with regard to distributive justice, the question is soon posed: equality of what? This debate is quite extensive and multifaceted, but sufficient space cannot be given to it here. Rather, I will only be able to briefly canvass a few of the main arguments and then address the one I find most plausible.

One view advocates equality of resources, a view which Ronald Dworkin helps illustrate. Distributing an equal amount of resources to people allows them to do as they please with them (in Dworkin's example, people on a deserted island are given an equal amount of clamshells with which to trade²). This is what many people have in mind when considering equal distributions: give people an equal amount, let them do with it as they wish, and that is just. But problems arise when one considers congenital talents, which the possessors have by no merit of their own. These talents may allow some to make more of the resources given to them; some people are born with more ambition than others, hence it may seem unjust that a distribution of resources does not take this into account. In addition, people may have to focus resources on handicaps or other types of bad luck, which they have by no fault of their own.

So perhaps equality of resources does not actually guarantee equality in the way many people wish. Another option is to be concerned with

² Ronald Dworkin, 'What is Equality? Part 2: Equality of Resources,' *Philosophy and Public Affairs* 10 (1981): 285ff.

equality of welfare in distributing resources. A distribution may then take into account factors that make equality of resources undesirable. It will result in an uneven distribution of resources, but this is for the sake of granting people an equal level of welfare with whatever resources they have been given. This view, however, also runs into problems when one considers expensive tastes. For example, some people may obtain a certain welfare level by drinking cheap beer and pizza, while others may have cultivated expensive tastes and desire fine wine and caviar to obtain the same level of welfare. To many it may not seem just for a distribution to dedicate a significantly greater amount of resources to those with expensive tastes than to others with cheaper tastes in order to give all an equal level of welfare.

A different view suggests it is equality of opportunity that is important. Richard Arneson defines *opportunity* as 'a chance to get a good if one seeks it.'³ Whether individuals have equal opportunity at a given time depends on whether they have an equality of options. People can lose such options through voluntary choice; this is still harmonious with equal opportunity. He states that he is more concerned with equal opportunity rather than straight equality because 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.'⁴ Equality of opportunity for welfare, for example, would compensate for congenital expensive tastes while it does not follow that people who purposefully cultivate such tastes should be compensated for them. I find this view is the most reasonable; Rawls also advocates equality of opportunity, and it is to his view we can now turn.

³ Richard Arneson, 'Equality and Equal Opportunity for Welfare,' *Philosophical Studies* 56 (1989): 85.

⁴ *Ibid.*, 87.

1.3.2 Rawls on Equality of Opportunity

Just as Arneson argues that one should be concerned with equality of opportunity, Rawls maintains that people should have equal opportunity to take part in and influence the affairs of society. Rawls acknowledges there are certain underserved inequalities which merit redress—for example, inequalities of birth and natural endowment (86). Doing this would seek to provide an equality of opportunity for a person ‘to enjoy the culture of his society and to take part in its affairs, and in this way to provide for each individual a secure sense of his own worth.’ It might be the case that, say, those born with less intelligence should have more resources spent on them than on the more intelligent. But he writes that this natural distribution ‘is neither just nor unjust; nor is it unjust that persons are born into society at some particular position. These are simply natural facts. What is just and unjust is the way that institutions deal with these facts’ (87). These natural inequalities are not unjust in themselves; a government which does not redress the inequality of opportunity which will result from them might be, however.

To achieve equal opportunity, he maintains that positions in society must not just be open in the formal sense (e.g., not discriminating because of race, gender, etc.), but also those with similar talents and willingness should be able to have the same prospects for positions (63). For example, a poor person should have the opportunity to obtain the best education he or she can—just as much opportunity as someone who is rich, whose parents are, say, generous benefactors to an ivy-league school.

The same equal opportunity should apply to the political realm. Hence it should not be the case that Gordon Brown is one of only a few prime ministers who did not attend an Oxbridge school. Nor should it be the case that over half of US senators are millionaires. Perhaps this change would

mean that political campaigns should be strictly publicly financed to level the playing field. In any case, such things would be different if all had an equal opportunity to obtain positions in and influence society. Claiming that people obtain these positions because of their superior education only returns one to the current unequal opportunity for such education.

Another important matter is whether such equality of opportunity to affect societal affairs should extend to the elderly. Philippe Van Parijs suggests this is an important consideration, for the elderly, having little future, may advocate policies and distributions which may greatly be in their favor, but whose long-term effects they will not have to witness; they will likely use their right to forward their unavoidably short-term interests.⁵

Van Parijs also notes that as medicinal knowledge continues to grow and people live longer, the proportion of society living in retirement will continue to enlarge. As a result, more and more resources will be directed toward old-age pensions and medical care for the retired.⁶ This will seem to put an unfair and unequal burden on the younger generation, who will receive less (e.g., they will be taxed more) so that the growing retired population may have these benefits.

However, I will discuss (section 1.4) the idea that fraternity is an important component of societies, and that societal bonds are analogous to those of families. Some may argue that the elderly do not take part in the affairs of society and therefore should not have a say in them. However, the elderly often also do not take part in many family affairs yet are nevertheless accorded respect and authority over these affairs. This respect for elders is much more prominent in Eastern societies than it is in Western. I maintain equal opportunity to affect societal affairs should extend to the elderly; people

⁵ Philippe Van Parijs, 'The Disenfranchisement of the Elderly, and Other Attempts to Secure Intergenerational Justice' *Philosophy and Public Affairs* 27 (1998): 293.

⁶ *Ibid.*, 295.

should not feel that they are ostracized from influencing society as they grow older. On the other hand, a government may be required to step in; while the elderly should be given an equal opportunity, this should be limited as it may create an unequal and significant burden to be placed on the younger of the generation.

Some may argue that this inequality is fine since it will even out on a view of their whole lives: the young may be burdened while young, but they will be benefited proportionally by the young when they are old. But this seem to foster irresponsibility. It is important to take responsibility for life choices—smoking for example, which may make one worse off when older; others should not be required to compensate for this. Moreover, it must also be noticed that many die before reaping the benefits retirement, so it would seem unfair to burden them while young, only for them to die before being compensated proportionally. Thus it seems fair (and what people might agree to under a veil of ignorance) that equality of opportunity to influence societal affairs should extend to the elderly, while it should not create an unfair burden on the younger.⁷

1.3.3 Egalitarianism

Egalitarianism has been dichotomized into those who think equality is valuable as an end in itself and those who view it as a valuable means to a different end. The former are regarded as *non-instrumental egalitarians* while the latter are *instrumental egalitarians*. I find that the most compelling of these two is the second; by examining both views and their implications, the

⁷ As to when this equal opportunity should *start*, I am uncertain. See Van Parijs, pp. 302-303 for a brief discussion of minimum voting age.

reasons for this preference will hopefully become clear. In addition, it is important to examine these views because the view of John Rawls, upon whose arguments much of the remaining discussion will rely, defends a theory that is at least in part egalitarian.

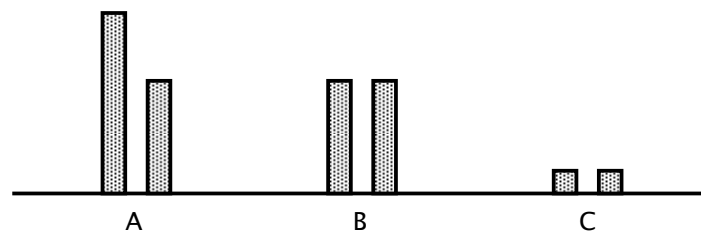
1.3.3.1 Rejection of Non-instrumental Egalitarianism

According to a non-instrumental egalitarian, equality is valuable in itself. Hence a given distribution that is equal is better in a respect than a similar unequal distribution. For example, suppose there is a distribution for groups a and b , represented in the form (a, b) , where numbers representing levels of well-being will be put in place of a and b . Thus for a non-instrumental egalitarian a distribution of $(3, 3)$ would presumably be preferable to $(2, 4)$ and even more preferable than $(1, 5)$. In each distribution there is a total well-being of 6 between the two groups. Assuming that this is the only significant difference between the distributions (and assuming the equality/inequality does not affect the groups), a non-instrumental egalitarian may overall prefer the distribution $(3, 3)$ because it is better with respect to equality, and it maintains the same total level of well-being as the other two.

Things become less clear when other distributions are compared. Consider the distributions $(3, 3)$ and $(20, 25)$. How would a non-instrumental egalitarian view these distributions? The first is equal, whereas there is inequality in the second. However, there is a significantly higher level of well-being in the second distribution (a total level of 45) than in the first (a total level of 6). Would an non-instrumental egalitarian favor the first solely on account of its equality? Perhaps, but they likely would not prefer it to a distribution of, say $(1000, 1050)$. Most would reasonably agree that the value

of the equality in a distribution of (3, 3) is outweighed by the great increase in levels of well-being. Rather, such egalitarians might instead claim that (3, 3) is not better *overall* but still better *in a respect*, namely with respect to equality.

Such a view runs into difficulty when it meets what is called the *Leveling Down Objection*. Consider the following distribution (represented graphically rather than numerically):



A non-instrumental egalitarianism must admit that *B* is better than *A* in some respect—with respect to equality. However, it strikes many as unappealing that a move from *A* to *B* is better in any respect. After all, there is no one for whom *B* is better. Derek Parfit explains that the Leveling Down Objection recognizes that non-instrumental egalitarians claim such a move makes things better in a respect even though it is ‘worse for some people, and better for no one.’⁸ This objection gains even more force when egalitarians will, by the same token, have to assert that *C* is also better than *A* in a respect. This seems quite implausible since *C* has a drastically lower level of total well-being. Moreover, one may wonder: *for whom* is such a distribution better?

Nils Holtug raises the point that the Leveling Down Objection has much of its force because it expresses the commonly held belief that morality should have a person-affecting form.⁹ It seems odd that in a shift from one distribution to another none are affected for the better, some are affected for

⁸ Ibid., 98.

⁹ Nils Holtug, ‘Good for Whom?’ *Theoria* 69 (2003): 5.

the worse, and some still claim that the shift is better in a respect.¹⁰ Parfit writes, 'It is not hard to see how an outcome can be worse for particular people. But it can seem puzzling how an outcome can be simply worse—worse, period.'¹¹ Indeed, I shall later posit arguments based on this belief that morality should be person affecting.

However, Larry Temkin does offer what I find to be a strong counter-argument to such observations; he notices that there are cases where people intuitively believe one of two alternatives is better even though it is not person affecting. He shows this in his example comparing the *live for today* and *take care of tomorrow* policies, a variation of some examples Parfit gives concerning what he calls the *Non-Identity Problem*.¹² These policies examine two alternatives for parents considering to have a child. On the 'live for today' policy people immediately have children, thus depleting the natural resources available, while on the 'take care of tomorrow' policy they wait a few years to have children and instead conserve resources. Most people think the 'take care of tomorrow' policy is the better choice.¹³ However, this seems contrary what people supposedly believe; it is an example where people find an option better even though it is better for no one and worse for some. That is, Parfit points out that if parents have a child later (as would be the case on the 'take care of tomorrow' policy), it would be a different child than would have been

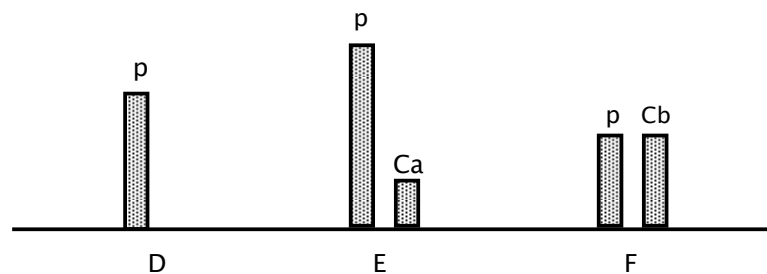
¹⁰ However, I do not claim that the Leveling Down Objection is a knock-down objection to non-instrumental egalitarianism. I agree with Campbell Brown when he writes that 'there is nothing absurd or obviously mistaken in the belief that levelling down may make things better in some respect' (Campbell Brown, 'Giving Up Levelling Down,' *Economics and Philosophy* 19 (2003): 112). It may be a tenable claim, but it still strikes many as an unappealing position to hold. But I use the objection to emphasize my preference for person-affecting morality as well as a reason why I prefer instrumental egalitarianism and prioritarianism (Although Brown also points out (pp. 124-129) that prioritarians are vulnerable to the same objection).

¹¹ Parfit, 114.

¹² Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1989), 359ff.

¹³ Larry Temkin, 'Equality, Priority, and the Levelling Down Objection,' in *The Ideal of Equality*, ed. Matthew Clayton and Andrew Williams, pp. 121-161 (New York: Macmillan and St. Martin's, 2000), 137.

born earlier, so the policy does not seem to be benefiting a particular person.¹⁴ The children of the 'live for today' policy will never exist if the other policy is chosen, and it does not seem a situation can be worse for someone who will not exist. And choosing the 'take care of tomorrow' policy means the parents will be worse off since they will have to be disciplined and not spend resources. This situation of parents and children can be represented in a diagram:



It seems a policy of moving from *D* to *F* is worse for some (*p*) and better for none (since *Ca* would not exist). A policy of moving from *D* to *E* is better for some (*p*) and worse for none (since child *Cb* would not exist). People generally believe the former policy should be the one adopted, contrary to the idea that morality must be person affecting. Hence this appears to be a case of leveling down that many would agree is better in some respect.

This argument, while it has spawned numerous arguments in reply, I find ultimately is quite persuasive. It appears to make it plausible for a non-instrumental egalitarian to claim a situation can be better in a respect even though there is no one for whom it is better. Others, such as John Broome, also offer examples that morality need not necessarily be person affecting. He asks us to consider three distributions: *A*: (1, Ω), *B*: (Ω , 1), and *C*: (Ω , 2), where Ω represents nonexistence. *A* and *B* appear equally good, and *C* appears better than *B*. But if morality were required to have a person-affecting form,

¹⁴ Parfit, *Reasons and Persons*, 362-363.

he argues, then we should have no preference between *A* and *C*, contrary to the view many hold that *C* is better than *A* in the same way it is better than *B*. But since the second person in *C* does not exist in *A*, this cannot be the case if morality must be person affecting.¹⁵ However, these examples seem to be too few and unusual to warrant acceptance over another theory if that theory proves to be more comprehensive.¹⁶ That is, both Temkin and Broome seem largely (albeit not entirely) to rely on examples which hinge on existence/nonexistence of a person—not what I find especially commonplace issues. Morality should, I believe, in almost all circumstances be person affecting.

Moreover, it may still seem odd for people to understand what the point of asserting that such distributions are better. For example, Parfit considers a *Divided World* where the two halves of the world's population are unaware of the other's existence.¹⁷ If one half is better off than the other, this inequality is supposedly bad even though it does not have any negative effects. Non-instrumental egalitarians can maintain that such inequality is bad, but it is not especially clear what the point is of asserting this. Ultimately, I reject non-instrumental egalitarianism not because it is untenable, but rather because its defense does not appear to be very strong in comparison with other options which I find more attractive.

¹⁵ John Broome, *Weighing Lives* (Oxford: Oxford University Press, 2004), 136.

¹⁶ See Brian Weatherson, 'What Good Are Counterexamples?' *Philosophical Studies* 115: 7ff. Weatherson discusses how a theory need not be definitive to warrant acceptance. Rather, it should be the most plausible account we have available. This idea is relevant to the discussion at hand because, as I have mentioned, I find some of the views I do not ultimately accept quite compelling, and I rather choose another because I find it to be the most plausible account.

¹⁷ Parfit, 'Equality or Priority,' 87.

1.3.3.2 Acceptance of Instrumental Egalitarianism

Instrumental egalitarians find themselves required to answer fewer objections than a non-instrumental egalitarian. They do not maintain a position that equality is valuable in itself, but rather that it is valuable as a means to some independent end. Such people as Roger Crisp and Harry Frankfurt posit accounts which help highlight the contours of this view.

Both argue for positions that can be seen as valuing equality as a means to the end of everyone having sufficient resources. According to *sufficientism*, 'we ought to give priority to benefiting those who are not sufficiently well off.'¹⁸ Crisp suggests the 'Compassion Principle' and illustrates it with his Beverly Hills example.¹⁹ By examining a case involving the rich and super-rich of Beverly Hills, it becomes clear that inequality in itself is not necessarily what matters. For example, in a distribution of resources, people may find it unimportant that someone with, say, ten million dollars receives a bit less than someone with, say, a hundred million dollars. Rather he suggests that equality matters when it concerns people for whom we would feel compassion because of their situation. Hence a distribution should be equalized if the inequality is harming someone for whom we would have compassion.

Similarly, Frankfurt suggests that it is not inequality which matters but whether people have *enough*; this he calls the 'doctrine of sufficiency.'²⁰ For example, he notices that many people do not feel bad for the poor *per se*. People would not likely feel bad for a family of lower economic status if the family was content. Rather, pity would be reserved for those who were poor

¹⁸ Campbell Brown, 'Priority or Sufficiency...or Both?' *Economics and Philosophy* 21 (2005): 199.

¹⁹ Roger Crisp, 'Equality, Priority, and Compassion,' *Ethics* 113 (2003): 758ff.

²⁰ Harry Frankfurt, 'Equality as a Moral Ideal,' *Ethics* 98 (1987): 21.

and *did not have enough*.²¹ He gives a particularly salient example which highlights this concept. He considers a population of ten people, each who need a well-being level of 5 to live. There is a total level of 40 units of well-being to be distributed. Distributing it equally means that everyone would die, for each would then have a well-being of 4, one less than what is required to live. Surely few would favor such a distribution; as Frankfurt puts it, such a stance would be 'morally grotesque.'²² But a non-instrumental egalitarian would be committed to saying this distribution is better in a respect (hopefully not all things together, though)—I find this quite unappealing. A more reasonable distribution would save as many as possible (i.e., eight), while two would die.

This example shows that under such conditions of scarcity, equality is not particularly beneficial, but actually may be harmful since the equal distribution brings about the death of all the individuals. Yet he also concludes, 'Even if equality is not as such morally important, a commitment to an egalitarian social policy may be indispensable to promoting the enjoyment of significant goods besides equality or to avoiding their impairment. Moreover it might turn out that the most feasible approach to the achievement of sufficiency would be the pursuit of equality.'²³ Such views exemplify the instrumental egalitarian position; it may be the case that equality is valuable in achieving a particular end, but there are also cases where it may not be valuable and may even be detrimental to achieving certain ends.

²¹ *Ibid.*, 33.

²² *Ibid.*, 30.

²³ *Ibid.*, 22.

1.4 Fraternity

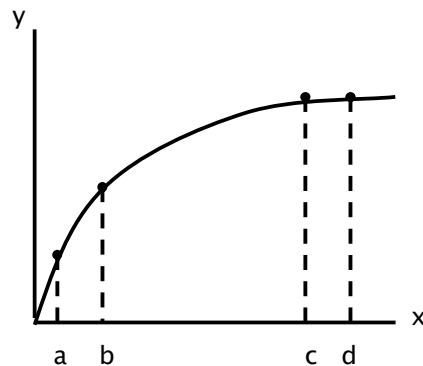
Lastly we can look at how a proper concept of justice relates to the idea of fraternity. In Rawls's conception of justice, he posits what is called the *difference principle*, which states that, unless there is a distribution that makes all better off, an equal distribution is to be preferred (65-66). A family exemplifies why the difference principle can be likened to the concept of fraternity: families do not want 'to have greater advantages unless this is to the benefit of others who are less well off...Members of a family commonly do not wish to gain unless they can do so in ways that further the interests of the rest' (90). According to the difference principle, an unequal distribution is not preferred unless such inequality benefits everyone. More specifically, especial concern should be given to the effects on the worse off if inequality is to be justified. This is an example of prioritarianism, which we can now examine.

1.4.1 Prioritarianism

As we see in Rawls's difference principle, prioritarianism gives priority to the worse off. Temkin suggests why prioritarianism presents itself as such an attractive alternative to egalitarianism: 'People are drawn to prioritarianism not necessarily as a position expressing what the egalitarian *does* care about, but rather as a position expressing what one *should* care about.' Thus, not unlike Crisp or Frankfurt, some may not be attracted to ideals detached from actually affecting people but rather concern themselves

with issues it seems one should care about more. Indeed, Temkin notes that prioritarianism *is* fairly plausible as an instrumental egalitarian position.²⁴

In defining prioritarianism, there is a view from which it should be distinguished. Take the graph below:



Let y represent the level of well-being, and let x represent a certain resource to be distributed. The increase in resources between a and b is the same as that between c and d . However, the corresponding growth in well-being is much greater for a shift from a to b than it is from c to d . Campbell Brown writes that utilitarians 'have often exploited this so-called "law of diminishing marginal utility" in order to argue, on utilitarian grounds, for policies of equality in resource distribution.'²⁵ Utilitarians would prefer such a view because the worse off would be the easiest to help with the fewest resources.

The view I shall defend, however, is different: the worse off should be helped even if they are *harder* to help. Parfit defines the *Priority View* as simply that 'benefiting people matters more the worse off these people are.'²⁶

²⁴ Temkin, 130. Overall, I prefer a stance between prioritarianism and instrumental egalitarianism. Concerning prioritarianism, I specifically prefer the view which hybridizes prioritarianism and sufficientism. For such a view see Brown, 'Priority or Sufficiency...or Both?' especially 216-220.

²⁵ Brown, 'Priority or Sufficiency...or Both?' 199.

²⁶ Parfit, 'Equality or Priority,' 101.

Utilitarians may not necessarily agree with this position when it requires a sacrifice of efficiency in order to benefit the worse off.²⁷

What then is the difference between egalitarianism and prioritarianism? Egalitarians would agree that preference should be given to the worse off, but they would do so because this would reduce inequality; prioritarians do so for independent reasons. Parfit explains that egalitarians are concerned with *relativities* while prioritarians are concerned with *absolutes* regarding the condition of the worse off. That is, an egalitarian is concerned that the worse off are worse relative to *others*, thus giving priority to benefiting them makes them less worse off in relation to others (and makes the distribution more equal). Prioritarians, on the other hand, are concerned that the worse off are worse than *they* could have been; the level of others is irrelevant to this. He gives an analogy: 'People at higher altitudes find it harder to breathe. Is this because they are higher up than other people? In one sense, yes. But they would find it just as hard to breathe even if there were no other people who were lower down. In the same way, on the Priority View, benefits to the worse off matter more, but that is only because these people are at a lower *absolute* level.'²⁸

It should be noted that Rawls's view on equal opportunity is tempered by his concomitant prioritarian stance. That is, he maintains that there are times when inequality of opportunity is justified, namely if such inequality enhances the opportunity of those with less opportunity. In fact, he makes the stronger claim that inequality of opportunity is permitted *only if* 'the attempt to eliminate these inequalities would so interfere with the social system and the operations of the economy that in the long run anyway the opportunities

²⁷ And as Rawls writes, a just distribution is not always the most efficient. See Rawls, 59-65.

²⁸ Parfit, 'Equality or Priority?' 104.

of the disadvantaged would be even more limited' (265). It appears he only finds such inequality justified if it benefits the worse off.²⁹

It should also be noted that prioritarians should be wary of labeling people as 'worse off.' For example, in the discussion concerning the elderly (see pp. 11-12), some may dub the elderly as the worse off, thus justifying significantly unequal distributions between them and younger generations since the worse off are being benefited. But I think that labeling the elderly as such is a bit paternalistic and condescending. Indeed, Elizabeth Anderson critiques along the same line a number of egalitarians, maintaining that they have missed the point of theories regarding equality, which should be to create a community where people 'stand in relations of equality to others.'³⁰

1.4.2 Equality Between Groups

It is worth noting the importance of fraternity particularly when prioritizing government policies. The fraternity one has to one's family is similar to that which citizens would have for their country. Thus in the next section on domestic and foreign policy, domestic issues will often naturally take some precedence over foreign ones because of this fraternity. Michael Walzer notices that 'if we did not provide for one another, if we recognized no distinction between members and strangers, we would have no reason to form and maintain political communities.'³¹ If we were not to show distinction, nations would not exist since people would have little reason to

²⁹ While I will maintain that the worse off should be given priority, I do not think they should have such *absolute* priority. Rawls's views are not entirely clear on this issue. For a more in-depth examination, see Parfit, 'Equality or Priority?' 116-121.

³⁰ Elizabeth Anderson, 'What is the Point of Equality?' *Ethics* 109: 289.

³¹ Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983), 64.

form them. Rousseau asks about people and their country, 'how can they love it, if their country be nothing more to them than to strangers, and afford them nothing but what it can refuse nobody?'³² Rather, countries are similar to families—'that great family, the State,'³³ as Rousseau terms it, possesses a certain fraternity amongst its members which is not similarly shared with those outside the state.

But what if achieving equal opportunity for individuals in the US creates greater unequal opportunity in, say, India? Amartya Sen suggests that there will be what he calls 'basal equality'—equality of the central concept—which individuals should give primacy in establishing. He writes, 'the endorsement of the importance of equality in that central space (i.e., basal equality) then yields the need to accept inequality in other spaces, since these different equalities could not be simultaneously guaranteed.'³⁴ These other inequalities might be in entirely irrelevant areas or in areas which are simply less central, although still relevant.

In the case of government policy, a nation's government should be concerned primarily with that nation, for, as discussed, people have a special tie of fraternity to their country. So when considering global inequality, there is a limit to the actions a government should take. For example, suppose there is a nation that is fairly well off and numerous other nations with large populations which are considerably worse off. It seems reasonable that a government should not give away resources in efforts to equalize completely; this may result in worldwide equality in this sense, but it would make the government's nation at hand significantly worse off. And it is not very likely, at least in a democratic nation, that people would agree for their government

³² Jean Jacques Rousseau, 'A Discourse on Political Economy,' in *Great Books of the Western World, Vol. 38: Montesquieu; Rousseau*, ed. Robert Maynard Hutchins and trans. G.D.H. Cole (Chicago: Encyclopædia Britannica, 1959), 374.

³³ *Ibid.*, 367.

³⁴ Amartya Sen, 'On the Status of Equality,' *Political Theory* 24 (1996): 395.

to make them significantly worse off. Perhaps in a society of completely altruistic people this would be possible, but not in reality. Thus a nation should not be concerned with equality to this extent in foreign policy. Perhaps the reasonable suggestion is that a nation should concern itself with equalizing in relation to foreign nations only as long as such measures do not threaten the existence of the nation qua the nation itself. As mentioned, a certain priority must be given to domestic affairs which takes into account the fraternity possessed by members of a country in order to preserve that country's cohesion.

On the other hand, creating equality within the government's nation must bear in mind certain factors in other nations, as will be discussed (e.g., human rights). For example, achieving equal opportunity in one country would not be justified if it required enslaving another country. But as a country is primarily concerned with itself, it does not seem unwarranted in achieving equality within itself to produce some inequality in another. And a prioritarian would probably advocate this if the inequality were to benefit of the worse off nation.

So when considering equality between groups (specifically, between nations), it is important to give precedence to the government's nation. Not doing so may threaten the nation's existence by ignoring its cohesive fraternity. At the same time, equalizing within one's country should not result in inequality in other countries unless it is to the benefit of those countries or the inequality is not serious. Bearing this in mind, we can now look further into the discussion of equality and government policy.

Just Governments and Equality

The previous discussion has sought to establish what a proper concept of justice should be. Moreover, it has also highlighted some of the definitions and concepts central to a discussion of equality; the conclusions reached in this discussion apply to what follows. For example, I believe governments should not be non-instrumental egalitarian for the same reasons as discussed, but should rather be instrumental egalitarians/prioritarians. This section is intended to focus on how a just government's domestic and foreign policies should be shaped by equality.

2.1 General and Domestic Policy

We can begin by discussing a government's general and domestic policies. These issues may extend past domestic policy, yet I have included them here because, as discussed, a government's foremost concern should be with domestic affairs. While the application of, for example, time preference may overarch all policy-making, its application should primarily be examined with regard to domestic policy and secondarily to foreign policy.

2.1.1 Equality and Time

I will maintain that a government should not show time preference; rather, inequality extends through different periods of time. That is, a government should not only be concerned with the present generation when

forming policy. I will specifically advocate that a government should also give weight to future generations when forming policy in addition to the present generations. I first must dismiss the notion that governments should be concerned with equality in relation to past generations. I do this for a few reasons which follow from conclusions I have made previously.

2.1.1.1 Past

First, I accepted the idea that morality should be person affecting. Temkin and Broome do offer a few examples which suggest otherwise, but these seem to be too few and unusual to warrant acceptance. Rather, in the vast majority of cases, I find it intuitive that morality is person affecting. If this is true, it is hard to see why a concern for equality and time should also factor in past generations. Shaping government policy in accordance with considerations of the present and the future seem to be more plausible, for such generations would actually have the possibility of being affected by such changes. Making changes in policy for past generations, however, could not affect those generations since they are in the past. It would be a case of leveling down, where some would be made worse and none are better off from the change.

Secondly, I also concluded that non-instrumental egalitarianism is not the preferable choice. Rather, I think a prioritarian/instrumental egalitarian stance as Rawls posits is more reasonable. If one were to accept non-instrumental egalitarianism, however, it would not be unreasonable to let government policy be shaped by considerations of past generations. For example, suppose a present generation is better off than a past generation; a non-instrumental egalitarian would be committed to agreeing that this

inequality is bad. But I find it unclear what it means to say this is 'bad.' Does saying that it is bad mean that it should be rectified?

Suppose we take all factors into consideration—that the only difference between a past and present distribution is that they are unequal; how would a non-instrumental egalitarian respond? If the present distribution is better than the past, would the egalitarian actually prefer to make the present generation worse off (himself included) simply because the past was worse off, and that inequality is bad? I find that this is highly unlikely, not just because I established prior to this that I do not adhere to non-instrumental egalitarianism, but I also think that few if any adherents would actually believe a present generation should purposefully make itself worse for this purpose.

Granted, perhaps a non-instrumental egalitarian could compensate for such undesirable consequences, but I think it would only result in other undesirable consequences when considering the effects of progress. Presumably the concept of 'progress' means that we seek to make things better (i.e., better than they *previously were*). For example, around 0 AD, the global distribution was remarkably equal: almost everyone was poor. The average per capita income of the world currently is approximately \$8,000 a year, whereas in 0 AD it was about \$515 in today's prices, a level which the World Bank considers to be extreme poverty. Or consider that in the US (a Western country I assume has made what people consider to be 'progress'), the income per capita has grown thirty times in size (to about \$38,000) in the last 200 years, while that of Ethiopia remains about the same as it was 200 years ago at about \$700 a year.³⁵ I find the results of such progress good. But non-instrumental egalitarians could simply decide progress is bad, since it inevitably leads to inequality in time. Or perhaps they would say both

³⁵ Partha Dasgupta, *Economics: A Very Short Introduction* (Oxford: Oxford University Press, 2007), 16-17.

progress and equality are valuable, yet progress is generally better 'all things considered.' But since progress almost inevitably implies time-inequality, this seems odd. How could someone hold two things as valuable which seem so antithetical to one another? It may be possible, but I find such a view unappealing. Hence I reject the notion that a government should be concerned with equality in relation to past generations.

I am aware, however, of the serious objection that someone can be harmed when dead (ergo we should give weight to past generations). But since they no longer exist (in the normal sense of the word), I am not sure how the dead could be harmed or benefited. Michael Ridge suggests that 'ordinary thought allows that slander can posthumously harm someone.'³⁶ But I think this is wrong; ordinary thought may suggest that slander could harm someone's reputation, legacy, or descendents, but this is very different from harming that person. I think harm/benefit ultimately should be person affecting and experiential; if I lose all my money in the stock market but am on vacation at the time and die without knowing this, I am not harmed.

In the original position, I assume most would agree that a government should fulfill peoples' posthumous wishes—for example, distributing their will. And I think the government should do so. If it does not, however, its fault will not be that it has harmed the dead, but rather that the present generation will see that it reneges on its promises. In a system of justice, it is not unusual to exclude the dead from consideration. For example, in the current Khmer Rouge trials in Cambodia, people such as Pol Pot and his most ruthless henchman, Ta Mok, will not be tried because they are dead, even though most guilt lies with them. One of the main purposes of these trials is for the sake of the survivors and their descendents. Similarly, a just distribution would consider the dead only if it was pertinent to the

³⁶ Michael Ridge, 'Giving the Dead Their Due,' *Ethics* 114: 8.

descendents or to the government keeping its word. While the objection deserves to be addressed more, I unfortunately cannot do so here for brevity's sake.

2.1.1.2 Present

Of course, a government should give particular notice to the present generation, but this is because a large amount of decisions concerning policy has little, no, or an unknown affect on future generations. And I have concluded that a government should not concern itself with past generations. However, there is an interesting connection between the present and past which should be noted. Dennis McKerlie presents two different views concerning time and equality—the 'simultaneous segments' and 'complete lives' views. Consider this representation of the lives of *A* and *B* at *T1*, *T2*, and *T3*:

	T1	T2	T3
A	3	4	2
B	1	4	4

The complete lives view would prefer to keep the distribution where *A* has 2 and *B* has 4 at *T3*; this is preferred because it allows *A* and *B* to have equality in their total levels of well-being (both would have a total of 9). The simultaneous segments view, however, would prefer that each point in time be equal, hence it would be better at *T3* for both to have 3. The simultaneous segments view would not compensate for past inequality, while the complete lives view would.³⁷ The most reasonable path seems to lie between the two.

³⁷ Dennis McKerlie, 'Equality and Time,' *Ethics* 99 (1989): 481.

But the important point to realize from this is that, as Sen notes, considerations of equality should not only be *interpersonal* but also *intrapersonal*.³⁸

Sen writes that most economic judgments are based on a ‘snapshot picture’ of the economy at a certain point in time.³⁹ This to me seems too rash. A person could be generally quite well off and happen to be in dire straits when the snapshot is taken, while another could have an anomaly of good fortune at that time which was not characteristic of that person’s life as a whole. At the same time, it does not seem feasible to construct a policy that would equalize for complete lives. It would be nearly impossible to project how the future may change an individual’s well-being; an equalization for two individuals’ complete lives up to a given point may be regretted at a later point in time. For example, suppose T_4 were added onto the previous distribution, where A had 3 and B had 5 at this point. Originally, the complete lives view would have preferred A and B to have 2 and 4, respectively, at T_3 , but given the later point in time, T_4 , the view would prefer both to have 3 at T_3 . Since it is not possible to look into the future to know what people’s complete lives are, such a view cannot be too plausible in practice. Rather, a view that is similar to the simultaneous segments view, yet keeps a reasonable scope of the past in mind—for example, one which recognizes whether the snapshot picture of people’s lives up to that point is representative or somewhat anomalous—is the view I find the most reasonable to adopt.

It is important to recognize that this is still not concerned with past *generations*. The primary reason that past generations need not be a consideration in matters of equality is because no person is affected for the better or worse if changes were made. However, what I have just discussed involves *present* generations, yet takes into account *their past* in making

³⁸ Amartya Sen, ‘Utilitarianism and Welfarism,’ *The Journal of Philosophy* 76 (1979): 470.

³⁹ *Ibid.*, 471.

present policy. Indeed, McKerlie writes, 'Why should we believe that inequalities that do not make people's lives worse are morally objectionable?'⁴⁰ In what has been discussed, there will be a person who is affected should such changes be implemented.

2.1.1.3 Future

While past generations are not a concern, this cannot also be said for future generations, for they possess the possibility of being affected by present policies. As Rawls writes, 'It is a natural fact that generations are spread out in time and actual economic benefits flow only in one direction. This situation is unalterable.'⁴¹ So the question becomes: should policy only be dictated by present concerns, or is it important to give weight to the future as well? I will maintain that the scope of equality should extend to future generations which do not yet exist.

The veil of ignorance sheds light on why this makes sense. Remember that under the veil of ignorance, parties do not know the particulars of their situation. They do not even know which time period is the present for them. A rational person behind the veil of ignorance would want to be concerned with equality between times. Consider what Rawls writes on savings between generations:

The principle adopted must be such that they wish all earlier generations to have followed it...the parties are to ask themselves how much they would be willing to save at each stage of advance on the

⁴⁰ McKerlie, 485.

⁴¹ Rawls, 254.

assumption that all generations have saved, or will save, in accordance with the same criterion...they will want all generations to provide some savings (excluding special circumstances), since it is to our advantage if our predecessors have done their share. These observations establish wide limits for the savings rule. To narrow the range somewhat further, we suppose the parties to ask what is reasonable for members of adjacent generations to expect of one another at each level of advance.⁴²

In other words, it is essentially the Golden Rule, the biblical adage to 'do unto others as you would have them do unto you.' Hoarding all resources and saving none for others in a future generation would be in violation of this maxim. In addition, so would a policy where the present generation saved to an extent that it ended up being poorly off and the future was much better off than it.

Rather, the veil of ignorance suggests something which rests between these two extremes. Since parties do not know in which time they exist, they would want to agree on a policy that would be the most to their benefit, regardless of their location in time. For all they know, they may find themselves in a poor society; this would keep them from suggesting an excessive interest rate when deliberating behind the veil of ignorance. But they would probably wish that the generation previous to theirs would have at least some savings for the future, so it seems just for them to do the same for the next generation. The level at which this savings rate should be is not necessarily clear (see Appendix A), but Rawls notes that the savings is not for the purpose of making the future rich but should be enough to bring about the realization of just institutions (see section 2.2.3) for the future.⁴³

⁴² *Ibid.*, 255.

⁴³ *Ibid.*, 257.

In this sense, then, it is important to be concerned with equality between present and future generations; if a high level of well-being in the present causes low well-being in the future generation, that inequality should be rectified. Rejecting non-instrumental egalitarianism, I do not find such inequality inherently bad, but I do find it bad if a generation indulges itself at the expense of the future generation, resulting in time-inequality. Hence, governments should be concerned with saving for the future generation to the same extent they would expect the previous generation to provide for them. Indeed, it seems irrational for an individual to show time preference (e.g., indulging in the present resulting in undesirable circumstances later in life); for a society, it seems *unjust* to show time preference. Rawls writes this is so because 'the living take advantage of their position in time to favor their own interests.'⁴⁴

At the same time, however, there should be some limit to the extent equality is important between the present and future. A present generation should not make itself worse off if doing so will be a significant benefit to a very distant future generation. To some this may seem odd; Broome notes that it is contrary to the beliefs of many philosophers. 'How,' they ask, 'can the mere date at which a good occurs make any difference to its value?'⁴⁵ The answer I think is found in the original position. People are more concerned with proximate generations, and as discussed (section 1.2.2), under the veil of ignorance they will mainly want to secure that the generation prior to them had some savings. Distant generations are of much less concern.

But how does progress factor in? Again, since I am not a non-instrumental egalitarian, I do not think inequality is intrinsically bad. Rather, equality is often desirable because of the effects it has. Presumably, a future generation will have progressed to some extent, and it will be able to build on

⁴⁴ Ibid., 260.

⁴⁵ John Broome, 'Discounting the Future,' *Philosophy and Public Affairs* 23 (1994): 128.

what the previous generation had. If such progress were factored in, perhaps this would mean a present government would find a decrease in the savings rate justified. However, I do not think it needs to be a factor. Primarily, this is because the results of such progress is unknown. Perhaps it could lead to a cure to cancer, or perhaps it could lead to the development of a new bomb or nuclear war. I do not know if there is a way that a present society could gauge what such results will be. If this is not taken into account, then it may be the case (it will likely be the case if the past is any indication) that the future will be better off than the present. But even though this may be true, (1) there will probably not be a significant dichotomy between proximate generations but only on a broader scale, and (2) such an inequality, assuming that it is a result of progress, would affect no one for the worse and would affect many for the better (since I am assuming that inequality is a result of progress, I am ignoring the savings rate, which may be considered to make things worse for the present generation).

I should remark about my person-affecting arguments for rejecting past generations as a concern and accepting future ones—I do not mean that *specific people* must be affected. This returns us to Parfit's Non-Identity Problem. Adopting a policy of conservation might change things such that people will be born at different times, thus the identities of future people would be different. So adopting the policy may make different people, consequently none would be affected by the policy. But Parfit writes that we should adopt the following principle: 'If in either of two possible outcomes the same number of people would ever live, it will be worse if those who live are worse off, or have a lower quality of life, than those who would have lived.'⁴⁶ Making the present generation a bit worse off by adopting a policy of conservation in order to equalize with the future would make the group of

⁴⁶ Parfit, *Reasons and Persons*, 360.

future people better off than it would have been (although it may not affect any person particularly). But becoming worse off to equalize with the past makes no individual or group better.

Again, a government should treat the present and future generations with some measure of equality—for example, by advocating conservation or population control; it is the ‘trustee for unborn generations.’⁴⁷ The absence of the future generations from the decision-making concerning policy which affects them should not weigh against them.

2.1.2 Nozick’s ‘Entitlement Theory’

Robert Nozick offers some ideas that should be taken into consideration. Some of his main arguments will not be discussed here as they are outside the scope of what I am examining. Namely, Nozick advocates a minimal state, and I will not address this argument. Most of my discussion concerns how governments should let equality play a role in the distribution of resources; therefore I am making a large presupposition which he ultimately rejects. Indeed, he notices that the term ‘distributive justice’ is not a neutral one but rather causes most people to presume there is some mechanism (viz. a government) which gives out a supply of resources.⁴⁸ Nevertheless, he does raise some points which can be addressed here.

One point I find helpful is his idea that one cannot determine whether a situation is just or unjust simply by looking at it. Rather, it depends on how the distribution came about.⁴⁹ On his ‘entitlement theory’ of distributive justice,

⁴⁷ Broome, ‘Discounting the Future,’ 153.

⁴⁸ Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1977), 149.

⁴⁹ *Ibid.*, 232.

1. A person who acquires a holding in accordance with the principle of justice in acquisition is entitled to that holding.
2. A person who acquires a holding in accordance with the principle of justice in transfer, from someone else entitled to the holding, is entitled to the holding.
3. No one is entitled to a holding except by (repeated) applications of 1 and 2.⁵⁰

Thus in order to determine whether a given distribution is just, one must look to the past. If a distribution is in accord with these requirements, then that distribution is just according to Nozick. John Roemer notes that Nozick later adds the proviso that previous unjust acts can be undone through retribution, thus a just act need not have as antecedents past acts every one of which is just.⁵¹

Nozick's example of Wilt Chamberlin also proves useful—Chamberlin signs a contract which entitles him to twenty-five cents for each ticket bought to games in which he plays. People can, by their own free choice, decide whether they want to pay and attend or not. As it turns out, a large number of people choose to attend; as a result Chamberlin makes quite a large amount of money, much more than the average person makes. Such events would lead there to be significant inequality.⁵² Would such a distribution be just? For Dworkin notes that the economic market is at odds with equality.⁵³ But I, in agreement with Nozick, find such a distribution just. It is the result of people exercising their free will, choosing to spend their resources as they please. It

⁵⁰ *Ibid.*, 151.

⁵¹ John Roemer, *Theories of Distributive Justice* (Cambridge, MA: Harvard University Press, 1996), 205.

⁵² Nozick, 161-163.

⁵³ Dworkin, 289.

may result in inequality, but I see little reason why a government should concern itself or be required to do anything about such inequality. Otherwise, the government would continuously have to interfere to rebalance the distribution of resources that results from people's free exchange; I find this unappealing. Hence I do not think a government should be concerned with inequality resulting from people freely exchanging resources.⁵⁴

2.1.3 Desert

Nozick's entitlement theory raises the question of desert; for example, while it may make sense that free exchange may result in an unequal but just distribution, what about a distribution which begins as unequal? One generation may be unequal because of their free exchange, but what of their descendents? The children of someone who was well off may be better off than others through no merit of their own; they did not engage in free exchange which brought them to be better off. But it seems unjust for a government to equalize such inequality if some in the former generation purposefully chose to save for their descendents. Equalizing such inequality would disallow people from saving for their children (or at least void such

⁵⁴ But what about something like progressive taxation? It could be one way a prioritarian government would favor the worse off and ensure all have equal opportunity. It appears, though, that this could be in violation of what I have agreed to concerning Nozick's entitlement theory. If the rich are entitled to their riches, it does not seem that a progressive tax should unequally infringe upon that to which they are entitled. However, I think that a commitment to equality of opportunity should be lexically prior to this. A progressive tax could admit that people are entitled to their riches, but that they will be treated unequally for the sake of favoring the worse off who do not possess the same equal opportunity. If this equality were achieved, I would assume that the progressive tax would cease. As Rawls writes, 'Free market arrangements must be set within a framework of political and legal institutions which regulates the overall trends of economic events and preserves the social conditions necessary for fair equality of opportunity' (Rawls, 63).

actions of their purpose), and not equalizing means that some will be in positions they have done nothing to deserve.

To answer these questions, one can return to the discussion regarding equality of opportunity. If it is established that all should have an equal opportunity to taking part in the affairs of a society, this is harmonious with a past generation saving for its descendents. There may be inequality in the present generation, but unless it impedes such equal opportunity, a government need not concern itself with it. If it is an impediment, then I do think a government should take measures to rectify it. This need not mean the government would have to take away what past people have reserved for their descendents, but it could mean a government would dedicate more resources for, say, education to those who are less well off, in order to allow them such equal opportunity.

There are other concerns with regard to desert that do not strictly pertain to Nozick's entitlement theory. Take the examples of Hurricane Katrina or the tsunami which hit southeast Asia in 2004. In addition to leaving large numbers of people dead, these events also left countless people homeless. Before these events occurred, however, there were still large numbers of homeless people. Do governments have a duty to the victims of such events any more than they do to other homeless? If the other homeless people, as a result of their life choices, have come to deserve their position of homelessness, then a government would obviously dedicate resources to helping those who deserved their home-owning position yet lost it due to an unforeseen event.

But what of those who do not deserve their homeless status? What if they undeservedly lost their job, were robbed of their possessions, or were the descendents of other homeless people? Just like the victims of, say, Hurricane Katrina, they do not deserve to be homeless. I assume that there are a large number of people in this predicament. If this is the case, it seems there should

not be a greater sense of urgency to help those made homeless by Katrina than to help the other undeservedly homeless. This is not a suggestion that governments should act slower toward the homeless of such disasters, but rather quicker to the other homeless. And maybe the government's duty for both these types of undeserved homelessness is only to make sure, returning to Rawls's suggestion, that these people have an equal opportunity to engage in public affairs.⁵⁵

Assuming such natural disasters do not seriously affect the infrastructure, national security, etc. of a country, it seems a government would not need to dedicate any more resources to these homeless than it would to other undeservedly homeless. There will probably *be* more resources flowing to the former homeless, but this would be because many of them had taken out insurance on their homes and other possessions (they are not only *undeservedly homeless* but are also *home-deserving*); resources will be flowing from their insurance companies as compensation for their loss. But this is not the government's concern, since its concern need only go as far as securing equal opportunity for these people to engage in public affairs. As for the other undeservedly homeless discussed, it is not clear that we can say what they deserve other than this equal opportunity, but we can at least say they do not deserve to be homeless.

Hence a government should treat cases equally which are similar in relevant respects. This means that a government, come a natural disaster, should spend only enough to secure the equal opportunity of those made homeless by it (again, assuming infrastructure, security, etc. are not factors). It

⁵⁵ Or perhaps it would also suggest that all should have an equal opportunity to have insurance. This would allow for what Dworkin calls 'brute' and 'option' luck (see Dworkin, 293ff). The former is something unavoidable and unforeseen that happens to someone, such as an earthquake; the latter results from a choice of the individual, such as loosing a house in a landslide after building it on a precipice. Insurance converts luck so that it all reduces to option luck; it would protect one against the foreseeable or unforeseeable. Perhaps the case of the homeless suggests that all should have equal opportunity to possess insurance. But whether this should be the duty of the government or another institution, I am not sure.

should only spend more if it has already secured equal opportunity for the other undeservedly homeless. To give more resources to natural-disaster-caused undeservedly homeless than to the some-other-cause undeservedly homeless is unequal, and this inequality is unjust. Thus a government should treat such cases of desert equally. Resources should be devoted to both types of homeless so that they equally have opportunity to engage in public affairs. Only once this is established may a government distribute remaining resources to the two types as it deems fit.

2.1.4 Enforcement of Laws

Just as a government should treat like cases alike as discussed in the previous section, so it should do likewise when it comes to the application and enforcement of laws. This should be the case regardless of what the content of the laws are; even if they are unjust, they should be applied equally. As Rawls writes, 'In this way those subject to them at least know what is demanded and they can try to protect themselves accordingly; whereas there is even greater injustice if those already disadvantaged are also arbitrarily treated in particular cases when the rules would give them some security.'⁵⁶

If the government did not enforce its laws equally, then its citizens would not know how to act in many situations. Or they could complain that they were being treated unfairly if they were arrested for an act when the government took no notice when others engaged in that act (It would be unfair because, I assume, in a pseudo-original position where the rules of society were already made, parties would agree with each other (and Rawls)

⁵⁶ Rawls, 51.

that these rules should at least be enforced equally). Suppose two people were caught stealing, but only one was chosen to be arrested. The person who was arrested could ask if the reason for arrest was because stealing is wrong; if the answer is yes, the person could ask why the other was not arrested as well, but if the answer is no, the person could then ask what the reason for arrest was. The response may end up being that the arrest is for some utilitarian purpose which infringes on the rights of some citizens for a greater national good (which will be discussed to some extent later).

But I find that such a stance gives a government too much power; it would seem to allow for an absolutist government which does what it wants when it wants (or else it would lead to an irrational government which acts but does not always have reasons for why it acts, if it did not find something like stealing wrong but arrested people for doing it nevertheless). I do not think that a government ought to have such absolute power and consequently maintain that the scope of equality with which a government should be concerned extends to the application of laws.

2.2 Foreign Policy

While the previous discussion has focused on issues which pertain to either domestic or at least general policy, what follows specifically concerns foreign policy. The scope of equality becomes particularly relevant in this discussion; while it may be somewhat easy for people to concede that equality plays a part in the domestic policy which affects them, it is another thing to consider the scope of equality as it pertains to foreign affairs. But it will

become clear that it is still quite important in many respects for a government to concern itself with equality even in foreign affairs.

I assume in this discussion that people should be viewed as members of the global community. To deny this is to fail to realize how interconnected and interdependent the world is. As Charles Beitz writes, 'For most states, it is costly, if possible at all, to withdraw from this structure.'⁵⁷ Even regarding those for whom it is possible to withdraw from this structure, considerations of the world's limited resources and obligations to others as fellow human beings will draw them back. People are inhabitants not just of their countries but also of the global community.

2.2.1 Guns, Germs and Steel: Equal Opportunity

In his seminal work, *Guns, Germs and Steel*, Jared Diamond elaborates on the initial, pre-civilization state of the modern world—this state seems analogous to birth, where congenital traits are apparent. There are numerous factors which gave certain communities an advantage over others. For example, some parts of the world were conducive to farming, thereby allowing communities to move away from hunter-gathering. This meant communities could store surplus food, enabling them to dedicate efforts elsewhere—to art, invention, technology, etc. which allowed such societies to progress much more rapidly than hunter-gatherers. Or in other cases, communities in certain parts of the world (for example, Eurasia) were able to domesticate large animals, which were a boon for work (e.g., tilling), food (milk, beef, mutton, etc.), and fertilization (manure). Other parts of the world lacked such animals (like Australia) or such animals were not domesticable

⁵⁷ Charles Beitz, 'Social and Cosmopolitan Liberalism,' *International Affairs* 75 (1999): 518.

(such as in Africa). Yet another factor, on an even larger scale, is the geography of the continents: possessing a long east-west axis, Eurasia was able to spread food production quicker than those such as the Americas, with a long north-south axis but lacking a long east-west one. Food production would travel faster along an east-west axis because there would not be as significant climate changes impeding such travel. This geographical factor had an enormous impact on where civilized centers would arise, and where others would remain stagnant or disappear.⁵⁸

The point is that such factors are similar to congenital talents; not only does this concept apply to individuals but also to nations, as Beitz notes Rawls fails to recognize.⁵⁹ Thus such international redistribution may require a significant amount of resources to be invested in a certain nation to achieve the given end, but in other nations less may be required to achieve the same result. In other words, the distribution should be proportional to need. The important consideration to realize is that this need may not result from, and is often not due to, misgoverning or mismanagement. Rather, the distribution of land, natural resources, animals, etc. will be inevitably unequal initially and should be taken into consideration (indeed, Dworkin realizes this at the outset of his desert island example).

It is also important to realize from this, that we are members of a global community; resources are limited and significantly affect well-being. Just as there is a certain fraternity amongst members of a nation (see section 1.4), so there is also fraternity (albeit perhaps to a lesser degree) between people globally as users of the world's limited resources. But to what extent should a nation help another in seeking to achieve equality, whether that other nation was not naturally endowed the same as others or is lacking in some other

⁵⁸ Jared Diamond, *Guns, Germs, and Steel: The Fates of Human Societies* (New York: Norton, 1997). See especially chapters five (pp. 93-103), nine (pp. 157-175), and ten (pp. 176-191).

⁵⁹ Charles Beitz, 'Rawls's Law of Peoples,' *Ethics* 110 (2000): 686.

respect? This will be the subject of the subsequent discussions on human rights and just institutions.

2.2.2 Human Rights

This section requires some assumptions that are different from those discussed before. I will assume that people should care about (universal) human rights. While to many it may seem obvious that people should consider human rights, further deliberation may make things less clear. What does it mean to claim that there are human rights? Does it mean that every person in the world possesses certain rights which cannot be violated *except* in rare, extenuating cases? Or that they have rights which are inviolable and inalienable in all circumstances?

This is an issue which continues to be highly controversial. Some argue that enforcing human rights would amount to little more than cultural imperialism.⁶⁰ After all, who decides what are and what are not human rights? They are often criticized as being a Western construct. Indeed, the person mainly responsible for drafting the UN Declaration of Human Rights in 1948 was Eleanor Roosevelt, in the US's post-World War II victory. For example, this summer witnessed the execution of the former head of China's Food and Drug Administration, accused of corruption. This act and others like it are often condemned by most of the Western world, even though governments such as the Chinese sanction such things and presumably do not

⁶⁰ Geoffrey Robertson QC, *Crimes Against Humanity: The Struggle for Global Justice* (Camberwell: Penguin, 2002), 33. For more on human rights and the paradox of international law, see especially chapters two and three (pp. 37-130).

consider them to be atrocities nor violations of inalienable rights.⁶¹ Why would a nation such as this agree to universal human rights? They would be viewed by such nations as little more than what Rousseau notes is ‘ridiculous’—‘an external and private will...subject to error.’⁶² Can anyone really say that there are certain human rights which are to be held universally?

It is not clear that concepts such as Rawls’s original position or veil of ignorance would bring much clarity to the debate. Thomas Pogge points out that, although Rawls thinks there would be a global consensus on some universal human rights, he gives no reason, philosophical or historical, that this would be the case.⁶³ Suppose we were to use the contractarian scheme of the original position. Since we are trying to frame global principles of justice (i.e., universal human rights), the parties should be representative of the global population. I am not convinced they would ever come to consensus on a list of universal human rights which should be enforced and protected. Some, such as many Eastern nations, may have largely utilitarian and communitarian mindsets. Thus they may find trampling of human rights justifiable if it is for the betterment of the country, in which case such rights cease to be categorical and universal. Contrarily, others, such as many Western countries, may be advocates of liberalism, where individuals possess rights which cannot be denied them for any reason. It should be noted, concerning the international original position, that this is not how Rawls applies it. He only allows members of what he calls ‘decent and just societies’ to be the parties involved—in other words, societies which have already made

⁶¹ Of course, the US government—one of the only Western countries with the death penalty in use—is held accountable to the same critique, a matter which does not escape the eye of most human rights organizations.

⁶² Jean Jacques Rousseau (1791), *The Social Contract*, trans. and ed. Charles Frankel (New York: Hafner, 1966), 29.

⁶³ Thomas Pogge, ‘An Egalitarian Law of Peoples,’ *Philosophy and Public Affairs* 23 (1994): 214-215.

a commitment to human rights. Not only does this seem suspect, Beitz also points out that this cannot establish the universality that these human rights are supposed to possess.⁶⁴

In spite of the controversy over universal human rights, I assume that a government ought to be concerned with them (for a suggestion of what they are, see Appendix B). There are a number of arguments for them which I find quite compelling (though, I admit, not conclusive). Moreover, I wonder if governments which tread upon such rights do so in full belief that what they are doing is in violation of rights they believe are universal.

In a democratically elected government, people should desire that their government protects human rights equally in their nation and abroad. Otherwise, who would have reason to come to their aid, should their own government begin to impede on *their* rights? Even though it does not resolve the controversy of universal human rights, the original position still proves useful. As already stipulated, the parties behind the veil of ignorance know no particulars other than that they will be subject to the principles of justice which they frame. Assuming that they value their own rights (for example, their right to life or to integrity of body), these deliberators will want to frame principles such that they will know their rights are guaranteed, in whatever society they may find themselves (this, however, does not take into account people who do not accept liberalism for themselves, as may be the case of people with the more Eastern, communitarian mindset mentioned earlier).

Rawls has a different reason for protecting them, namely because he believes states which violate human rights are aggressive and dangerous and are a threat to international stability.⁶⁵ I do not know if this is necessarily true, however; the daily news is teeming with stories of nations violating human rights, yet there is not usually a correlative international instability ensuing

⁶⁴ Beitz, 'Rawls's Law of Peoples,' 686.

⁶⁵ John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999), 81.

because of these violations, nor are many of such nations viewed as dangerous. Rather, I think violations of these rights merit attention not because of their international effects, but because they are wrong in themselves.

Rawls critiques that advocating such a universal consensus 'amounts to saying that all persons are to have the equal liberal rights of citizens in a constitutional democracy...But this foreign policy simply assumes that only a liberal democratic society can be acceptable.'⁶⁶ I am unsure if he is correct in this critique. The only presupposition I understood from the original position is that the concept of justice would be contractarian, as formulated in a *hypothetical* original position. This seems to me to still be harmonious with, say, a communistic or monarchical society; I do not find that it assumes only a liberal democratic society is acceptable. Could not a monarchical society have such contract-created principles of justice which are enforced by the monarch?

Hence I conclude that a government should advocate enforcement and protection of human rights equally both at home and abroad. Doing so seems just, as it is what most would probably agree to in the original position. The lack of global consensus of their delineation need not be an obstacle to coming to this conclusion.

2.2.3 Just Institutions

Rawls argues that a nation needs to concern itself with others only as far as guaranteeing those nations have just institutions.⁶⁷ Once this is achieved, the nation does not have more obligations to assist those other

⁶⁶ Ibid., 82.

⁶⁷ To understand better the contours of the concept which he chooses to dub 'just institutions,' see Rawls, *A Theory of Justice*, 47-52.

nations. And the amount invested into different nations for just institutions is proportional to the need, so different nations may receive resources unequal to those distributed to others to achieve this end. Rawls writes that 'great wealth is not necessary to establish just (or decent) nations. How much is needed will depend on a society's particular history as well as on its conception of justice. Thus the levels of wealth among the well-ordered peoples will not, in general, be the same.'⁶⁸ Hence a just government's foreign policy might condone large amounts of inequality; such inequality is of little concern if nations possess just institutions.

But one may ask: why are just institutions significant? By helping a burdened society, Rawls notes, the goal of a government should be to make it so the burdened society can handle its own affairs eventually.⁶⁹ It is better to invest in other nations so that the investment is actually adjusting the infrastructure, rather than simply superficially rectifying problems, only for them to resurface later. Beyond this, there is little duty for assistance to address inequality in such societies, between, say, the rich and poor, or inequality between that society and others in the world. But Rawls does note that it is important to help ensure equal opportunity for influencing and obtaining positions in these institutions.⁷⁰ That there is great inequality between, say, the US and India is not bad, so long as both possess just institutions in which people can take part. Non-instrumental egalitarians (whose position we have rejected), however, would say this unequal situation is bad in a respect.

There are two things which are important to notice about Rawls's view. First, achieving just institutions does not require that a society be a liberal democratic society, as mentioned earlier. Hence a government need not

⁶⁸ Rawls, *The Law of Peoples*, 106.

⁶⁹ *Ibid.*, 111.

⁷⁰ *Ibid.*, 114.

secure liberal democracy to achieve just institutions in other nations, as these institutions may exist in numerous governmental frameworks. Secondly, Rawls distinguishes his view from cosmopolitanism. On the cosmopolitan view, the ultimate units of concern are human beings, and not institutions, states, etc. as Rawls seems to maintain.⁷¹ Moreover, cosmopolitanism also advocates universality and generality—that the issues being discussed apply to all, globally, equally, and without discrimination.⁷² I find cosmopolitanism more attractive than Rawls’s view; just institutions only seem to possess value insofar as they benefit individuals. A desire for just institutions should spring from a cosmopolitan mindset which has individual human beings as its objects of interest rather than institutions.

In his rejection of cosmopolitanism and focus on just institutions, Rawls seems to treat just institutions like the sufficientist views of Crisp and Frankfurt (see pp. 18-20), thinking that we should focus on those who are not sufficiently well off, namely those without just institutions. In doing this he seems to maintain that just institutions are a sufficient condition for a society to prosper, or at least pursue its concepts of justice and the good. But I do not think this is the case. Allan Buchanan writes that ‘being well-governed does not ensure that a society will be able to provide a decent and worthwhile life for all members nor that its distinctive conception of justice or the good can be adequately implemented. A well-governed society might be seriously disadvantaged by the global basic structure.’⁷³ For example, a remote island may be well-governed yet nevertheless lack resources to provide enough for its citizens or to implement its conception of justice, or it may have a population too small to gain much influence in the global society and cannot pursue its conception of justice. I do agree with Rawls that a government

⁷¹ Beitz, ‘Social and Cosmopolitan Liberalism,’ 515.

⁷² Thomas Pogge, ‘Cosmopolitanism and Sovereignty,’ *Ethics* 103 (1992): 48.

⁷³ Allan Buchanan, ‘Rawls’s Law of Peoples: Rules for a Vanished Westphalian World,’ *Ethics* 110 (2000): 705.

ought to be concerned with securing just institutions in other nations, but I disagree with his conclusion that doing so is sufficient.

Not only may just institutions often be insufficient, it is also important to consider factors outside the nation itself. It is not true that the only matter relevant to a nation or peoples' prosperity is the basic structure of *their* society, as he maintains.⁷⁴ Multilateral trade sanctions such as those placed on North Korea or Iran, for example, would be pointless and irrelevant if this were true; in reality a peoples' prosperity is often dependent upon factors outside its society's structure.

Or consider the coastal and small-island inhabitants near the Indus River, around the oceanic border of Pakistan and India. In the past few years, rising water levels have forced numerous inhabitants to leave their homes, their economic livelihoods, their lives—research has been suggesting these levels have primarily resulted from the effect of CO₂ emissions on the climate. In other words, such a catastrophe is primarily resultant from the choices of well-off, carbon dioxide-emitting nations, *not* from these inhabitants who reap the effects. The basic structure of their society is only one of many factors which are pertinent to a peoples' prosperity. In an idealized world or in the distant past, perhaps Rawls's theory would be correct, but not in the contemporary global society.

⁷⁴ Rawls, *The Law of Peoples*, 108.

Conclusion

Concerning what I have discussed about governments and equality, it was necessary to formulate a proper view of justice. Rawls's contractarian position seems persuasive and his original position and veil of ignorance prove to be quite illuminating. For a government to be just, it is also necessary that it offers equality of opportunity to influence the affairs of society. And when discussing equality in general, a government should adopt a prioritarian/instrumental egalitarian stance—this is to be preferred over a non-instrumental egalitarian position. Equality in itself should not be seen as valuable, but rather as a means to an end, as an examination of sufficientism has demonstrated.

The scope of this equality is far reaching and complex. It extends across time: it is important to consider equality between the present and future generations, but since none can be affected in the past, past generations should not be a concern. A government ought to give priority to equality in its own country, but at the same time, the scope of equality extends to other countries as well. Hence a government must also consider them, making sure that its efforts to equalize do not create inequality in others unless it benefits the worse off country or if the equality is not significant.

On the other hand, the scope of equality still does extend globally. For example, a government still ought to make sure that all nations are equal in the sense that they all have just institutions. Moreover, human rights should also be enforced and protected equally both for a government's citizens and others; the original position suggests that this is just. And it is also important to remember that the distribution of natural resources results in an unequal starting point, much like congenital talents and handicaps in individuals.

In its general policy, the scope of equality extends to how a government treats cases. Not treating similar cases of desert equally such as homelessness results in unfair treatment that irrationally gives preference to some over others. Not treating similar applications of the law equally means that citizens will not know what is expected of them. However, Nozick's ideas suggest that the scope of equality should not extend to the consequences of the free market; it is not unjust if a great amount of inequality results, since this occurs from people's free choice how to spend their resources.

The ideas I have set forth by no means cover this topic comprehensively. I have not discussed whether the scope of equality extends to animals, for example. I also am aware that they are still to a large extent idealized. I fully realize that it would not be easy to implement many of the changes that they would suggest, and if it were, it would take a considerable amount of time. Nevertheless, they can still serve to gradually shape present government policies. They can serve as a guide when deciding, for example, between candidates for a public office by helping to clarify which people give significant weight to equality in the policies they claim to advocate. Moreover, I find that many of the topics discussed are quite useful and should shape peoples' thoughts for everyday interactions and discussions with others.

Appendix A

It does not seem to be particularly obvious that one savings rate is better across the board than another. There may be arguments for and against certain rates in economics; myself lacking much economical training, I am unsure of what these may be. Regardless, through doing a bit of math examining a couple of hypothetical situations, I concluded that an equal distribution need not be preferable.

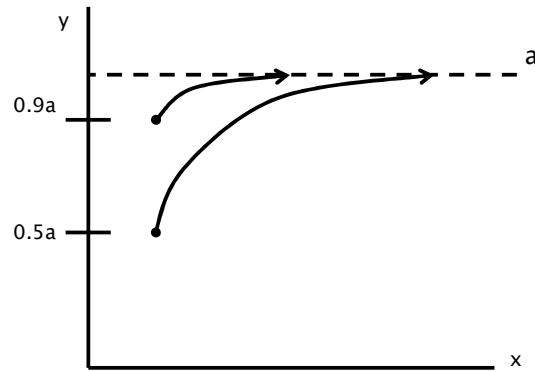
Using p as the rate of savings and a as the resources of a given society, we can construct a formula to represent the savings rate, where $f(x)$ represents the total level of resources a generation has after it inherits what the previous generation has saved for it and after it has saved for the next generation:

$$f(x) = pa + (1 - p)(f(x - 1))$$

Or non-recursively,

$$f(x) = a(1 - (1 - p)^x)$$

We can plug in 0.5 for p and compare its graph with the graph of inserting 0.9 for p . The first of these would represent an equal savings rate, where the present generation conserves for future generations the same amount which it spends for itself. The second is a much lower savings rate, where the present generation saves only 10% for future generations and spends the rest is spent on itself. Here, y represents resource level and x represents time/generation:



On the first of the two options (the equal savings rate), the generation starts at $0.5a$ since it saves half its resources for the next generation. Its graph is asymptotic to a . Similarly, the lower savings rate starts at the higher level of $0.9a$, but also has a as its asymptote. Hence we can see that while the graphs show that resource levels would be different for a while, after a number of generations, an equal distribution has no different consequences than an unequal one.

For example, if a society has resources of level 100 and x is measured in terms of generations who adopt the savings rate, then when $x = 1$, saving 90% of a generation's resources will give them a level of 90. When $x = 2$ —i.e., the second generation from when the saving began—that generation receives the 10% saved from the previous generation, so it would have 110, but it also saves 10% for the next generation and thus has an adjusted level of 99. In the third generation, the level would be 99.9. On the equal savings rate, the first generation would be significantly lower—at a level of 50, since it saves 50% for the next generation. The second generation's level with its inheritance but minus its savings would be 75. The third, 83.5. In both cases, each is asymptotic to 100—the initial value of the resource-level a . By the end of about six generations, the values level off at approximately 100. In other words, after this many generations, it matters little which savings rate was chosen as their resource level remains the same regardless.

A non-instrumental egalitarian may prefer the equal option since such equality would be valuable in itself, even though it does not make a significant difference. Since I am, however, not a non-instrumental egalitarian, I do not find the equal option especially valuable for this reason. In fact, it may be the case that people would prefer the lower savings rate; since they would be behind the veil of ignorance, they would want to account for the possibility that they may find themselves in one of the earlier generations where the savings rate actually matters. The deliberators would probably want to minimize this risk and would consequently prefer a lower savings rate. But what this level would be is unclear—for example, they may want to save for their descendents in the proximate generation and would tend to a more equal savings rate, or they may prefer to keep more for themselves. Hence I do not find it necessary to argue for a specific savings rate, or that the scope of equality need extend to it.

Appendix B

Since the previous discussion has been committed to equality and government responsibility, insufficient space does not allow for much of a discussion of human rights. In addition, such a discussion would lead into a number of issues which are beyond the scope of my argument. Below, however, are two examples of suggestions for basic universal rights.

Rawls writes in *The Law of Peoples* that the basic rights all peoples around the world should hold include (he admits the list is incomplete):

1. Peoples are free and independent, and their freedom and independence are to be respected by other peoples.
2. Peoples are to observe treaties and undertakings.
3. Peoples are equal and are parties to the agreements that bind them.
4. Peoples are to observe a duty of non-intervention.
5. Peoples have the right of self-defense but no right to instigate war for reasons other than self-defense.
6. Peoples are to honor human rights.
7. Peoples are to observe certain specified restrictions in the conduct of war.
8. Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political regime.⁷⁵

He defines the 'human rights' people are to honor:

⁷⁵ Rawls, *The Law of Peoples*, 37.

Among the human rights are the right to life (to the means of subsistence and security); to liberty (to freedom from slavery, serfdom, and forced occupation, and to a sufficient measure of liberty of conscience to ensure freedom of religion and thought); to property (personal property); and to formal equality as expressed by the rules of natural justice (that is, that similar cases be treated similarly). Human rights, as thus understood, cannot be rejected as peculiarly liberal or special to the Western tradition. They are not politically parochial.⁷⁶

These rights above are also what he terms 'equal basic liberties' in his two principles of justice.⁷⁷ The Universal Declaration of Human Rights defends a more comprehensive set of rights (much abridged here):

Article 1: All humans are born free and equal in dignity and rights.

Article 2: Everyone is entitled to these rights without distinction.

Article 3: Everyone has the right to life, liberty, and security of person.

Article 4: No one shall be held in slavery or servitude.

Article 5: No one shall be subject to torture or cruel punishment.

Article 6: Everyone has right to recognition before the law.

Article 7: All are guaranteed equal protection of the law.

Article 8: Everyone has a right to remedy for violations of their rights.

Article 9: No one shall be subjected to arbitrary arrest, detention, or exile.

Article 10: All are entitled to an independent and impartial tribunal.

Article 11: Everyone is innocent until proven guilty.

Article 12: No one shall be subject to arbitrary invasion of privacy.

Article 13: Everyone has a right to freedom of movement.

⁷⁶ *Ibid.*, 65.

⁷⁷ Rawls, *A Theory of Justice*, 53.

Article 14: All have a right to asylum from persecution.

Article 15: All have a right no a nationality.

Article 16: Marriage shall only be entered into by free consent of the parties.

Article 17: All have the right to property.

Article 18: Everyone has a right to freedom of thought and religion.

Article 19: All have a right to freedom of opinion through media.

Article 20: Everyone may peacefully assemble and associate.

Article 21: All have the right to take part in their country's government.

Article 22: All have a right to social security.

Article 23: Everyone has the right to work.

Article 24: Everyone has the right to rest and relaxation from work.

Article 25: All have a right to adequate well-being for their families.

Article 26: All are entitled to an education.

Article 27: Everyone has a right to participate in their society's culture.

Article 28: Everyone is entitled to an international order which realizes these rights.

Article 29: The given rights cannot be exercised in a spirit contrary to the principles of the United Nations.

Article 30: None of these rights can be used in support of the destruction of the rights of others.⁷⁸

Hence one may see that the rights suggested by Rawls and Eleanor Roosevelt (and the United Nations), respectively, might be contentious. All will likely not agree to these formulations; consequently, it is often difficult to be able to label them 'universal.'

⁷⁸ Robertson, 575-582.

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