

ON LIBERTY AND EQUALITY: A CASE FOR RADICAL EGALITARIANISM

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Liberty and equality are often taken to be incompatible values. The author argues that far from being incompatible there can be no extensive liberty in society without a rough equality of condition. A just society must both be a free society and an egalitarian society and it cannot be one without being the other. He characterizes a set of principles of justice that are even more egalitarian than those of John Rawls and argues that under conditions of moderate scarcity it is these radically egalitarian principles of justice that are morally required.

La liberté et l'égalité: Pour l'égalitarisme radical

La liberté et l'égalité sont souvent prises comme des valeurs incompatibles. M. Nielsen prétend qu'au contraire, la liberté étendue ne saurait exister dans la société sans une égalité approximative de condition. Une société juste doit être à la fois libre et égalitaire; elle ne peut pas être l'une sans être l'autre. L'auteur expose un ensemble des principes de justice encore plus égalitaires que ceux de John Rawls, prétendant que, dans des conditions de rareté modérée, ce sont ces principes de justice radicalement égalitaires qui sont moralement requis.

I

When I first read Rawls, I thought his account perfectly captured what was missing in utilitarianism while still seeing what was important about it, and that his account gave, in a systematic and careful way, expression to a conception of egalitarian justice, embedded in an overall conception of morality and moral theory, that succinctly captured the moral commitments of reflective progressive people whether they be liberals or socialists.¹ In short, I was initially captivated by Rawls' thought and felt he had done, for our century, utilizing the full range of contemporary philosophical sophistication, what John Stuart Mill did for his.

I continue, like many others, to remain impressed by the care and integrity of Rawls' thought, but I am now rather less

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¹ Stuart Hampshire, "What is the Just Society?" *The New York Review of Books*, Vol. 18, No. 3 (February 24, 1972), 34-39. The writings of John Rawls that I am referring to in characterizing his position are the works listed in footnotes 4, 16, and 30.

inclined to believe that Rawls has succeeded in achieving what he set out to achieve. I want to start a more general examination of egalitarian justice by asking whether he has actually been able to articulate a conception of Egalitarian Justice that is as egalitarian as is reasonable to accept and that captures, in a systematic and perspicuous way, the underlying moral convictions of progressive people about justice.²

I shall argue that he has not. There is a more radical form of egalitarianism that is at least as reasonable as Rawls' egalitarianism and matches more adequately the moral sentiments of at least those progressive people who are socialists or are so inclined. It is also a conception that respects the attachment we have to liberty. I suspect that many others would have those sentiments as well, if they did not believe that socialism was too utopian. I think this radical egalitarianism answers a deep but ill-defined feeling we have about the link between fairness and equality. It is the feeling ("conviction" is perhaps too strong a term) that thorough fairness requires an equality of treatment. The crucial and, of course, very difficult question is just what does it commit us to? What, after all, is this equality of treatment? It cannot be literally to treat everyone — young and old, well and infirm — the same. I want, for a moment, to put aside such puzzles, for however we resolve them, the conviction is still very strong that fairness requires some kind of equality. A commitment to equality, whatever it exactly comes to, is deeply embedded in our moral thinking. (Even here we should be cautious. It does not come out in the moral thinking of all of us. Milton Friedman and Robert Nozick for example, do not share these egalitarian sentiments, though Nozick's preface to *Anarchy, State and Utopia* indicates that he feels something of their force.³) Rawls has this conviction too, though he also believes that a demand for equality that does not benefit everyone whose interests are involved is irrational.⁴

I shall try to do something to show these things and not merely to assert them or to paint a picture, that is, to tell a fairy tale or a just so story. I shall try to show that they are *not* just bits of a progressive ideology. And I shall try to show, as well, that an egalitarian society would be a society which enhances freedom rather than undermines it as libertarians and other assorted conservatives believe.

After I have done that, I shall look at criticisms of what has been called the 'new egalitarianism' which argue that Rawls'

² That he has is the view of Ronald Dworkin. See Ronald Dworkin, "The Original Position," (1973), 40 *University of Chicago Law Rev.* 500, 533.

³ Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books Inc., 1974), x.

⁴ John Rawls, *A Theory of Justice* (Cambridge, Mass.: Belenap Press of Harvard University, 1971), 546.

commitment to egalitarian justice rests on a mistake and that indeed any form of egalitarianism, my own even more than Rawls', rests on a series of confusions: philosophical, social and even moral. There has been a concerted attack lately on the very idea of equality and its appropriateness as a moral ideal.⁵ It is, I expect, an intellectual expression of a growing conservatism in the face of increasing socialist challenges and economic tensions. It is also, I suspect, a not altogether rational reaction to the decay, or at least seeming decay, of traditional values and to a widespread alienation, particularly among the youth, from traditional societal legitimations and authority.

II

I would in starting like to indicate what, at first blush at least, is very attractive about an egalitarian position like that of Rawls'. His *equal liberty principle* can be seen as a principle which directs us to try to bring into existence a society where everyone can do what he or she likes, where each can, as fully as possible, satisfy his or her desires, subject only to the restriction that doing what they like be compatible with everyone's being able to do what he or she likes. That is to say, people can do what they like except where doing that undermines a like liberty for others, that is, prevents others from being able to do what they like. In fine, liberty can only justifiably be restricted when the restriction of some particular liberty or liberties would be necessary to protect the most extensive system possible of equal liberties. It is Rawls' belief that liberty can *only* be sacrificed to ensure or protect a still greater liberty for all. (Recall he is talking about basic liberties and that he is talking about conditions of moderate scarcity.⁶)

There are certain qualifications that we should make to this claim which will be addressed later. However, it remains, all the same, an attractive ideal. Firstly, would we not want a world in which everyone, that is each and every person, could do, to the fullest extent possible, whatever it is they want; could, that is, most fully realize their aims and ideals, achieve their hopes, live their lives as they really wish to, subject only to the restriction that their so living be compatible with a like condition of life for their fellow human beings?

Secondly — and here is where what Rawls calls the *difference principle* comes into play — if there must be some inequalities, as apparently there must, what fairer or better arrangement could be devised than an arrangement which held that the

⁵ Among philosophers Nozick is the best known but we have, as well, the following luminaries in the social sciences: Robert Nisbet, Daniel Bell, Frederck von Hayek and Milton Friedman.

⁶ The need for this restriction is clearly brought out by H.L.A. Hart. H.L.A. Hart, "Rawls on Liberty and Its Priority" in Norman Daniels (ed.), *Reading Rawls* (New York: Basic Books Inc., 1974), 230-252.

inequalities are justified when, and only when, the positions of relative advantage can be fairly competed for and the resultant inequalities benefit everyone or, where they cannot benefit everyone, or where we cannot ascertain that they benefit everyone, they benefit, more than any alternative arrangement, the most disadvantaged stratum of society? What could be fairer than only to allow inequalities when they, more than any other arrangement, are to the advantage of the most disadvantaged? It is bad enough that some people have to be disadvantaged; it is still worse when they do *not* get the maximal advantages of their disadvantaged position. Given that there are such divisions among people — given that certain social inequalities are necessary — the humane and just thing to do is to try to ensure that the inequalities that exist will be such that they mitigate, as much as possible, the situation of the most disadvantaged. This is Rawls' essential reasoning about the *difference principle*. It surely seems humane and reasonable and it is a core ideal of liberal egalitarianism.

III

I want to begin my critique of Rawls, not with his first principle of justice, but with a crucial part of his second principle, namely the claim just expressed above that just inequalities, or at least justified inequalities, must benefit the worst off; and, if they so benefit the worst off, under the constraints stated by Rawls, they are justified inequalities. This seems intuitive enough, but is it so?

Let us start by asking: *Why* must it be the case that some people must be disadvantaged? (I speak here of social and economic disadvantages, not of physical disadvantages.) Rawls takes it to be just a fact of life that it always has been that way and always will be that way. Taking that as given, Rawls humanely seeks to articulate principles of justice which will mitigate that misfortune, a misfortune he takes to be like a natural misfortune. However, need we or should we make that assumption?

Rawls makes that assumption because he assumed, indeed takes it as obvious, that all complex societies must be class-divided societies. We live in industrial societies which are very complex indeed. Concerning such societies, Rawls seems at least to believe that, whether our societies develop as capitalist or socialist, they will still be societies with a social stratification sufficient to make considerable differences in life prospects for whole groups of people.⁷ This, he assumes, is something which will just happen in any complex society. Furthermore, to say

⁷ I speak *initially* as if class divisions and differences in strata come to the same thing. Here, for initial expository purposes only, I, following much liberal usage, including Rawls', do not distinguish these notions, though, as becomes clear later in my article, it is vital that we draw this distinction.

that justice requires that this come to an end makes no sense, for it makes no sense to claim that people *should* do so and so or that institutions should be structured in such and such a way, unless it is possible that they *could* be so structured. If complex societies cannot but be class structured, it makes no sense to advocate principles of justice, which, to make sense, assume the necessity or desirability of societies being classless. We will need, that is, to construct principles of justice which are in accordance with these inescapable social realities. If that is so, perhaps Rawls' principles are as egalitarian as it is reasonable to propose. Perhaps even that degree of equality is not justified for Nisbetian or Nozickian reasons, but that is a different matter.

Is Rawls justified in assuming that classlessness is impossible? I think to answer that we need first to clarify what we are asking. We need first to distinguish between *class* and *strata*. When we speak of *social stratification* we are speaking of the differential ranking of individuals in a society which implies a ranking of higher and lower in terms of prestige and authority. Caste systems and the traditional systems of Estates are extreme cases, for example, the three Estates in France: Nobles, Clergy and Citizens, and, up to 1866, the four in Sweden: Nobles, Clergy, Citizens and Peasants. Having such strata in a single society involves accepting as binding some commonly accepted norms. Classes, by contrast, are defined, not in terms of legal or religious barriers, but principally in economic terms in relation to the *means of production*. I have in mind here ownership and control of industry, land and the like, though to speak of "ownership" here, comes to little more than to talk of having effective control of the land or industry in question.⁸

Must any society have some social stratification? The usual answer is "Yes". But, even if that is correct, why could not it be minimal or at least much less than we now have? Even if some social stratification is unavoidable, it does not follow that there must be society-wide norms whose enforcement discriminates between various people in certain social positions such that a person in one social position is disadvantaged in his or her prospects. At the very least, Rawls has not shown that this situation of disadvantage is inescapable.

Must any society have classes? Probably not. It certainly seems possible that there could be social ownership and control of the means of production. Indeed there is a reasonable case for claiming that primitive hunting and gathering societies, societies without agriculture and without division of labor, are

⁸ G.A. Cohen, *Karl Marx's Theory of History: A Defense* (Oxford: Clarendon Press, 1978), Chapter VIII, Steven Lukes, "Can the Base be Distinguished from the Superstructure?", *Analyse & Kritik*, Heft 2, Jahrgang 4, (1982), 211-222 and G.A. Cohen, "Reply to Four Critics", *Analyse & Kritik*, Heft 2, Jahrgang 5, (1983), 195-222.

societies without classes. It has also been claimed (though the evidence here is somewhat suspect) that some primitive agricultural societies (horticultural societies) and agricultural-pastoral societies are (sexism apart) egalitarian. The Nuer and Tiv (two sub-Saharan African societies) are examples.⁹ But their alleged egalitarianism apart, what is plainly the case is that they are both stateless societies and classless societies. Purely hunting and gathering societies are more clearly stateless and classless societies. With the introduction of intensive agriculture and the division of labor, we begin to get classes. However — and this is the most vital point for us — we can see from these cases from primitive societies that there is nothing in the very nature of human nature which requires classes. More relevantly to our own condition, it seems, at least, to be the case that there is no need for classes. There could be social ownership and control — something which is distinguished from state ownership and control — of the means of production. Workers could run and control their own work places. That is to say, we could have *industrial democracy*.¹⁰ There is no need for our present authoritarian work orientation. Being rid of that by itself would do a lot to get rid of classes and it would, I shall argue, as well, enhance liberty. It would replace the freedom-undermining system we now have where there are groups of people who own and control the means of production while others merely sell their labour power and work for a wage.

We should, of course, raise Edward Bernstein's question about whether this is utopian.¹¹ Is it possible, in a complex industry, not to have people in subordinate and non-subordinate positions? Can we, in such societies with such industries, avoid not having certain people, very like bosses, who have authority? Even if we must have some people who in some way are in positions of authority, why is it not possible at least to decide overall policy democratically? Why cannot we get along with what Michael Bakunin called a *natural* authority based on experience and talent? Even if some must give orders

⁹ E.E. Evans-Pritchard, *The Nuer* (Oxford: The Clarendon Press, 1940) and L. Bohannan and P. Bohannan, *The Tiv of Central Nigeria* (London: International African Institute, 1953).

¹⁰ Richard C. Edwards, Michael Reich and Thomas E. Weisskopf (eds.), *The Capitalist System*, Second Edition (Englewood Cliffs, N.J.: Prentice-Hall, 1978), Chapters 5, 7 and 8. Samuel Bowles, David Gordon and Thomas E. Weisskopf, *Beyond the Wasteland: A Democratic Alternative to Economic Decline* (New York: Doubleday, 1983). It is also made clear, particularly in the introduction to *The Capitalist System*, how very distinct the conception of social ownership of the means of production is from the Soviet model of state ownership and control of the means of production. It is, to put it oversimply, the vital difference between a democratic control of the means of production and an authoritarian control of the means of production.

¹¹ Edward Bernstein, *Evolutionary Socialism*, translated by Edith C. Harvey (New York: Schocken Books, 1961).

and some carry them out, work clearly need not be as authoritarian as it is now and there can be avenues of challenge and change in a factory whose overall policy is democratically organized.

In a socialist society, even if some people are in positions of greater authority, such people still cannot become a class who have the means to exploit others. There is no structural basis in the society for classes and exploitation; there is no way of extracting what Marxists call surplus value or taking control of the industry as a whole, for, by definition, as long as the society is socialist, its industry is controlled by the workers; for example, they vote, after rational discussion, on overall policy. (I, of course, speak here of genuinely socialist societies and not of their malformation in "state socialist" societies.)¹²

Still, might not a group of mandarins arise from amongst the most skilled workers? Might they not, as technocrats or something very like technocrats, come to have wide powers and authority, which would give them such influence in the society that they would become a new class or at least a very privileged and very powerful stratum? Might not their position very easily, indeed perhaps quite unintentionally, become such that both their lives and in turn the lives of their children would be very different indeed from the lives of the less skilled workers and their children? What we would have is a situation where there would have emerged, and where it would persist over generations, deep social inequalities rooted in what looks like an unavoidable social stratification. But even if such inequalities could be prevented from emerging, at the very least the avoidance of them would require such deep interference in institutions such as the family that the situation would be intolerable from the point of view of liberty.

If there were actually in place industrial democracy and if there were utterly free and good education (including higher education) designed in part to counter the effects of such inequalities in the education of the children's parents, it is *not* evident that such a group of skilled experts would have to become such controlling, prestigious and privileged mandarins. And it is even less evident that their positions of prestige would have to be passed on. Yet, this is plainly an empirical issue and not an issue that can be resolved on conceptual or moral grounds. The point is that we are not justified in simply believing we must have such social stratification.

Still, the concern about utopianism lingers. Under the entry "Social Stratification" in *A Dictionary of Sociology*, it is remarked that there "is no evidence of the emergence of a

¹² Svetozar Stojanovic, *Between Ideals and Reality*, translated by Gerson S. Sher (New York: Oxford University Press, 1973).

society in which social differences are unknown.”¹³ (But we must remember that social *differences* are one thing, social *ranking* is another. Still, with differences, it is very easy to get ranking.)¹⁴ If this is so and if we wish to prevent the stratification from being so wide that it would lead to the reemergence of what Weber (but not Marx) would call classes, that is, aggregates of people possessing similar life-chances, why can not we, in wealthy societies, at least where considerations of maximal efficiency are not so demanding, engage in job rotation and extensive and varied education to break down this social stratification, or at least to make it much less harsh, so that it will not be the sustainer of something very like classes? No society has yet accomplished that, so it is not unreasonable to be skeptical, but no powerful and wealthy industrial society has become a socialist society either, so the crucial test cases has not yet come up before the bar of history. I do not see that such a society has been shown to be an impossibility. I do not think that this is an article of faith on my part, but I do freely admit that I trust it is not an unreasonable hope.

IV

Some might say that such a society very well may be possible, but, if possible, it is still undesirable for it involves too much state interference in people's lives. The cost of equality, they will claim, is just too high. When we speak of job rotation to break down the social stratification that constantly threatens to develop into classes or at least into controlling elites, who are the “we” to do this, if it is not the state, that is, a few individuals with a monopoly of power in the society? And would not doing this then involve an intolerable amount of interference in people's lives?

I think that the response to this libertarian objection should be that a society wanting to achieve equality would not have to enforce such patterns of equality by directives from above. This commitment to equality, in that society, would be democratic. Still someone might in turn respond, would it not be something like a tyranny of the majority? In answer it can be said that all people in the society would have the opportunity to do interesting work, would have all sorts of life enhancing opportunities and there would be no elites or ruling bureaucracy to control their lives. There would be a very considerable freedom in that society. But we should also remember that no society allows people in all respects to do

¹³ G. Duncan Mitchell (ed.), *A Dictionary of Sociology* (London: Routledge & Kegan Paul, 1968), 185.

¹⁴ Mihalo Markovic, *The Contemporary Marx* (Nottingham, England: Spokesman Books, 1974), Chapter VII and Kai Nielsen, “Radical Egalitarian Justice,” *Social Theory and Practice*, Vol. 5, No. 2 (1979).

exactly as they like.¹⁵ It could not and still remain a society, for a society without norms is a contradiction in terms.¹⁶ But in such an egalitarian society, totally without elite or bureaucratic control, there would be no intolerable interference in people's lives.¹⁷

We do indeed, as libertarians never tire of telling us, have rights to non-interference as well as rights to fair cooperation. But these rights to non-interference are not absolute. This non-absoluteness is a characteristic shared by all rights. They, like all rights, are *prima facie* rights or defeasible rights. Translated into the concrete, *vis-à-vis* rights to non-interference, this means that I have a right to the use of my house and the land on which it sits. Still, if it is located where it is absolutely essential that the city build a highway, a highway that is crucial for the efficient flow of city traffic, the right of eminent domain takes precedent over my right to non-interference. I may, in such a circumstance, be rightly interfered with, if properly compensated.

We do have a right peacefully to pursue our own interests where we do not harm others, but this right, as we can see in the eminent domain case, is not, either legally or morally speaking, absolute, though, like all *prima facie* rights, it is not something which we are ever justified in simply ignoring. If I accept capitalism, I will want to buy and sell, to invest and to own, not only personal property but to own productive property as well, and I will also probably want my children to be able to inherit that productive property. Moreover, though it is certainly true

¹⁵ G.A. Cohen, "Capitalism, Freedom and the Proletariat" in *The Idea of Freedom: Essays in Honour of Isaiah Berlin* edited by Alan Ryan (Oxford: University Press, 1979), "The Structure of Proletarian Unfreedom," *Philosophy and Public Affairs*, Vol. 12, No. 1 (Winter 1983), "Illusions about Private Property and Freedom" in *Issues of Marxist Philosophy* edited by John Mepham and David Ruben (Sussex, England: Harvester Press, 1981) and "Freedom, Justice and Capitalism," *New Left Review*, No. 126 (March/April, 1981), 3.

¹⁶ Rolf Dahrendorf, *Essays in the Theory of Society* (Stanford, California: Stanford University Press, 1968), 151-178.

¹⁷ I do not at all commit myself on whether such a communist society would have a state or have legal institutions. Marx has been unfairly ridiculed for his talk of the withering away of the state. For Marx the state was an instrument of class oppression. With the disappearance of classes there will be a disappearance of the state, *so characterized*. But he did think that certain governmental functions would remain and the same could, and I believe would, be true of law. In a future communist society I should not be allowed to start practicing surgery unlicensed simply because I thought I might be rather good at it and wanted to do it. Rawls' assumptions about the unavoidably class nature of all complex societies comes out clearest in his "Distributive Justice" in *Peter Laslett and W.G. Runciman* (ed.), *Philosophy, Politics and Society*, Third Series (Oxford, 1967). See particularly 62 and 69. But see, as well, John Rawls, "Distributive Justice: Some Addenda" in (1968) *Natural Law Forum*, Vol. 13 (1968), 51.

that not all capitalists are of that type, I may be a Horatio Alger type who works hard and seeks to make honest bargains. As such, I have no wish to dominate or exploit others or to undermine the freedom of others. I just want to engage in my peaceful competitive capitalist acts without state interference.

However, if the market is utterly uncontrolled, some people, peacefully acting in pursuit of their own interests, will come, either by good fortune or ability or both, to amass wealth and with that inevitably come to have power. With that power they will come to exercise extensive control such that the liberty of others is effectively limited. (Think, to take a current example, of the growth of newspaper tycoons in both the English speaking and French speaking world and the power and control that that gives to a few.) The market, if let go its own way, will invariably result in power passing to the few to the detriment of the many. So in the name of freedom (purely negative liberty if you will) we need to limit freedom (the right of an individual to non-interference in the pursuit of his own peaceful interests).

We sometimes justifiably limit an individual's freedom in the name of a more extensive freedom, that is, more freedom for more people. Though notice this limitation of liberty to attain greater and more evenly distributed liberty need not at all interfere with anyone's civil liberties. (Lesser liberties give way to more significant liberties.) The freedom to buy and sell is not a civil liberty or a basic liberty like freedom of speech, religion, freedom to politically organize or freedom from attacks on our personal bodily or moral integrity.

Confiscating your factory is one thing, confiscating your kidney or your eyes or requiring you to take a certain political line or make certain religious avowals is another. All societies, in one way or another, sometimes interfere with our peaceful pursuit of our own interests. I may not fish out of season or simply borrow without your permission your camera left in an office we commonly share. These restrictions seem utterly unproblematic but they are nonetheless restriction of my right to peacefully pursue my own interests. All societies sometimes interfere with people's peaceful activities and sometimes they interfere when it is unclear that the activity a person is engaging in is such that some manifest harm is being done to others by his engaging in it. (I do not deny that this makes the interference problematic.) We often do restrict individual liberty in the name of a greater and more extensive liberty, or at least what we judge to be a more significant liberty, and sometimes it is perfectly appropriate to do so.

V

Let us return to our earlier questions about why some people must be disadvantaged. One response is that, if they are *not* so disadvantaged, they will be even worse off, for they, in absolute terms, will have still fewer of the goodies of the world;

their needs and wants will be even less adequately satisfied. It would be, where everything else is equal, irrational to prefer that state of affairs. We can put the matter hypothetically: if the worst off, by a drive for levelling (greater equality), would make themselves still worse off, it would be irrational for them to so act. It would, that is, be irrational to prefer the greater equality.

Rawls remarks, in defending his second principle of justice, that it is clear enough that a rational person will *not* insist on equality if that makes everyone, including the less advantaged, worse off.¹⁸ But we must be careful how we understand “worse off” in such a context. I think an important element in C.B. Macpherson’s criticism of Rawls is to make it evident that “being worse off” should *not* be understood in purely monetary terms.¹⁹

In discussing this issue, some influenced by Rawls will reason that it is a factual issue, and indeed an unsettled factual issue, whether the worst-off might not be benefited more by a regime of private ownership, operating in accordance with Rawls’ two principles of justice, than by any other social arrangement. Socialists would, and rightly I believe, deny that it is in fact true that the worst off would be *so* benefited in a capitalist society, but, even if they would be, human flourishing, as Macpherson shows, cannot be evaluated simply in terms of benefits received when this is construed in monetary terms or as having more consumer goods. This is particularly true in circumstances of either moderate scarcity or relative abundance.

With the class structure and the authoritarian work scheduling, both inherent in capitalism, with their typically dehumanizing work and with their lack of equal effective citizenship, equal access to education and more generally nothing like the same control over their own lives, workers’ moral autonomy and liberty are so buffeted that their self-respect is plainly more threatened than that of the dominant classes. In successful social democracies, bourgeois democracies if you will, this threat would be lessened. Sweden is better off in this respect than the United States and Iceland is better off than Canada. But, though diminished, the threat would still be there as long as there are class structures and capitalist class dominance, as there must be in capitalist societies. (A capitalist society without such class divisions is a contradiction in terms.) But self-respect for Rawls is the most important of the primary goods and without an equality of self-respect or at least an equal basis for self-respect his own first principle of justice — the equal liberty principle — cannot be satisfied. But we cannot both allow for the satisfaction of

¹⁸ Rawls, *A Theory of Justice*, 538.

¹⁹ C.B. Macpherson, *Democratic Theory* (Oxford: Clarendon Press, 1973), 77-94 and his “Rawls’s Models of Man and Society,” *Philosophy of the Social Sciences*, Vol. 3, No. 4 (December 1973), 341.

the *difference principle*, with the inequalities in economic goods, and consequently of power, that would allow, and continue to accept the *equal liberty principle*. For the *difference principle* could very well hold in circumstances which would drastically undermine self-respect and liberty for a very considerable number of people. If we are going to continue to attach the importance to liberty that Rawls does, and liberals generally do, we cannot accept as much inequality and the inequalities of the type that even he accepts as either just or justified inequalities. We must adopt a more egalitarian principle and stick closer to our baseline of equality. Liberty seems, at least, to require equality.

VI

I would advocate, for societies of relative abundance, the following still more egalitarian principles. They are, at least, heuristic devices for the social organization of advanced industrial societies, and, if they were acted on in such societies, there would be both more liberty and more equality than under our present social arrangements or any possible social arrangements achievable in capitalist society.

- (1) Each person is to have an equal right to the most extensive total system of equal basic liberties and opportunities (including equal opportunities for meaningful work, for self-determination and political and economic participation) compatible with a similar treatment of all. (This principle gives expression to a commitment to attain or sustain equal moral autonomy and equal self-respect.)
- (2) After provisions are made for common social (community) values, for capital overhead to preserve the society's productive capacity, allowances made for differing unmanipulated needs and preferences, and due weight is given to the just entitlements of individuals, the income and wealth (the common stock of means) is to be so divided that each person will have a right to an equal share. The necessary burdens requisite to enhance human well being are also to be equally shared, subject, of course, to limitations by differing abilities and differing situations. (Here I refer to different natural environments and the like and not to class position and the like.)²⁰

²⁰ It might seem that my remark about "just entitlements" gives everything away to the libertarian. I am saying that things are to be divided equally only after due weight is given to the just entitlements of individuals. What more would a libertarian ask for? But the rub is here on the reading to be given to "due weight". Entitlements cannot be legitimately insisted on in situations where insisting on them would cause great harm and suffering or in an undermining of human liberty. See here my "Capitalism, Socialism and Justice" in Tom Regan and Donald VanDeveer (eds.), *And Justice For All* (Totowa, New Jersey: Rowman and Littlefield, 1982), 264-285.

These principles, if they can be satisfied at all, are only principles that can be satisfied in a socialist society under conditions of relative abundance. (Actually, I think that is a *de facto* pleonasm, for we could only have a genuine socialist society under conditions of relative abundance.)

With such principles there is a clearer recognition than in Rawls of the dangers to liberty of inequalities of economic power and of the effects of concentrated wealth and power under capitalism. Rawls fails to keep steadily before him, and to account for theoretically, the ways in which such economic inequalities undermine the moral autonomy and the sense of worth of those people most disadvantaged by the system. With Rawls, as with liberals generally, the separation of the political and economic spheres gives us the illusion of a greater freedom than we actually have. Freedom in capitalist societies is unduly circumscribed due to the lack of anything like industrial democracy.

Reasoning in accordance with the *difference principle* will lead in certain circumstances to lesser moral autonomy than reasoning in accordance with my more radically egalitarian principles. The sort of circumstance I have in mind is exemplified by the situation, allowable by the *difference principle*, where there are disparities in life prospects between people in different strata — disparities which Rawls accepts as morally tolerable, at least in the sense that it would be irrational and unjust to try to obliterate or reduce those differences under those circumstances. But, given the moral significance that Rawls himself attaches to his first principle of justice — to his *equal liberty principle* — he ought to abandon his *difference principle* and adopt a more egalitarian principle, perhaps even a principle which would bear some resemblance to mine.

Where differences in life prospects are not so sharp, because different groups do not have a far greater income, power, authority, and prestige than others, moral autonomy will generally be greater. In a classless society it would be greatest. Even if such classlessness were only a heuristic device, it could still serve as an ideal against which to measure the extent of a people's moral autonomy.

VII

Still we have the issue, gestured at earlier, concerning the possibilities of classlessness. It is difficult to know where the burden of proof lies here between Rawls and myself or, more generally, where the burden of proof lies here between liberalism and socialism. What I can do is raise questions which I think Rawls needs to answer and then some objections which can be, and indeed have been, directed at me. In both cases it seems to me that it is not clear what the correct or even the most plausible answers are. I think in this way I can best show where the major issues are.

1. To show, in the most relevant sense, that classlessness is impossible or thoroughly unlikely, Rawls must show that it is unlikely that a society *can* come into existence and persist where there are only rather minimal differences in income and authority and where none of the differences that do exist result from or are the means to exploiting others. There are no such societies at present, but I do think that it is possible that such a society might come into being. (I am not speaking of a mere logical possibility.) I do not believe, however, that we are *justified* in asserting that such a society will, or very likely will, come into existence and persist. I must admit that the way that stratificational differences of some magnitude are generated by the division of labor is worrisome for someone who believes that a society of equals is desirable, but I do not believe that sufficiently decisive reasons have been given for believing that such a description of a classless society is desert-islandish, so that we should think that it is highly unlikely that it will ever be exemplified.
2. Is human nature as fixed as Rawls seems to assume, so that all representative people everywhere at all times will be so cautious that they will give such weight to security and negative liberty? I think this question only needs to be clearly asked for a negative answer to be given. (I shall return to this in Section IX.)
3. Is not equal liberty impossible without people (all people of normal abilities) being masters of their own lives? But is it not, given the differences in power and control between classes within capitalism, impossible for most people to be free — to be genuinely autonomous — in such class societies? That is to say, is it not impossible for them to have effective control over their own lives? And is not this loss of liberty exacerbated by the fact that work for most under capitalism cannot be autonomous? It cannot, that is, bear the stamp, or even the mark, of our own making in the sense of our own planning, thought and our own decisions about what is worth doing, making and having. But, under a worker-controlled socialism, work will be both autonomous and cooperative. This will enhance very considerably our freedom, our equal moral autonomy.
4. The charge of utopianism returns like the repressed against radical egalitarianism. Rawls, by contrast, it might be claimed, anchors his theory firmly in empirical realities. There are no classless societies or even societies which are even tending toward classlessness. Given these empirical facts, is not Rawls being more reasonable — or at least less utopian — than the radical egalitarian in developing his theory of justice against the background of these empirical constraints? (Think here of the family.)

A response to this last criticism is linked to an examination of the plausibility of Marxist claims about a “dialectic of history” or about what is a reasonably likely social development. Marx’s belief is that out of the very development of the forces of production and the relations of production they generate, a class is coming into being which can and will end class divisions. Life will, with the stabilizing of a new socio-

economic formation, come to be different, as life has changed in the past with other such epochal social transformations. Plainly what one will say here about the possibilities of classlessness is not unrelated to what one believes about such matters. If historical materialism under its more perspicuous formulations is simply not a coherent possibility, then there will be a greater temptation to opt for something like Rawls' account and write my claims off as utopian. If, alternatively, historical materialism is a plausible account of epochal social change, then, given the desirability of as extensive as possible moral autonomy, it will be more reasonable to opt for something like my radically egalitarian principles. (It is a mistake to think that either side is caught up like a kind of "political Kierkegaard" with an article of faith. The claim that epochal social change occurs in the way Marxists say it does is a perfectly empirical claim which indeed may be empirically false but it is an empirical claim which is empirically testable and will be tested in the next hundred years or so.)²¹

It is natural to query my stance as follows: "You admit, as Marx does, that there will be some sort of division of labor in any industrial society. Now, given the complexity of modern society in terms of its organization (among other things the organization of work in large industries), this division of labor will inevitably lead to differences in authority and to a social stratification which will be unavoidable and be sufficiently sharp so as to lead to whole differences in prospects of the kind you regard as unjust and Rawls accepts as unfortunate human inevitabilities. Thus, even if we can get rid of exploitative classes in the Marxists' sense of classes, we will still have sufficiently sharp differences in social stratification to produce the inequalities in life prospects that you say are unjust. But, if they are inescapable, if, like the color of one's skin or *perhaps* one's I.Q., one is so born and one cannot alter these things, how can such differences, including any resulting inequalities, be unjust? In saying that social arrangement A is unjust, we are giving to understand that it ought to be changed and thus we cannot coherently say these structures are unjust."

²¹ That such claims have a scientific status comes out clearly in the following: G.A. Cohen, *Karl Marx's Theory of History* (Oxford: Clarendon Press, 1978), William H. Shaw, *Marx's Theory of History* (Stanford, California: Stanford University Press, 1978) and Kai Nielsen, "On Taking Historical Materialism Seriously," *Dialogue*, Vol. XXII, No. 2 (June 1983), 319. For the extent of Marx's empiricism and how well it squares with what is now called scientific realism see Richard Hudelson, "Marx's Empiricism," *Philosophy of the Social Sciences*, Vol. 12 (1982), 241-253; and the exchange between Hudelson and James Farr in *Philosophy of the Social Sciences*, Vol. 13, No. 4 (December 1983), 465-474. That Marx can meet Karl Popper's falsification challenge is deftly shown by Hudelson in his "Popper's Critique of Marx," *Philosophical Studies*, Vol. 37 (1980), 262-64.

Again we are brought back to questions about what can and cannot be. About what it is reasonable to hope for and to struggle for. Moral philosophy, if it is to be done seriously, requires some reasonable understanding of political economy, political sociology, and some of the other human sciences. How far can the division of labor reasonably be broken down or in some way compensated for? Generally, I think we should see from this how very much any reasonable talk about what we should do is tied to what we believe to be possible and tied to a complex understanding of the ways societies work. We should come to see how very crucial our pictures of social reality are for any conception of a just and truly human society. We cannot reasonably moralize without a close attention to the facts. Knowledge about what society is really like is essential for moral philosophy.

VIII

Such methodological homilies apart, let us see what can be said for radical egalitarianism. Engels remarked in a famous passage in his *Anti-Duhring* that "the real content of the proletarian demand for equality is the demand for the abolition of class."²² He goes on immediately to remark that a "demand for equality which goes beyond that, of necessity passes to absurdity."²³ A radical egalitarianism construed so as to be compatible with that shows many of the fashionable critiques of egalitarianism to be attacks on strawmen.²⁴ My radical egalitarian principles are compatible with Engels' remark. They do not commit us to a kind of barracks egalitarianism.

If we reflect carefully on the conditions empirically necessary to attain equal self-respect and equal liberty for all, we need to

²² Frederick Engels, *Anti-Duhring*, translated by Emile Burns (New York: International Publishers, 1976), 117-118. Richard Norman has pointed out that just as it stands Engels' claim is too narrow. There surely are sexual and racial inequalities as well. Socialism, as Richard Norman well puts it, "is a movement to destroy class oppression *because it is oppression*" and sexual and racial inequalities, like class inequalities, are forms of oppression. Clearly that was Engels' view of the matter too, but, in rightly stressing the central importance of class in setting the base for equality, he did not manage to say everything that is clear from other of his writings, for example, F. Engels, *The Origins of the Family, Private Property and the State*, translated by E. Untermann, (Chicago: C.H. Kerr & Co., 1902), he wanted to say. See Richard Norman, "Does Equality Destroy Liberty?" in *Contemporary Political Philosophy*, Keith Brahm (ed.), (Cambridge: Cambridge University Press, 1982), 98-100.

²³ *Id.*

²⁴ Kai Nielsen, "Class and Justice" in John Arthur and William Shaw (eds.), *Justice and Economic Distribution* (Englewood Cliffs, N.J.: Prentice-Hall, 1978), "A Rationale for Egalitarianism," *Social Research* (1981) 260, "Radical Egalitarian Justice," *Social Theory and Practice*, Vol. 5, No. 2 (1979), and "Impediments to Radical Egalitarianism," *American Philosophical Quarterly*, Vol. 18 (1981), 121.

look again at a principle of justice that would stress the need for equal wealth or something very close to it. Given the realities of power and authority and the ways they will develop and persist, we should ask ourselves whether something at least approaching equality of wealth is not necessary to make real the ideal, shared by Rawls and myself, and indeed by many, many people, that all human beings have a right to equal respect and concern in the design of social institutions. How else can we make real our deep conviction that all human beings are to be treated with equal moral respect?

Rawls, like liberals generally, tries to break the tight link between wealth and self-respect. But how can he, given the *tight link between wealth, power and autonomy*? (This is something that liberals prefer not to see.) Where one person has power over another, how can they be in the positions of equal liberty? And without equal liberty and moral autonomy, how can there be equal self-respect, at least where the individuals in question have a clear understanding of their condition and are not actively struggling against it?

In a classless society where there was a rough equality of wealth, there would be an equality of power and, in turn, equal liberty or at least the flourishing of equal basic liberties and with that the attainment of something approximating equal moral autonomy or at least having in place the social conditions for the realization of equal moral autonomy. Equality is impossible without liberty, and liberty, for more than a few, is not possible without equality. If you care about liberty for all, you must be an egalitarian.

However, to avoid confusion I should add that my radical egalitarian principles are not principles that all rational persons, where they are constrained to reason impartially, must accept. There is no such Archimedean point that *reason* requires. Morality is under-determined with respect to rationality. Various normative ethical theories are in accord with reason but none are uniquely required by it. What I am claiming is that something in the spirit of my radical egalitarian principles would be the rational choice for a person who believes classlessness is possible and whose moral sentiments were such that he believes, firstly, that all human beings have a right, no matter who they are or where they were born, to an equality of concern and respect in the design of their lives and, secondly, that all human beings should be committed to the ideal that we should collectively struggle to bring about and sustain conditions which would make the exercising of that right by all people a genuine possibility. For someone who lacks these sentiments or for whom these sentiments have no important priority in his life, there is no reasoning him into such a moral conception. But for someone who really cares about his fellow human beings, and who wants a world in which we stand to each other in something like the relations of sisterhood and brotherhood, such a radical egalitarianism will

be inescapable, if that person is really clear about the facts, including, very importantly, facts about what our human possibilities are.²⁵

IX

I have argued that the friends of freedom will also be friends of equality and that if we believe in *moral* equality (as even right wing libertarians such as Robert Nozick do) we will, if we have an adequate grasp of the facts about power and linked social realities, also be radical egalitarians. To believe in *moral* equality is to believe that the interests of all human beings matter and matter equally. However, if the power relationships of a society are such that some have power over those others will as a matter of fact typically be dominated and exploited. There will, in such a society, be no condition of moral equality. But where there are extensive differences in wealth there will also be extensive differences in power and as a result moral equality will not exist and moral autonomy will be very precarious. To have moral equality we must not have societies in which some have far greater power than others; and, to not have that situation, we must not, as is unavoidable in capitalist societies, have some having far greater wealth than others. For us to stand in a condition of moral equality we must stand in a condition of rough equality of condition.

I want in this final section to consider a number of objections that might plausibly be brought against the account set out in the preceding pages. The first one I shall consider is that, though I argue for the compatibility of liberty and equality, I do not define "liberty" and that I, in setting my views against Rawls' at certain key points, slide from using "liberty" in the "negative liberty" sense that Rawls in effect adopts to using it in a richer but more tendentious "positive liberty" sense. But without a defense to this wider use some of my criticisms of Rawls and indeed of contemporary liberalism more generally would be vitiated.

This criticism seems to me wide of the mark. Neither Rawls nor I attempt to define "liberty" or "freedom", taking that as something that should come at the end of an extensive analysis, including a meta-ethical analysis, and not as something that should come at the beginning or in the middle of constructing a normative theory. In this essay I — and here Rawls proceeds in the same way — in effect treat "liberty", "freedom" and "autonomy" as having much the same meaning when in reality their meanings are distinct, as any student of John Austin

²⁵ For a further carrying out of the argument for egalitarianism in somewhat different direction, recent articles by Richard Norman and Bruce Landsman particularly deserve attention. Richard Norman *supra* note 21, 83-109 and Bruce Landsman, "Egalitarianism," *Canadian Journal of Philosophy*, Vol. XIII, No. 1 (March 1983), 27.

would expect. Indeed, I think it is the notion of autonomy that is the most essential notion morally. But for my purposes here and for Rawls', our arguments would go through whether we construed "liberty" in the negative liberty sense or in the rather minimal positive liberty sense elucidated and defended by both C.B. Macpherson and Charles Taylor.²⁶ It is not that I use "liberty" in one sense and Rawls in another so that we are speaking past each other. My arguments for the compatibility of liberty and equality require no analysis of the meanings of either, though if I should *use* inadvertently either term in very eccentric ways I would, of course, trivialize my account so that it would be of little value in such discussions. But I have not used either term in eccentric ways.

I think I can take our ordinary pre-analytic understanding of "liberty" as sufficient for my purposes. Still, if pressed, I would say, avoiding the old negative liberty/positive liberty conflicts, that what I am talking about should be understood in the following way.²⁷ What is central is the notion of autonomy at work when it is claimed that there must be a very considerable amount of freedom in society — a society must have extensive liberties — in order for its agents to be respected as autonomous agents? Adina Schwartz puts it this way: "According to this conception being autonomous is not simply a matter of having a capacity. Individuals are only free, or autonomous persons, to the extent that they rationally form and act on some overall conception of what they want in life."²⁸ Being autonomous involves both being able to decide on an overall system of aims and actually doing so. To be autonomous we must be able to plan effectively to achieve our aims instead of simply reacting to the circumstances that face us. And we must, as well, be *able* to act and not infrequently *in fact act successfully* on those plans and aims. An autonomous agent must be able rationally to choose to act in certain determinate ways which are best suited to her goals and she must, in most circumstances, in fact frequently so act. Moreover, she must be able to revise goals and methods in the light of observations of the consequences of her choices.

Autonomy admits of degrees and we achieve autonomy more or less fully to the extent that we live lives of intelligence and initiative. But we do not measure our autonomy in terms of the

²⁶ C.B. Macpherson, *Democratic Theory*, 95-119 and Charles Taylor, "What's Wrong with Negative Liberty?" in Alan Ryan (ed.), *The Idea of Freedom* (Oxford: Oxford University Press, 1979), 175-193.

²⁷ For a powerful argument for dropping the "traditional" distinction between negative and positive rights and the parallel distinction between negative and positive liberty see Henry Shue, "Rights in the Light of Duties" in Peter G. Brown and Douglas MacLean, *Human Rights and U.S. Foreign Policy* (Lexington, Mass.: Lexington Books, 1979).

²⁸ Adina Schwartz, "Meaningful Work," *Ethics*, Vol. 92, No. 4 (July 1982), 634.

number of decisions we make, but in terms of the *types* of decisions we make. The autonomous person is the person who makes her important choices informed by a clear awareness of alternatives which, in turn, are assessed, and assessed accurately, by the overall conceptions she has of her purposes in life.

Thinking through what this involves should lead us to see that being autonomous is not just a matter of making a lot of unconnected decisions but involves a certain amount of integration of the human being said to be autonomous. Schwartz puts it well when she says:

Becoming autonomous is not a matter of coming to exercise intelligence and initiative in a number of separate areas of one's life. Rather, it is a process of integrating one's personality: of coming to see all one's pursuits as subject to one's activity of planning and to view all one's experiences as providing a basis for evaluating and adjusting one's beliefs, methods and aims.²⁹

Here autonomy is what Richard Arneson calls a character ideal. To be autonomous, a person must, so far as lies within his power, conform his actions to laws or principles that he has chosen for himself.³⁰ A person lives autonomously to the extent that he is not forcibly prevented from acting on his voluntary self-regarding choices except when his prior commitments bind him to acting otherwise. Beyond that, in making a voluntary choice a person takes on responsibility for all the foreseeable consequences to himself that flow from this voluntary choice. And to do this, he must have a considerable understanding of himself and of his situation. A kind of adult maturity goes with being autonomous. We would hardly say that a person was autonomous unless, where circumstances make this possible, he conforms his actions to laws or principles that he has chosen for himself. Here autonomy has little *directly* to do with freedom. I may be a political prisoner while still being in the above sense fully autonomous. J.S. Mill was, of course, concerned, as liberals generally have been, with people not being political prisoners, or even prisoners of convention, but his ideal of liberty was to have a society which made maximally possible such autonomous persons. The thing is to have a society where as many people as possible have as great an opportunity and as equal an opportunity as possible to become such persons. It is that character type which was his human ideal and it is, as well, the flourishing of that character ideal which I have taken to be morally central in defending both equality and liberty and in arguing that it is impossible to have one without the other.

²⁹ *Id.*, 638.

³⁰ Richard Arneson, "Mill versus Paternalism," *Ethics*, Vol. 90, No. 4 (July 1980), 470, 475.

A second objection, or more accurately a query and a counterstatement, is to worry why I limit my egalitarian claim, as does Rawls as well, to societies of relative abundance. My radical egalitarian principles should apply, it has been claimed, to poor as well as wealthy societies, once Rawlsian priority principles are eliminated. But that is not the rationale for sticking with societies of reasonable material abundance. Instead, the reason is that if we try to establish equality in poor societies (materially impoverished societies) we may simply be spreading the misery around and perhaps even inhibiting circumstances from arising where the society could begin to eliminate that poverty. Where by doing the egalitarian thing we are spreading the misery around, impoverishing more deeply some to make the desperately impoverished situation of others only marginally better, we will put too great a strain on commitment if we expect people to take an egalitarian turn. We need not be Hobbesians to realize that where there is great scarcity people will tend to struggle rather persistently for relative advantage and, beyond that, will tend to question whether we should all be miserable in order to maintain egalitarian patterns. Moreover, in such a circumstance, as Marx realized, material incentives are an important element to induce people to work very hard to increase productivity to make it possible to increase the wealth of a society sufficiently to make an abundant life possible for all. It is not so evident that in such circumstances it would not be desirable to trade off some equality to attain that greater material abundance for everyone.

Thirdly, it will be objected that Rawls' conception of human nature is not as fixed as I give to understand. Rawls makes clear in his Dewey Lectures that talk about changes in human nature is compatible with the remaining in place of a single set of ideals of the person, ideals which are essential for the justification of his distinct principles of justice. Rawls does not believe that "advances in our knowledge of human nature and society" will "affect our moral conception. . . ." ³¹ Rather what such knowledge will be used for is to "implement the application of its first principles of justice and suggest to us institutions and policies better designed to realize them in practice." ³²

This, however, is a programmatic statement on Rawls' part and it was not that to which I was referring. Instead, I was referring to background assumptions Rawls makes about human nature such as our need for a certain structure of

³¹ John Rawls, "Kantian Construction in Moral Theory," The Dewey Lecture 1980, *The Journal of Philosophy*, Vol. 77 (1980), 515, 566.

³² *Id.*

incentives, the particular force and nature of the strains of commitment, the way strata will persist and the like. What we believe here will effect, as I have tried to show, our judgments about what principles of justice it is reasonable to adopt. And it is here where Rawls takes a human nature in part formed by a very distinct culture as just being human nature.³³

³³ I would like to thank the members of the philosophy departments at the University of Copenhagen, Århus University, the University of Lund, the participants in the conference "Liberalism in Crisis" at the University of Guelph, and the anonymous referee for the *Windsor Yearbook of Access to Justice* for their helpful comments on earlier versions of this paper.