

## Does Social Justice Matter? Brian Barry's Applied Political Philosophy

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Applied analytical political philosophy has not been a thriving enterprise in the United States in recent years. Certainly it has made little discernible impact on public culture. Political philosophers absorb topics and ideas from the *Zeitgeist*, but it shows little inclination to return the favor. After the publication of his monumental work *A Theory of Justice* back in 1971, John Rawls became a deservedly famous intellectual, but who has ever heard political critics or commentators refer to the difference principle or fair equality of opportunity in discussions aimed at a wide audience? Writing philosophically astute and beautifully accessible prose, often in not strictly academic journals of opinion, Ronald Dworkin has been in some ways the very model of a public intellectual, but the only reference to his opinions that I have seen in any newspaper occurred in a *New York Times* review of a restaurant near London along the Thames (as I recall, Dworkin was quoted as saying it was at the very least the best restaurant in the northern hemisphere). You might chalk up the situation to the fact that political philosophers tend to be liberal and the public political culture in the United States has been growing decidedly conservative, but that mismatch can hardly be the whole story. Right-wing libertarianism is a popular doctrine, but Robert Nozick's classical and never superseded 1974 exploration of that view in his brilliant *Anarchy, State, and Utopia* is not cited. Nor is there a significant literature that seeks to derive practical policy recommendations from Nozick's theory and relevant factual claims. Moreover, the isolation of political philosophy stands in marked contrast to the wide influence of theory in some disciplines. For example, consider the enormous germinating impact of Richard Posner's ideas on law and economics over the past thirty years on academic and extra-academic American legal culture.

In his new book *Why Social Justice Matters*, the distinguished political philosopher Brian Barry ventures into the field of applied political phi-

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losophy.<sup>1</sup> The idea is to take normative public policy analysis to a higher level by going back to first principles of justice and working out what follows from those principles given the empirical facts that obtain in our world today. Barry does not seek to argue systematically for the first principles he espouses. That would be to engage in theoretical political philosophy, an enterprise to which he has in past work made signal contributions. He mentions that he thinks it is clear that the principles he just asserts here could be derived from the contractualist theory he has previously defended, but this derivation is in effect left as a homework exercise for readers to complete. Barry's aim is to rally left-wing and liberal readers who might well be dismayed by recent trends in political events in the United Kingdom and the United States and to show them how a particular coherent and plausible set of public policies is what you are committed to if you accept egalitarian principles of justice that are entrenched in the best commonsense part of our public culture.

Barry has a wide-ranging knowledge of current facts that bear on the political issues that concern him. His moral perspective is humane and sensitive, roughly a combination of George Orwell's and R. H. Tawney's. He has a keen eye for humbug and nonsense, a taste for polemic, and a wicked and entertaining sense of humor. He is passionate, especially in his hostility to bad things that have happened recently in the United Kingdom and the United States and to bad things that the United States is doing to the rest of the world. There is much to agree with in what he writes in this book. For all that, the book struck me as oddly disappointing, and in the rest of this essay I shall try to explain this response.

Barry unapologetically defends an old-fashioned social democratic political program. Its core is the requirement that, along with protecting traditional liberal freedoms for all, the just state must tax the income and wealth of better off members of society and transfer these resources to poor members in order to bring about and sustain approximate equality in opportunities and resources among people within its jurisdiction. In addition, education and health services should be made available to all members of society by state provision, so as to sustain equality of access to these goods at a high level of provision, and the state should also take steps of some sort to ensure that housing of acceptable quality is available to all. These requirements hinge on a middling view about the workings of a free market economy based on private ownership of resources. According to the social democrat, such a market cannot be expected on its own to lead to just distribution, so market outcomes must be altered continuously by tax and transfer re-

1. Brian Barry, *Why Social Justice Matters* (Cambridge, MA: Polity, 2005). References to this book will take the form of page numbers in the text.

distribution. That is the bad news. The good news is that the workings of a free market economy based on private ownership, if regulated by redistributive state policy, can lead to reasonably just outcomes. The social democrat favors regulation, not necessarily abolition, of the market and may even hold that a suitably regulated market economy is a better vehicle for social justice than any feasible alternative to market organization of the economy would be.

Barry defends the social democratic program by working to show that it follows from basic moral principles, given a specification of relevant empirical facts concerning current circumstances. The basic moral principles, as Barry presents them, consist of an egalitarian theory of social justice, a doctrine of equality of opportunity. Equality of opportunity holds that all people should be made equal or close to equal in the rights, opportunities, and resources they have, except insofar as inequalities arise through voluntary well-informed choices from an initially equal set of opportunities. Call this “strong equality of opportunity.” Barry acknowledges that, in theory, the implementation of strong equality might lower aggregate human well-being excessively (to the degree that well-being admits of measurement even in theory) and might be required to be curtailed on this ground, but Barry argues that, in the actual present and likely future circumstances we face, this equity versus efficiency trade-off does not actually materialize and so should not inhibit the intelligent wholehearted pursuit of social equality.

Far from being uncontroversial among reasonable members of modern societies, the equal opportunity doctrine Barry affirms strikes me as not only deeply controversial but in fact false. But even were the doctrine as uncontroversial as he claims, Barry’s defense of social democratic policies would still be inadequate because he brushes aside empirical facts that are in fact problematic for the policies he wants to defend and that require more careful consideration than his confident affirmations provide. I myself, for the most part, support the social democratic policies Barry endorses, but I do not find Barry’s arguments for these policies fully convincing. Moreover, the facts that Barry tends to brush aside are planks on which a variety of right-leaning revisions of the classic liberal policy agenda have been constructed. Perhaps more important than his handling of disputed facts is his sketchy and incomplete characterization of the norms he regards as fundamental. In the end, the reader is left unsure just where Barry stands. His brusqueness at crucial points seriously limits the polemical value of his discussions if we assess a polemic by its power to persuade those not already convinced and even if we employ the easier standard of rallying the faithful and deepening their allegiance to the cause.

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## EQUALITY AND JUSTICE

Barry proposes that social justice requires equal distribution unless inequality arises by voluntary choice from an initial situation in which everyone has equal opportunities. This formulation raises many questions. One might ask, equality of what? Barry is suspicious of the question. Those who ask it and seek to find some equalisandum or measure of equality are wasting their time. According to Barry, the rights, opportunities, and resources with which social justice is concerned are disparate, and it is a mistake to suppose that these disparate types of goods can somehow be reduced to a common measure. "Perhaps the notion that resources can be reduced to a common denominator arises from the idea that there is some generic stuff (called 'utility', 'advantage' or whatever) whose distribution is the subject of social justice," Barry observes (22). He proceeds immediately to add that the notion is foolish so the idea is plainly false. There is no such common measure to be discovered.

The reader may worry that Barry has sawed off the branch on which he himself is sitting. If there is no common measure of advantages and disadvantages so we cannot sensibly pose the question whether one person on the whole has more advantage than another (except in the special case in which one person has more of every distinct good than another person), what does it mean to hold with Barry that social justice requires equal distribution? If you can't tell whether Smith has more or less than Jones, then by the same token you can't tell whether he has the same. This worry, however, is exaggerated. There is room yet for an egalitarianism that insists on equality with respect to the distribution of each and every good with which social justice is concerned. Which goods are those? So far as I can see, Barry does not squarely address this issue in this book.

There is some evidence that Barry does identify justice with equal distribution, modulo personal responsibility, of every good whose distribution justice regulates. He holds that social democratic equality incorporates liberal equality and that liberal equality upholds equal rights to freedom of speech, freedom of religion, democratic citizenship, and so on to every member of society. Social democratic equality is liberal equality plus equality in the distribution of further opportunities and resources. In the sphere of education, for example, he specifies that justice demands equal educational attainments at age eighteen, at least if we simplify the issue a bit by supposing that no younger person is ever in a position to make fully voluntary choices that trigger full responsibility for their outcomes. In the sphere of income and wealth, justice also requires equal opportunity. For starters, this would require that the highest level of income and wealth that anyone in society could

attain by some available choice of a course of action should also be attainable by anyone else through some course of action that one can follow. In the sphere of jobs for pay, regarded as sources of job satisfaction and fulfillment, equal justice would require that the most attractive package of benefits that anyone can attain through selection of a job should be matched for each person by an equally attractive package of such benefits that she could attain by job seeking.

This position as to the demands of equal justice with justice regulating disparate goods is similar in certain respects to the capabilities approach to social justice as articulated by Martha Nussbaum.<sup>2</sup> Nussbaum holds that society should be arranged so that everyone has the capability to function at an adequate level in each of the several dimensions of life that together constitute good human living. This position does not require that one be able to integrate the different dimensions of human capability to arrive at one overall measure of an individual's capability. But holding, as Barry does, that justice requires that everyone have the same or equal opportunity for the same in each department of life rather than that everyone have equal opportunity for enough renders his position miles farther from plausibility than Nussbaum's.

A problem with this approach is that there will generally be many possible distributions that fail to meet Barry's strict equal justice standard in each sphere but that are Pareto superior to equality of distribution. Take education. Rather than setting up schooling to bring it about that natively talented people like Einstein and untalented people like Arneson end up with equal educational attainments at age eighteen, there are many alternative policies that bring it about that Einstein has far better educational attainments at age eighteen than Arneson and in consequence Einstein is able and does contribute to economic and cultural life in ways that make life better for all of us, including Arneson. This spillover of benefits might take place in the unregulated economic and cultural processes, or there might be egalitarian taxation and redistribution policies set in place that combine with unequal education to result in greater opportunities for the Arnesons of this world.

A possible response to this objection is that justice consists in an equal division of each of the disparate important kinds of resources and opportunities followed by trade to equilibrium. In theory, equal initial division of resources and Pareto optimality can coexist. The externalities associated with resources such as education would be dealt with in some

2. See Martha Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge, MA: Harvard University Press, 2006) and the references to her further work cited in this book.

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other way. A problem remains for nontradeable resources, if such there be.

A more important worry is that, if we really have no reasonable way of summing the various resources and opportunities of individuals and determining that some individuals are, all things considered, worse off than others, one may doubt the rationale for redistributive transfers. A poor farmer from Africa has some opportunities that a wealthy Princeton professor lacks, and vice versa. If the poor farmer is not overall worse off, why take from the one and give to the other? In my view, the moral imperative of making equalizing transfers rides piggyback on the possibility of making overall assessments of condition of the sort Barry tells us have no rational warrant.

#### EQUAL OPPORTUNITY

We have already seen that Barry holds that inequalities may be acceptable from the standpoint of justice provided that they arise by voluntary individual choice from a starting point of equality. The baseline equality that must initially be in place is equal opportunity in a strong sense: equal opportunity prevails among a number of persons provided each of them faces an identical or equivalent array of equally accessible options. One option is equally accessible to two people when each could get the option by undertaking an available course of action that is about equally difficult and onerous. An option A accessible to one person is equivalent to another option B accessible to another if the payoff of A to the first is about the same as the payoff of B to the second.

Equal opportunity countenances the idea that, from a starting point of equal opportunity, if individuals make voluntary choices for which they are properly held responsible and do not impose on each other or shift costs to each other, then the consequences of these individual voluntary choices that fall on the individuals may be left to lie where they fall. The resultant inequalities in outcomes arising in this way are consistent with egalitarian justice.

Offhand, it is not clear exactly what is meant. Further elaboration of the idea is needed. Consider fully voluntary assumption of risk. I may voluntarily but imprudently venture down a dark unsafe alley and suffer robbery and physical assault. Another person might voluntarily but imprudently start a business and suffer harm when rival firms enter the market and cause the first person's business to fail. An equal opportunity ethic presupposes some idea of a fair framework for interaction that distinguishes among ways people impose costs on others so that such activities as competing so as to impose pecuniary externalities on others and perhaps behaving in ways that are offensive to others do not generate claims for compensation. The intuitive picture is that, if I had available the same broad array of options that everyone else faced and

I chose voluntarily to undertake a self-harming course of action, say heroin usage or excessive doughnut consumption, then any bad consequences that fall on me via this choice may be left to lie where they fall. Egalitarian justice does not require further transfers from those whose choices panned out well to those whose choices panned out badly. Indeed, egalitarian justice strictly forbids such further transfers. The same holds if, from an array of equal opportunities, I choose voluntarily a risky course of action and the risk materializes and leaves me far worse off than others.

In the language of personal responsibility, Barry's view is that, if people start with equal opportunities and some voluntarily undertake courses of action from this equal starting point that leave them worse off than others, the loss that falls on the individual in consequence of such voluntary choice is her responsibility. It is not the responsibility of society to make good the loss.

One could soften this view of equal opportunity and personal responsibility as follows: to the degree that one is better or worse off than others as a result of one's own voluntary choices, starting from equality, to that degree there is some reason, not necessarily decisive reason, to let the losses and gains arising in this way lie where they fall. Offhand, the softening seems desirable. It is implausible that fully voluntary assumption of risk, within a fair framework of interaction, from an initial starting point of equality, renders morally acceptable any outcomes that ensue, no matter how disastrous they are for some people. Suppose that the result of individual voluntary choices meeting the equal opportunity standard were that everyone starves at age twenty except for one person who becomes fabulously wealthy (and presumably does not mind living alone). Barry does not address this normative issue. He supposes that we will never actually face a situation that requires us to settle it. I now turn to his reason for thinking this.

Barry makes the interesting suggestion that there is an upper bound inherent in the equal opportunity ideal to the amount to which it is acceptable for people to become unequal in opportunities and outcomes through voluntary choices from an equal starting point. The upper bound is that, if inequality develops too far in this way, it prevents the fulfillment of the equal opportunity ideal itself over time. In a slogan, approximate material equality is needed to sustain equal of opportunity.<sup>q1</sup> To illustrate the idea, suppose that there are two generations of people. In the first generation, equal opportunity obtains and people's voluntary choices lead to a large inequality in wealth, income, and other goods. The first-generation members then become the parents of the second generation. Inevitably, the greater advantages enjoyed by the better off members of generation 1 result in their giving their children or other young generation 2 members they favor substantial special advantages

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compared to the other young members of generation 2, so that equality of opportunity fails to obtain in generation 2. The lesson to be learned from pondering such examples is that, if we give priority to maintaining equality of opportunity across time, we cannot allow “too much” inequality in outcomes to arise at any time from whatever causes, since they will inevitably rule out fulfillment of equality of opportunity in the next time period.

One still wonders about the occluded normative issue. Suppose it turned out that a future society was able to devise policies capable of sustaining Barry’s version of strong equality of opportunity over time without placing any restriction at all on the extent of the inequality that may arise among individuals via voluntary choice from an equal starting point. Perhaps children are taken from their parents and raised in state schools, and this arrangement is satisfying to all. Just suppose. One wonders whether Barry would wish to impose some upper bar or brake on acceptable inequality, and, if so, on what grounds.

Barry adds another qualification to the equal opportunity view of justice. Suppose that we changed the rules of the Tour de France cycling race such that, at the end of the first stage, weights are assigned to the competitors according to their racing times in that stage, so that the first-place finisher of that stage carries least weight, the second-place finisher next-to-least, and so on. A similar adjustment of weights is added on after each subsequent stage. The revised race rules would perhaps provide equal opportunity in a sense—the racer’s prospect of winning varies with his qualifications at the start of the race. Nonetheless, Barry says, we can complain that the system is unfair. In a somewhat similar way, a society of equal justice should allow people second chances, third chances, and so on rather than in effect punish too severely those who exercise responsibility poorly at the very start of their responsible adult life.<sup>3</sup>

## RESPONSIBILITY

I submit that Barry’s equal opportunity principle incorporates responsibility in a way that is unstable. If personal responsibility matters at all for its own sake in a way that affects the requirements of distributive justice, then there looks to be no sensible way to cabin its influence narrowly as Barry seeks to do. As I read Barry, he holds that, unless inequality arises from a starting point of equal opportunity by voluntary choices of individuals, inequalities of outcome should be eliminated (within limits of feasibility and practicality, of which, more in the next

3. For criticism of equality of opportunity views that are not forgiving in this way, see Marc Fleurbaey, “Equal Opportunity or Equal Social Outcome?” *Economics and Philosophy* 11 (1995): 25–55.

section). But consider Arneson, who, let us say, faces poor opportunities at the outset, makes self-destructive personal choices, and ends up with a rotten life. His poor opportunities at the start, giving him the short end of the stick of inequality, might be entirely an idle wheel, causally irrelevant to the rotten condition he sank into. This would be so if he would have made the same or equivalent bad self-destructive choices whether or not he started life with equal opportunities, superior opportunities, or opportunities inferior to those that people get at the start on the average. In this case, Arneson's personal responsibility for his plight does not seem less than it would be if he had enjoyed an equal opportunity starting point. If I was bound and determined not to take an umbrella to the picnic in any case, my claim to compensation from society due to losses I suffer when rain spoils my picnic is not enhanced if in fact there was no umbrella available for me to take, given that the umbrella option would have had no impact on events in any case.

Consider another type of case. If Smith behaves negligently and causes me to suffer an accident, the quality of my subsequent behavior may rightly alter my claim for compensation. If Smith causes my leg to be bruised and the prudent reasonable course of action on my part would be to get medical attention, in which case the bruise would heal swiftly without lasting effect, but what actually occurs is that I culpably negligently eschew any medical attention or self-help and as a result I get gangrene, arguably Smith owes me compensation only for the loss I would have suffered had I engaged in reasonable prudent coping behavior. The parallel to equal opportunity requirements occurs if I had faced bad and unequal initial prospects that would have led me to modest happiness and success in life if I had followed a reasonable plan of life, but to which in fact I responded by concocting an unreasonable self-destructive plan of life that led me to hellish life circumstances. Again, one might hold that the compensation I am owed for my poor starting point by an equal justice regime does not boost me from hell to equality of condition but only from modest happiness and success to equality, the difference between modest decency and hell being my responsibility in these circumstances.

Here is another example of inequality arising by voluntary choice from an initially unequal starting point in such a way that the resultant inequality is not condemned and required to be undone by an equal opportunity justice norm. Suppose that initially the born aristocrats face a wide and sumptuous array of desirable life options whereas the plebeians face a narrow and cramped array of less valuable options. Each of the aristocrats makes culpably imprudent choices and ends up with a low quality of life. Each of the plebeians makes virtuously prudent choices and ends up with a fine quality of life. Had each individual

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faced an equal array of opportunities at the outset, the plebeians would be better off, far better off than the aristocrats, than they are now. This scenario does not trigger a justice requirement for redistribution of resources and opportunities from plebeians to aristocrats on grounds of equal opportunity. Some versions of the equal opportunity norm would demand redistribution from the now worse off aristocrats to the now better off plebeians. At any rate, the relevant point is that one cannot sustain Barry's position that equality is always required by justice except where inequalities arise from a starting point of equal opportunity by responsible individual voluntary choice—not if one is prepared to concede any intrinsic moral importance to personal responsibility at all.

An advocate of Barry's position might respond to this line of objection by denying its relevance. The claim would be that the examples I have adduced concern further implications of the personal responsibility norm that figures in equality of opportunity. The examples do not tell against Barry's claim that inequalities are just only if they arise by voluntary choice from an equal starting point. Barry is making a claim about what justice ideally requires, not about what to do in unjust circumstances. However, my first example does directly undermine his what-justice-ideally-requires claim. I say that, if provision of initial equality of condition in given circumstances would be an idle wheel, in the sense that it would make no difference to the character of the process by which some persons are going to end up badly off, there is in these circumstances no case for insisting that justice requires that we establish this initial equality of condition. It would be pointless in these possible circumstances.

However, the claims I have been urging so far in this section are quibbles that may well make very little practical difference to the policy implications of egalitarian justice. If we try to specify carefully under what conditions an individual's conduct brings it about that it is intrinsically morally desirable that the consequences of that conduct, good or bad, that fall on her should be left on her rather than shifted to others, we end up concentrating on subtle matters that are hard to observe and that on the face of it seem unfeasible to administer via public policy. As Jonathan Wolff has observed (in person communication), responsibility doctrines and conceptions of what people deserve tend to be nonoperationalizable if they are morally adequate and morally inadequate if they are operationalizable.

It should be said that Barry himself expresses ambivalence even about the strong equality of opportunity doctrine he favors. His view could be put in this way: if there is such a thing as genuine personal responsibility for choice, and if the thing occurs, then justice requires equal opportunity as he characterizes it, and if personal responsibility

turns out to be either a bogus idea or one that is coherent but never instantiated, justice requires equality of condition. The personal responsibility idea would never apply to any human choices if hard determinism is true, for example. I entirely agree with Barry's ambivalence about personal responsibility.

Regarding Wolff's claim, I'm not myself fully convinced that intrinsic deservingness and choice really are such subtle matters that any practical attempt to implement them would be a joke and that we must accept that, even if they matter theoretically, they make no real difference to just practice. For the sake of the argument, just suppose that this is all true. For that matter, suppose also that hard determinism is true and that personal responsibility is not then ever a factor that renders praise and blame, reward and punishment, ever intrinsically morally appropriate responses to anyone's conduct. This would still leave personal responsibility as most people understand it highly relevant to what social justice requires. In a host of institutional and informal practices central to social life, personal responsibility is important instrumentally as a tool to achieve the goals the practices are set up to achieve. Holding people responsible for their conduct means attaching rewards and penalties to it depending on its quality. We seek to adjust institutions and practices so that people acting within them have incentives to behave in socially desirable ways. We punish as criminals those convicted of committing specified antisocial acts that are violations of criminal law. It is interesting to consider the theoretical intrinsic normative significance of personal responsibility especially for voluntary choices, but the massive instrumental importance of practices of holding people responsible in various ways is not at all at stake in this discussion. In the next section of this essay, I shall try to show that Barry downplays the significance of instrumental responsibility for his policy proposals.

#### LEVELING DOWN AND FEASIBILITY

From one angle, Barry might appear to be one of those determined egalitarians who do not flinch when confronted with familiar leveling down objections. If people are undergoing unequal outcomes not rendered acceptable by virtue of having arisen by responsible individual voluntary choice from an initial equal opportunity, then the situation is unjust. Presumably we ought morally to respond to such situations by bringing about equality of outcome. Sometimes it may be possible to bring about equality by transferring resources from better off people to worse off people. In other situations, this will not be possible. We can bring about movement toward equality only by making some of those whose benefit level is above average worse off without achieving any gain in benefits for anyone else. If justice trumps other values, then in these situations we morally ought to bring about equality by leveling

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q4 down. A similar situation occurs if initially we are all at the same benefit level and then an opportunity arises to make some people better off than others. There is no way to share or redistribute these benefits—the stark choice we face is either to forgo the benefits or to bring about a move away from equality that makes some better off without worsening the condition of anyone.

In these decision problems, the determined egalitarian holds that above all justice must be done and justice in these circumstances requires equality, so we should do what we can to achieve equal distribution of benefits even when that involves leveling down. On this view, justice is equality, and justice is a trumping moral value. A less determined egalitarian holds that it is morally valuable to bring about equality according to the equal opportunity norm; other things being equal, one morally ought to act to bring about equality rather than to allow or institute inequality. But other values may conflict with equality, and sometimes, all things considered, one morally ought to refrain from instituting equality so far as one is able. One version of less determined egalitarianism accepts the priority of the Pareto norm over equality. The Pareto norm holds that, if one can make someone better off without making anyone else worse off, one ought morally to do so. On this view, it is always a good reason in favor of a proposed action that the action would alter the distribution of benefits in an equalizing direction, but this good reason is sometimes outweighed by conflicting considerations in the determination of what one morally ought to do, all things considered. One might go further and hold that bringing about a greater degree of equality is morally valuable only on the condition that it is not achieved by leveling down.

Leveling down cases are deployed as intuition pumps or test cases to persuade us that strictly speaking we ought not to value equality per se at all, even in cases where movement toward equality is achieved by leveling up—bringing about a gain to a person who is below average in benefits and thereby making the distribution of benefits across people more nearly equal. In the leveling up case, we are achieving a gain for a worse off person and also bringing about a movement toward equality, and focusing on that type of case alone, we might be tempted to regard equality per se as morally valuable. But confrontation with leveling down possibilities prompts the thought that, when the idea of equalizing is separated from bringing about gain for anyone and we regard equalizing as a phenomenon in itself, we realize we attach no intrinsic significance to it. For some, this train of thought leads to the embrace of priority, a close cousin to egalitarianism that does not regard equality, or for

that matter how well off any one person is as compared to how well off  
any other person is, as intrinsically morally significant.<sup>4</sup>

The thought here is not necessarily an embrace of the idea that the Pareto norm trumps all other values. One could consistently reject the idea that equality matters per se but accept, for example, the idea that giving people what they deserve matters morally per se and further that bringing it about that morally undeserving or blameworthy persons suffer harm or loss is intrinsically morally valuable to some degree, even when such “punishment” of the undeserving and blameworthy makes some worse off without bringing about any compensating improvement in anyone else’s position and so violates the Pareto norm.

At the start of this section, I stated that Barry appears to be a determined egalitarian. However, this appearance is deceptive. At least Barry certainly does not hold the position that morally we must pursue equality come what may, whatever the consequences in terms of other values.

Discussing the possibility that we ought to reject personal responsibility altogether because determinism is true and is incompatible with personal responsibility, Barry observes, “Of course, it can still be accepted that we shall have to have incentives to get people to do things and punishments to prevent them from doing others, but these arise from purely pragmatic considerations” (139). In other words, personal responsibility might matter instrumentally even if it should turn out that it does not matter for its own sake intrinsically. Barry goes on to add that the issue of balancing equality versus these pragmatic considerations will also arise for his own principle of egalitarian justice that does include personal responsibility.

At this point, the reader may feel cheated. At least the reader may feel that Barry owes us an elaboration of these pragmatic considerations and how they should be weighed against the norm of equality as justice he espouses. If we should not pursue equality to the greatest extent possible when pragmatic considerations are opposed, this really means that equality is not a trumping value that has lexical priority over all others. Equality competes with other values, and sometimes, in theory at least, equality loses this competition. What are these other values, and what weight should they be assigned?

The problem here is not that Barry cannot claim that social justice is to be identified exclusively with a principle of equality modified by

4. On priority, see Derek Parfit, *Equality or Priority?* (Lawrence: Department of Philosophy, University of Kansas, 1995), reprinted in *The Ideal of Equality*, Matthew Clayton and Andrew Williams (New York: St. Martin’s Press, 2000). For an argument that equality of money (and by extension any equality of condition) lacks intrinsic moral significance, see Harry Frankfurt, “Egalitarianism as a Moral Ideal,” *Ethics* 98 (1987): 21–43.

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responsibility. His position might be that justice is equality but that justice is not the first virtue of social institutions in the sense of a value that we ought to respect and promote above all other values.

But then Barry's social morality as he characterizes it is seriously incomplete. If we want to know what we ought to do morally in the public sphere—what sorts of institutions and practices we ought to establish and sustain and how we ought to conduct ourselves and what we owe morally to each other—then, if justice is not the whole of public morality but just one component of it, we need to know the fundamental principles of morality and not merely the justice component of them.

Until the rest of the story about morality and its requirements is filled in, we won't know why social justice matters, and we certainly won't know how much social justice matters. To illustrate the potential seriousness of the incompleteness in Barry's account, consider that it is consistent with his characterization of social justice that a Lockean libertarian might agree that justice is Barry-style equality but deny that this has much relevance for public policy because justice is entirely trumped by the moral requirement that we ought always to respect each person's Lockean rights and are permitted to pursue justice only within the severe limits set by these rights. In the same spirit, a utilitarian might agree that justice is equality but hold that what we morally ought to do is set policies, actions, and institutions to maximize aggregate utility and treat justice as equality as merely a tiebreaker consideration—telling us which policy to prefer if two or more policies are equally good from the standpoint of utility promotion.

Barry has a response to this problem, but unfortunately it is not a plausible response. Recall that he is not interested in mere "philosophical trimmings" (ix) but rather in the requirements of morality for public action and public policy in the world as it exists in our day. Barry holds that, although in abstract theory it could be the case that we should be inhibited in the pursuit of equality by pragmatic considerations that caution against whole-hog maximization, in the actual world as we know it, these pragmatic considerations do not arise. He appears to think that the main pragmatic concern that might theoretically constrain the pursuit of equality is economic growth. He points out that some social science evidence indicates that government transfers that alter pretax economic incomes in the direction of equality do not have a significant impact on labor force participation. People will by and large keep working even if the rewards of working versus reducing work time are diminished.<sup>5</sup> Barry also observes that the looming environmental crisis

5. Barry discusses evidence of marginal tax rates on labor supply. He is right that current evidence does not show a significant effect, but there is an issue as to whether conclusions drawn from rates currently employed in various locales can be extrapolated

“that threatens the very survival of the human race” (229) necessitates that the economically developed nations must lower their economic production by giant steps in the coming years anyway. This must be done to lessen global warming while fairly sharing nonrenewable energy sources with less developed countries.

The reader at this point is bound to feel that an enormous mountain has been swept under the rug as though it were just a trivial few bits of dust. The problem is that the basic idea of a market economy is that, when people are at liberty to make deals on any mutually agreeable terms (given standard background assumptions), individuals will find it profitable to use their factor endowments in ways for which others are willing to pay the most. In this way resources are attracted to their most productive uses; allocative efficiency results. Also, over time individuals are motivated by the prospect of gain to develop their skills and increase their endowments. If the redistributive state taxed away all these gains and equalized people’s income and wealth, why bother to increase one’s pretax income and wealth? There seems to be a likely increase-of-wealth versus equality-of-wealth, efficiency versus equity conflict. Nothing logically guarantees that over time the operation of a market economy with privately owned endowments will generate significantly unequal distributions of income and wealth, but nothing guarantees it won’t, and under a wide range of empirically likely circumstances, it does.

In fact the problem that efficiency may sharply constrain the pursuit of economic equality persists even if we contemplate alterations of the economic system away from capitalism. “The limited degree of equality that I think market socialism can achieve is due in the main to my skepticism concerning the existence of alternatives to a competitive labor market for allocating labor in an efficient manner,” comments one analyst, a socialist who is not a fan of private ownership market economies or of the current trends toward increased inequality in the United States and the United Kingdom that Barry bemoans.<sup>6</sup>

There is nothing sacrosanct about the distribution of income and wealth that results from competitive market interaction—neither from textbook ideal market competition nor from messy actual approximations of it. But there is a huge issue here to be discussed. If we are egalitarians, to what extent can we devise policies that achieve egalitarian values without carrying excessive cost in other values we rightly care about, such as increasing human well-being or excellent quality of life

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to hold when the rates enforce the much greater extent of equality that Barry envisages. At any rate, we should also consider the effect of taxes on taxable income. On this issue, see Liam Murphy and Thomas Nagel, *The Myth of Ownership: Taxes and Justice* (Oxford: Oxford University Press, 2002), 137–38, and the references they cite therein.

6. John E. Roemer, *A Future for Socialism* (Cambridge, MA: Harvard University Press, 1994), 120.

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for all? What is the acceptable trade-off ratio of our egalitarian values to the ensemble of other significant values we should be pursuing? This issue does not disappear in the era of economic crisis that Barry supposes we are approaching. Far from it. If nonrenewable energy sources disappear or if their use must be sharply curtailed to prevent environmental disasters, then the issue of how to run an economy that efficiently uses the resources that remain to produce outcomes that achieve our values, with appropriate weights attached to each value, remains as compelling as ever. Looming environmental crisis sharpens equity versus efficiency conflicts and does not automatically resolve them.

96 In unguarded assertions, Barry indicates that he holds the commonsense belief that market incentives are needed for the proper functioning of the economy and that one cannot come close to eliminating the inequalities brought about by market incentives without eliminating the incentives themselves. Discussing the problem that children born into poverty and working class economic status in the contemporary United States are utterly deprived of anything resembling a fair opportunity to develop their talents, Barry observes: "The qualifications of those entrusted with child care are, not surprisingly in view of the pay, dismal" (52). Indeed. To attract highly qualified applicants to this occupation, one must offer high pay. By the same token, to bring it about that airplane pilots, medical surgeons, engineers, government bureaucrats, building contractors, accountants, CEOs of business firms, and so on are appropriately qualified, appropriate incentives must be in place. The argument for wide social inequality beyond what strong equality of opportunity would justify is up and running. I do not mean to prejudge how these issues should be resolved. My point is simpler. Barry's way with them is far too quick and dirty.

GLOBAL EQUALITY

97 Anyone who proposes that it is intrinsically morally valuable that everyone should have the same owes us some account of the scope of the jurisdiction of the proposed equality ethic. Who gets included within "everyone" for this purpose? Everyone in each separate country? Everyone on earth at each separate moment of time? Everyone on earth at present and all future times? Everyone anywhere in the universe? Everyone anywhere who shall ever have lived, past, present, and future? Any scope restriction looks arbitrary and unmotivated, but somehow as the group that we are postulating ought to be made equal is conceived more expansively in time and space, for many of us any initial thought that equality per se is morally valuable tends to dissipate. Some have suggested that this indicates that at most we care about equality as instrumentally, not intrinsically, valuable. We picture equality among members of cohesive groups as promoting further values such as social

solidarity, and, not seeing how equality across denizens of different planets or beings living in different centuries could generate any instrumental benefits, on reflection, we no longer find ourselves plumping for equality in these extended scenarios.

Perhaps one should not press this point polemically, however, for any ethic that tries to tell us what fairness to those distant from us in time and space requires can easily be made to appear counterintuitive. There is perhaps yet a special problem for the egalitarian, since, if equality matters per se, it seems equality across past and future persons should matter. In contrast, any ethic such as utilitarianism or prioritarianism that holds that morality is about improving the quality of people's lives and fairly distributing potential improvements (and potential averted losses) across individual people will regard past people as irrelevant insofar as nothing we can do to or for them can in any way affect their well-being. In contrast, even if we cannot do anything to improve or degrade the quality of life enjoyed by people who lived in the Old Stone Age, we can bring it about that equality across all people anywhere and everywhere, including Old Stone Age people, is achieved to a greater or lesser extent. If the Old Stone Age people on average lived miserable lives, this would mean that there is a leveling down reason to avoid increasing the well-being of future people if we think that with continually improving technology they are likely to be better off than prior generations anyway. Of course, the reason to level down need not be regarded as a decisive reason, but the idea of equality in this cross-time context still seems bizarre. If, projecting from current trends, we find that it looks as though future people are going to be better off on average than the current cohort of humans is, then equality dictates lowering the level of what is passed on to the future in the form of capital stock and environmental goods combined with knowledge and technology to the point that future people can be expected to end up no better off than we are. In that scenario, insistence on equality can be unfair. Barry perhaps thinks that environmental degradation of the planet will inevitably make future generations worse off than the current cohort of earth residents, but it would seem that population reduction could in theory keep up the standard of living for ever-fewer future people. Contemplating such policy choices, equality does not strike me as the prime consideration, but that is not to have a clue as to what is fair in this domain.

Let's leave aside the problem of future generations and confine our attention to justice now. Social justice, as Barry conceives it, demands equality worldwide. Some egalitarians disagree. For them, equality must hold in each separate country or nation-state but not among people across countries. Such national egalitarians would count as a full realization of the egalitarian ideal a world in which all Swedes had the same

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(all things considered, or along each of the dimensions the ideal counts as relevant), all Tanzanians had the same, and so on for each separate country, even if the average standard of living in Sweden were enormously greater than the average in Tanzania. Barry is not a national egalitarian. His social justice ethic is cosmopolitan and global.

Barry's cosmopolitanism is controversial, but, in my view, it is morally compelling and attractive. However, I am left puzzled as to why in this book he considers social justice requirements as though they could be decomposed into a national equality component and a global equality component. First, justice requires equality in each country, and, second, justice requires equality worldwide. In this book, Barry mainly considers the within-country requirements. But if your theory of justice is global and cosmopolitan and prescribes equality among people everywhere on the globe, then there really is no separate set of within-country requirements. The policies of any particular nation should be assessed by their global impact, period.

To illustrate the point, notice that a government in a rich nation that implements tax and transfer policies that involve taking from the rich and giving to poor people in the same nation could almost always do far more to bring about the fulfillment of global egalitarian justice by taking the tax proceeds and channeling them to poor people in poor countries—people who are far worse off than “poor” people in rich countries. From a global justice standpoint, fixation on local or within-country distribution is myopic.

If we broaden our focus of attention from local or national justice to global justice, some of Barry's policy prescriptions look less desirable. Take the idea of the basic income grant.<sup>7</sup> One version of this scheme is that taxation of income should be set so as to maximize the long-term sustainable unconditional income grant to all citizens. The grant is paid yearly to all and is financed from taxation of the income of those who choose to engage in paid labor or other lucrative activity. In poor countries, the sustainable basic income grant is zero. In rich countries, a sizable grant might be sustainable over the long run. But if one treats national boundaries as marking no fundamental moral boundaries and considers what justice requires across the globe, the sustainable basic

7. Barry tentatively proposes a sizable unconditional basic income grant as a means to move toward equality within a country, and he criticizes earned income tax credits for low-income persons on the ground that they amount to subsidies to employers of low-wage labor and boost these employers' bargaining power, their ability to impose bad bargains on their low-wage workers. Suppose that the criticism is correct. Still, more needs to be said as to why the basic income grant is the best implementation of Barry's version of social justice. An alternative would be to make the state the employer of last resort, offering decent low-skill, low-wage employment on worthy projects for which there is no market demand to any who want such work.

income grant again surely turns out to be no grant at all. The conclusion then should be that the basic income grant idea should not be implemented anywhere. An alternative scheme that denies a basic income guarantee to able-bodied adults, increases their labor force participation or lucrative self-employment, and taxes some of the income that is generated to improve the long-term quality of life for badly off people in poor countries can presumably always be devised that will be superior to the basic income guarantee from the standpoint of global egalitarian justice.

#### POSITIONAL GOODS

Barry has an interesting further line of argument in favor of bringing about approximate equality of income and wealth. The argument uses the idea of a positional good. He characterizes the idea in this way: "The essence of a positional good is that what matters is not how much you have but how much you have compared to other people" (176). Let's distinguish two types of positional goods depending on whether you care about your ordinal ranking or your cardinal ranking with respect to others. An overwhelming victory in an athletic contest, in which the victor outscores the opponent by a wide margin, involves cardinal positionality.

A positional good competition can have the quality of a rat race, in which competition is rational for each person in a group, given what others are doing, but the predictable end result is that the competition renders all members of the group worse off. An arms race between nations close to equal in economic and potential military strength can be an instance of this phenomenon. Each nation is made more secure by its own expenditures that increase its armaments, but this expenditure renders all other nations less secure. After a few rounds of competition, the rank ordering of military powers may be unchanged, but all nations are less secure than they were before the arms race commenced. (The chance of war is no less, but the losses each nation would suffer if war broke out are far greater given the far larger military forces that would be brought into the fray.)

Barry makes two points in favor of more equality in the language of positional goods. One is that even if one does not accept the claim that equality is intrinsically just and views justice as demanding only the elimination of poverty and no further redistribution, one should notice that positional goods competition brings it about that poverty includes a relative poverty component and hence cannot be eliminated if some people have a level of income or other resources that is too far below the average for their society. For example, to be a full member of society, one must be able to participate in rituals such as gift giving and hospitality, but what counts as an acceptable gift and adequate hospitality

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becomes more expensive as the average level of wealth rises in one's society.

The other point uses the idea of cardinal positional competition for more income and wealth than others have, viewed as a rat race, to argue for compression of the distribution of income and wealth toward equality. Suppose that social life is broadly and roughly as Jean-Jacques Rousseau described it in his *Discourse on the Origin of Inequality*.<sup>8</sup> In a competitive market society, opportunities to gain more income and wealth abound. One then gains more than some others in one's peer group or local comparison group. One's status then rises, and the status of the others correspondingly declines. The competition has a cardinal aspect, so it matters to the individual and her rivals by how large a margin she outshines the others. Building a house that costs 10 million dollars in an affluent neighborhood in which the other houses cost around 9.8 million dollars is one thing, but building in that neighborhood an ultra-luxury home that costs 50 million is something else, a triumph that raises the individual's status immensely and presses the noses of the owners of neighboring houses into the dirt. Barry also may be suggesting that the increasing opportunities for outstepping one's neighbors by a long chalk mark alters people's desires and makes them fixate on these mutually destructive status competitions. If one adds that people care hardly at all for the benefits the extra size of their luxury home brings apart from its superiority to what others have, the ingredients for the rat race are all present. Barry supposes that contemporary social life in wealthy modern market societies with large-scale inequality of income and wealth is suffused with a wide variety of rat race positional good competitions, to everyone's detriment.

Barry asserts that, if this is an accurate picture of the world we inhabit, there is an uncontroversial argument for equalization policies that compress the distribution of income and wealth toward equality. The equalization policies immediately lower the stakes in the positional goods competitions and thereby reduce people's incentives to devote resources toward these invidious competitions. If you are frightened to death of the prospect of someone building a huge mansion in your neighborhood that makes you see your own house as nothing more than a shack, you have less to be frightened of if those who might build such mansions have a lot less money and have to pinch their pennies. Moreover, over time, one might conjecture that the society with a compressed distribution of income and wealth, that is, a smaller gap between the top and the bottom, will tend to generate changes in the desires and

8. Jeanne-Jacques Rousseau, *Discourse on the Origin and Foundations of Inequality among Men* (1775), in Jean-Jacques Rousseau, *The Basic Political Writings*, trans. and ed. Donald A. Cress (Indianapolis: Hackett, 1987), 23–109.

values and aspirations of its members, in a healthy direction. In short, Barry argues, even if you do not accept his claim that equality as he specifies it is an intrinsic requirement of justice, you should still favor more equality on instrumental grounds. The consequences of social inequality are extremely bad.

The positional goods struggle, as Barry describes it, seems to be mainly a phenomenon that occurs within each country and not across the globe or large regions of the globe. This instrumental argument for reducing equality is then mainly an argument for reducing inequality within each country rather than across countries. In principle, then, equality reduction country by country could demand policies that would conflict with policies to achieve global equality or rather strong equality of opportunity regarded as intrinsically just. Barry does not discuss this issue.

There may be other instrumental arguments for increased equality than the role that such equalizing might play in dampening destructive positional goods competition if Barry's analysis is right. For example, moves toward equality may foster social solidarity, which might by itself improve people's quality of life and might in addition increase the disposition of individuals on the average to comply with moral principles and cooperate with others to make society more just.

Barry's broadly Rousseauian picture of contemporary social life as rife with undesirable positional goods competition stands independent of his claim that justice is strong equality of opportunity and that equality of opportunity requires something close to equality of resources. Barry provides lots of interesting details supporting this view of positional goods. He describes positional goods phenomena that do occur and that surely do disfigure social life to some extent. I find it hard to assess how important these phenomena are in the overall scheme of things.

Positional goods competition can be harnessed to good ends. Soldiers fighting a war may compete for a limited number of promotions to leadership ranks. What matters for promotion is not how valorous and competent you are but how your qualifications compare to others competing for the same posts. Such competition may induce better soldiering performance, and, if the war is a just war, that's good. Athletes in competitive sports are positional good rivals, but the competition, if the sport is well run, contributes to the noncompetitive good of greater excellence in athletic performance, in which all involved in the sport as participants and spectators have a stake. The same goes for scientists competing to achieve some scientific breakthrough. To advert to an example that Barry discusses, people have an incentive to achieve greater educational attainments than others so they can win in competitions for the limited number of good jobs and career posts, but if more qualified and creative people end up occupying the desirable posts as

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a result, they may perform in ways that increase productivity and the value of the goods produced and increase the number of good jobs the economy comes to demand. However, positional goods competitions are also harnessed to bad ends—imperialist wars, the cult of celebrity, monopolistic squeezing of business rivals, trivial and wasteful consumption that confers status, and so on and so on. Barry is convinced that the overall positional goods social dynamic is grimly destructive. I'm not sure how to measure the relevant quantities and assess their costs and benefits or what the result of a morally sophisticated measurement and assessment would be, but Barry makes a fascinating case, and he deserves credit for pressing the issue.

An issue of personal responsibility perhaps lurks here. If modern society provides wide possibilities for plans of life and if people then gravitate toward self-destructive social games, some might say that the fault is theirs. If I am unhappy because my work mates are enjoying far greater success than I am, rancorous because my neighbors are driving fancier cars, and bitterly envious of my friends and acquaintances who outshine me in charm, intelligence, and good looks, I may be pressing past the limits of what John Rawls called "excusable envy."<sup>9</sup> Of course, assigning individuals considerable responsibility for their becoming enmeshed in bad status competition is fully compatible with holding that social institutions, practices, and culture ought to be reformed to reduce the incidence and magnitude of these evils.

CONCLUSION

The criticisms launched at Barry in this essay should not distract the reader's attention from the book's merits. *Why Social Justice Matters* is a great read. It raises the level of popular debate on the topics it treats. Regarding its success as applied political philosophy, there may be problems inherent in the type, for now, independently of the quality of Barry's performance. From one side, there is perhaps too much disagreement on first principles, even among egalitarian liberals, for an application of philosophical principles of justice to carry wide conviction. From the other side, the political world Barry hopes to influence presents such a grim, grotesque, and sleazy appearance that the philosophical reformer can hardly avoid a shrill and carping tone. On this last point, Barry actually succeeds quite well. He turns the weapon of satire against evil politicians and incompetent political philosophers and addresses the individual of common sense, the citizen of the world who is ready for enlightenment.

9. John Rawls, *A Theory of Justice*, 2nd ed. (Cambridge, MA: Harvard University Press, 1999), sec. 81.

**QUERIES TO THE AUTHOR**

1. AU: In the sentence that begins “In a slogan, ...” the end of the sentence is awkward. Should that be “equality of opportunity” or “equal opportunity” or something else?

2. AU: I have restored the “that” before “people” at the end of the sentence that begins “This would be so ...” Originally I only meant to delete “of.”

3. AU: I have lowercased the “i” on the “if” per journal style for beginning a sentence after a colon.

4. AU: I have corrected the spelling of “forego” to “forgo.”

5. AU: In your response to my original query 6, you had the Parfit book titled *Equality of Priority*? In looking this up on Google, I found this item both as *Equality and Priority*? and *Equality or Priority*? I believe that the latter of these two is the correct title. Please confirm. Also, does the Department of Philosophy at University of Kansas actually publish books, or is the original version of this work something like a department working paper?

6. AU: The spelling of “common-sense” has been changed to eliminate the hyphen (“commonsense”) per this journal’s preferred spelling.

7. AU: In response to my original query 8, you gave me two options, one of which was your own revision, the other my suggested rewrite. I went with the former, but I have added commas around “not intrinsically” as without them the meaning is quite different from that of my suggested rewrite. Should “being” be added before “instrumentally”? As you can see, I remain a bit confused about the intended meaning of this sentence.

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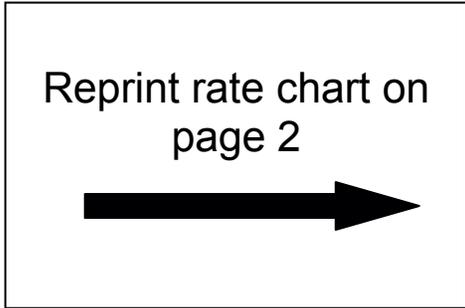
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