

Democratic Equality and Relating as Equals

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Imagine a democratic society in which all members are full citizens and citizens relate to each other as equals. Social arrangements bring it about, to the maximum possible extent, that all adults are full functioning members of society. The society is not marred by caste hierarchies, invidious status distinctions, or unequal power relations. No one is able to dominate others. Moreover, the urge to dominate over others does not loom large in social life. Each person's relations with others manifest the belief, shared by all, that each person is fundamentally the equal of all others and that this equality calls for treating others with civility and mutual respect and forbearance. Each is viewed as having the right to live as she chooses, within broad constraints of morality. This individual entitlement to freedom establishes a strong presumption against paternalism, restricting a person's liberty against her will for her own good. Regarding distributive justice, the norm is that each should be enabled to have enough by way of resources and opportunities to sustain herself as a full functioning member of democratic society.

This picture of society is surely attractive. Putting it roughly, let us say that the ideal of *democratic equality* is an ideal of justice as sufficiency: we owe each and every member of society a provision of liberties, opportunities, resources, and aid so that everyone has enough to be continuously enabled to be a full functioning member of democratic society. It also includes an ideal of democratic citizenship: each person has the right to participate on equal terms in the political process that sets laws and public policies and installs public officials to administer these. It also includes an ideal of social equality to be described just below. The spirit of this ideal of social equality is captured in Michael Walzer's comment that there is no "bowing and scraping" in the society of democratic equality (1983, xii).

Recent proponents of the ideal of democratic equality have combined endorsement of it with vigorous criticism of luck egalitarian theories of social justice espoused by political theorists including Ronald Dworkin, G. A. Cohen, and John Roemer.¹ The criticism is that luck egalitarianism is misguided in its basic orientation. The luck egalitarian holds that what matters morally above all is the equal distribution of something or other across the members of society, or perhaps across the entire globe if she adds a cosmopolitan commitment to luck egalitarianism. This commitment to society-wide or global equality is modified by a concern to integrate an appropriate notion of personal responsibility into egalitarian distributive principles. This concern yields the “luckism” component in luck egalitarianism (Arneson 2004b). Put in capsule slogan form, the doctrine then holds that the aim of justice is to undo unchosen inequality. From the standpoint of the democratic equality critics, it looks as though improbable metaphysical convictions and moralistic political instincts have misled the luck egalitarians into upholding a disastrously mistaken political morality. The ideas of personal responsibility that inform the doctrine are rigid, impractical, harshly punitive, so that they amount to betrayal of the liberal political tradition to which they claim to be giving a modern and sophisticated expression. However, these objections to luck egalitarianism do not yet reveal its major failing. This is to have substituted a concern for the equal distribution of stuff for the norm of equality that truly should matter to us – equality in social relationships. If we revert to sound judgment, we will once again come to see egalitarianism properly conceived as above all the enemy of remnants of feudalism in modern society. So say the democratic equality critics.

“Luck egalitarianism” names a broad family of views. In my view, most of its members succumb to the critique from the democratic equality camp. However, an outlier member of the luck egalitarian clan withstands the critique, and from this outlier perspective, I shall claim, the democratic equality approach itself looks defective (for starters, the democratic equality advocate upholds some affirmation

1 Proponents include Anderson (1999), Scheffler (2003; 2005), and Hurley (2003). On luck egalitarianism, see Dworkin (2000), Cohen (1989; 2000; 2008), and Roemer (1996; 1998).

of equality as morally required, but it does not matter morally – intrinsically and non-instrumentally – in any respect that people have the same or get the same or are treated the same). Yet two paragraphs above I described the democratic equality ideal as attractive, meaning it is morally attractive. Two problems immediately arise for the position I am adumbrating. One is to explain how the democratic equality ideal can be both attractive and wrong. The other is to explain how the outlier luck egalitarian doctrine that in a way condemns democratic equality also in a way supports it. My simple proposed response to both problems is to deny that the democratic equality ideal is correct at the level of fundamental moral principle but to allow that it might be endorsable from some non-fundamental standpoint. Instituting social arrangements that satisfy democratic equality might well be an effective means in circumstances like ours to achieve fulfillment of the fundamental justice principles as best we can. Here I invoke the familiar idea of a multilevel maximizing consequentialist principle as the fundamental moral principle, fulfillment of which would require establishing and sustaining a public legal order, a set of social norms, and a public morality that deviate in various ways from affirming act consequentialist requirements.²

Characterizing “equality as a substantive social value,” Samuel Scheffler writes that “we believe that there is something valuable about human relationships that are – in certain crucial respects at least – unstructured by differences of rank, power, or status” (2005, 17). He refines the suggestion by noting that there is intrinsic as well as instrumental value in these equal relationships. He immediately notes a puzzle, however: “differences in rank, power, and status are endemic to human social life” (17). Unless the democratic equality advocate is willing to endorse the project of tearing down all unequal social relationships, some compromise must be struck. In exactly what respects must social relationships be equal to qualify as acceptable according to the democratic equality ideal? How important a value is democratic equality itself when it conflicts with other values we reasonably hold dear?

The critique of luck egalitarianism provides a clue as to how we should answer these questions. Followed through to the end, the

² Here the canonical text is Hare (1981, chap. 2).

critique turns on itself and ends up affirming a variant of luck egalitarianism – responsibility-catering or desert-catering prioritarianism. So setting up democratic equality as a sworn opponent of all luck egalitarianisms deprives the democratic equality theorist of the resources she needs to clarify the ideal of a society of equals. In a nutshell, my hunch is that the difference between the unequal social relations we should reject and the unequal social relations we should accept is that the latter but not the former are effective means to the advancement of prioritarian goals. When inequality is bad, it is instrumentally bad. When and if inequality works to bring about the best reachable outcome (where inequality does not register as good or bad *per se*), we should embrace it wholeheartedly, without reservations.

1. Equality as Sufficiency and Equality of Relationships

As already noted, the democratic equality ideal includes three components: (1) all members of a political society are entitled to be equal citizens in a fully democratic governance structure, (2) distributive justice arrangements should be set so that all members of society are continuously enabled to be sufficiently equal citizens and sufficiently fully functioning members of democratic society, and (3) an ideal of social equality (to be described) is satisfied.

The democratic equality ideal broadly construed is that of a society in which free persons interact as equals and sustain relationships of equality. This idea might be variously interpreted. One possibility is to take as primary the sufficientarian idea that social relations should sustain all as, to a good enough extent, fully functioning members of democratic society. The social equality component of the ideal then becomes the idea that, in some specific ways, social relations must be equal if that equality is a necessary means to its being the case that overall everyone is sustained as a sufficiently fully functioning member of democratic society. One might understand the Scheffler passage quoted three paragraphs back in that spirit. However, a more straightforward reading of what Scheffler is saying is that he is proposing a freestanding social equality ideal: It is intrinsically as well as instrumentally valuable that people be equal, in certain ways, in rank, status, and power. For short, let us say that people should be equal in

certain ways. The sufficiency element of democratic equality might be subordinated to this social equality ideal: the good enough social and economic arrangements are those that sustain the crucial social equality. If equality of political power is taken to be one of the types of equality included in the social equality ideal, then the overall democratic equality ideal gets reinterpreted as follows: (1) all members of society should relate as equal in certain crucial ways, and (2) social and economic arrangements should be set so that people relate as equals in the crucial ways to a sufficiently great extent. Call this *equality of relationships*. To work out the ideal so construed one needs to develop an understanding of what makes a type of inequality intrinsically bad. No doubt there are ways of construing the democratic equality ideal other than the two just stated.

Either version of the social equality ideal can be affirmed as the fundamental value to which distributive justice is subordinate. The just and fair distributive arrangements are those that promote free persons interacting as equals, sustaining relationships of equality. Insofar as we should care morally about equality, the equality we should care about is equality in social relationships, according to the democratic equality approach. I shall claim that the democratic equality ideal fails to pass muster. Examining its critique of luck egalitarianism reveals its flaws.

2. The Critique of Luck Egalitarianism Revisited

Consider Bert. He is a young adult who, like many of us, makes an imprudent self-regarding choice, riding his motorcycle recklessly on deserted terrain without possessing any accident insurance (Fleurbaey 1995). He crashes, and is left comatose, but an operation would restore him to good health. If he started adult life with a fair share of resources, the strict luck egalitarian, who holds that justice demands undoing the effects of courted luck and letting courted luck outcomes stand, must hold that justice demands no social provision of aid to Bert.³ He made his bed, let him lie in it, as they say. If your considered view is that justice demands social provision of aid to Bert in his unfortunate plight, you are rejecting strict luck egalitarianism.

3 A strict luck egalitarian position is affirmed in Arneson (1989).

Is this the thin edge of a wedge that can drive a hole through luck egalitarianism and leave no coherent doctrine standing? The democratic equality advocates hold that the idea that justice measures what is owed to individuals according to the quality of their conduct is fundamentally misguided. It demeans all whose conduct is measured with a view to deciding what if anything is owed to them. Moreover, the background assumption that distributive justice is above all a distribution of stuff, material resources that might go to one person or another, makes a fetish of an aspect of social life that is not what triggers our warranted claims on one another. Equality of resources, everyone getting the same resources according to some simple or fancy index of resources, is not morally desirable, much less morally mandatory. Echoing Harry Frankfurt, the democratic equality theorist might observe that it does not matter *per se* how one person's holdings of goods compare to those of another person, so *a fortiori* it does not matter that everyone's holdings be equal (Frankfurt 1987).

Not so fast. The fetishism charge gains traction if the social justice view under review tells us we ought to measure people's condition by some feature of their condition that does not matter very much to all and that is anyway not so important. The charge loses traction if for justice purposes we rate a person's condition according to whatever really constitutes the person's life going well or badly for her. So we should be welfarists, and more specifically objective welfarists. (Jack and Jill might be leading lives that by any sensible measure are equivalent, but they might have odd attitudes or opinions, such that Jack's subjective welfare satisfaction level is far higher than Jill's. Level of subjective satisfaction is not a basis for shifting social provision from one individual to another.) The good for a person is achievement of the entries on a list of worthwhile goods, the Objective List (Parfit 1984).

The Bert example decisively undercuts a strict or absolutist luck egalitarianism. (At least, that's my reaction; if you do not share it, you probably will not be interested in the following further reflections.) The example combines several features. If we vary these features in thought, our reactions shift. In the example, helping Bert will benefit him enormously at moderate cost. If you vary the case by degrees so that he benefits less and less at increasing cost, my confidence that justice demands provision of aid weakens and then turns around, into

confidence that justice no longer demands provision. In the example as described, Bert will be extremely badly off in lifetime well-being if he does not get help; varying that feature gradually dampens one's sense that we *must* help him. Finally, as described, Bert is at fault, but only slightly at fault; he has very bad option luck.⁴ Varying that feature, one finds again that the claim that scarce resources should go to Bert rather than someone else who could benefit from them gradually weakens.

The third feature elicits a somewhat shaky response. We need to explore further what makes someone "at fault" in a way that pushes him lower in the queue with respect to eligibility for aid. Practices of responsibility, of holding people responsible in the sense of attaching carrots and sticks, positive and negative incentives to ways in which they might conduct themselves, are laced throughout social life and have uncontroversial instrumental value in many contexts. Given that, it is hard to be sure that our confident belief that personal responsibility matters does not bottom out in these instrumental considerations rather than, in addition, in the idea that it is *per se* morally better, other things being equal, that the virtuous should thrive more than the non-virtuous. If one thinks of one person trying hard to act with due concern for self and others, and another person not so striving, and one adjusts for the fact that it is harder for some to try than for others, it is hard to resist the thought that the one who makes an effort is more deserving.

The three features, taken together, yield a version of what Derek Parfit has identified as the priority view, here desert-catering priority: the morally right act or policy is the one that brings about the best outcome, and outcomes are better or worse according to the degree to which benefits accrue to people, the value of a benefit to a person being greater, the larger the well-being boost it yields, and greater, the worse off the person would otherwise be in lifetime well-being, and greater, the more deserving the person.⁵ This is the outlier luck egalitarian position mentioned above. It not only survives the democratic equality attack but also has the capacity for counterattack.

4 On option luck and brute luck, see Dworkin (2000, chap. 2).

5 On priority, see Parfit (1997). On desert-catering priority, see Arneson (2007).

3. Priority versus Democratic Equality

I have painted the democratic equality and equality of relationships ideals in broad brush strokes, and it would be worthwhile to develop their most promising articulations in greater detail to see which ones turn out to be attractive. However, if the response to be described is on the right track, it is unlikely that further articulation will yield a set of principles that ought to be taken as morally fundamental. Regarding equality of relationships, there is – to switch metaphors – a hole at the centre of the doughnut. I do not see any promising strategy for distinguishing the crucial equalities, the ones to be deemed *per se* (intrinsically and non-instrumentally) valuable, from the rest. Perhaps the best response to this problem is to hold that all inequalities of rank, power, and status are *per se* bad, and the degree to which we should tolerate any simply depends on the degree to which achieving gains along any particular dimension of equality would impose costs in terms of other values we should also care about. The trouble with this response is that the bland claim that X involves an inequality of some sort in rank power or status does not seem thereby to qualify X as involving what is *per se* bad, an evil to be eliminated if that is feasible.

Regarding the sufficiency versions of the democratic equality ideal, there is a general worry. The values we should care about are scalar in nature. The value might be achieved to a greater or lesser extent, and there is no non-arbitrary way of cutting into the line marking degrees of achievement of the value and declaring that degree of achievement to be sufficient or good enough. Moreover, the idea of being a fully functioning member under scrutiny will not turn out to be a likely candidate for the role of ultimate value around which others are organized as subordinate. The problem is not the vagueness of the idea. Sharpening it would not help. Everybody could be a fully functioning member of a democratic society, even if everyone's life was miserable and squalid. Poverty, even avoidable, eliminable poverty, though it might blight people's lives, need not prevent anyone from being a fully functioning member of society and a competent active citizen, especially if the entire society is impoverished. So even if we can specify exactly what social and economic arrangements must be, what the sufficient level of achievement on each dimension of functioning must be, so that one is a full functioning member of democratic society,

that standard is itself plainly insufficient for distributive justice, so is unsatisfactory.

So one objection to the democratic equality sufficiency ideal is that it could be fulfilled even though people are leading miserable lives, and since the proper aim of justice is bringing about ever better lives for people, fairly distributed, avoidable misery signals a justice failure. Another objection is that in possible, and in fact likely, circumstances, channelling resources to bring society close to fulfillment of the sufficiency ideal will drain resources toward people for whom the resources will do hardly any good. Wherever we set the level of being sufficiently able to participate fully in democratic society, some individuals unfortunately will be unavoidably sub-threshold and will remain so despite our best efforts. In some cases, these below threshold individuals can be brought slightly closer to the threshold by ever greater allocations of resources, so they become a basin of attraction for resources until all members of society are brought down to the level of capability that marks the good enough threshold. If the justice norm says we must give strict priority to bringing about improvements in all those below the sufficient threshold until they gain it, then justice on this approach can demand bringing all initially above threshold members of society down to the level of the worst off below threshold individuals (whose position can be improved slightly by ever further infusion of resources). The same point holds regarding the democratic equality claim that all members of a political society have a basic moral right to the status of equal democratic citizenship. This is not plausibly regarded as a freestanding first principle. If there is a moral right to democracy, it holds contingently, in some social circumstances and not others (Arneson 2009; 2004a). So there must then be some more basic moral principle from which the derivative right to democracy can be derived, given further empirical premises. In contrast, here is Elizabeth Anderson on the right to a democratic say: "Pressure toward universal inclusion follows from the demands of equality. Equality is understood here as a relation among persons, whereby each adult actively recognizes everyone else's equal authority to make claims concerning the rules under which all shall live and cooperate, and this recognition is common knowledge among all" (Anderson 2009, 215).

Adult persons vary widely in their practical reasoning ability, their knowledge about empirical facts that bear on public policy choice, their ability to gain the relevant empirical knowledge, their disposition to deploy their practical reasoning ability conscientiously and effectively when decision problems must be faced, their executive abilities to carry through in action their practical reason judgments about what ought to be done, their disposition to stand fast when it comes to implementing their practical reason judgments, and so on. Given these plain obvious facts, it cannot be ruled out in advance that when the king or queen claims a right to enjoy a monopoly of political power because she will exercise the power to better effect than would less politically qualified members of society, she might be right, and monarchy, in these circumstances, is morally justified. The authority to make claims and exercise political power is linked to the ability to make sound claims and exercise political power aright, so there is no master principle that stipulates that everyone must recognize everyone's equal authority in this regard. If (as most of us believe) a democratic political order is morally justified, this will be in virtue of more particular claims, not the indefensible generality Anderson asserts.

There is another way of approaching this issue. We never face a simple undifferentiated choice: democracy or not. A political order can be more or less democratic along several dimensions: the more that all long-term inhabitants of a country have equal rights to vote in elections that determine public policy, the more democratic the society. The more it is the case that political arrangements bring it about that a change in the will of a majority results in swift corresponding shift in public policy and political governance, the more democratic the society. The less it is the case that a political constitution limits the range of issues and policies that are within the scope of majority rule and settled by majority rule procedures, the more democratic the society. The more it is the case that any two members of society with equal political ambition and equal political talent have equal opportunity for political influence (equal prospects of being politically influential), the more democratic the society.

To decide on a political order is among other things to decide on how democratic the society should be along all of these dimensions. Few of us favour a maximally democratic society, so the question becomes, how to decide what degree of democracy is best. Just staring

at the claimed right to a democratic say will not help with this issue. I submit we need to balance the moral costs and benefits of making society more or less democratic.

Acceptance of the need for trade-offs and balancing in determining how democratic a society ought to be leaves it open that the intrinsic value of democratic equal citizenship or the right of all to an equal democratic say has weight in this moral balancing even if it does not trump all other considerations. But if no ideal of equality is *per se* morally important or valuable, then equality of relationships has no weight in a morally sensitive cost-benefit calculation and balancing of plural values.

Is there a status as an equal to which each person is entitled? Suppose that some version of the plural voting scheme that John Stuart Mill advocated would be an effective means to a government that delivers more just policies (1977). Just suppose. In this situation the claim of those with lesser votes to share equally in the franchise and make public policies less just (apart from the disputed justice of the equal vote itself) is weightless. Suppose that the policy that delivers most justice deprives me of the vote altogether. Suppose that I have tried diligently but cannot pass the competence test for the franchise. This is unfortunate, but in this situation I have no right to impose wrongful harm on others by claiming a vote that I will misuse.

Elizabeth Anderson, whose proposed right to a democratic say I have been criticizing, quotes Mill's suggestion that a 'society of equals' "can only exist on the understanding that the interests of all are to be regarded equally" (Mill 1957, 40; as cited in Anderson 2009, 221). She cites Mill as an ally, but a claim that one's interests be regarded equally with others is not the same as a right to participate on a footing of equality with others in deciding what rules shall be coercively enforced on all members of society. Mill's suggestion is that everyone's interests count the same in the determination of what ought to be done. Everybody to count for one and nobody for more than one is simply a constituent element in utilitarian principle, and a similar equal counting rule is a constituent of prioritarianism.

Not only are the various versions of the equality of status idea different in content, they cannot all be fulfilled together in many circumstances. If some version of prioritarianism is the fundamental moral principle and so the fundamental principle of justice, and justice is

better fulfilled if we institute and sustain an undemocratic political order, then equal counting status and equal democratic say status are in these circumstances in competition: we can fulfill one but not both. In practice, in the envisaged circumstances, if the right to an equal democratic say is satisfied, then the satisfaction of some people's interests will be given greater weight than the satisfaction of other people's interests in the determination of public policy. The ideas that Anderson wants to blend together into democratic equality stew are rivals vying for our allegiance. Since the equal counting norm is irresistible, all other equal status ideals should be rejected at the level of fundamental moral principle.

Instead, what should guide all of these judgments and assessments of unequal power, rank, and status is a different question: what inequalities of what types in present and likely circumstances militate against maximal attainment of other justice values, the values associated with (a reasonable version of) luck egalitarian principles of justice? Regarding equality as sufficiency, we should take a similar instrumental approach. The question becomes, is there some interpretation of the idea of being a full functioning member of democratic society along various dimensions of functioning to a sufficient degree, such that enabling people to function in these ways to that degree would be part of the best strategy for achieving fundamental justice values? To reiterate, I identify these values with luck egalitarian ones. We stand the position of the democratic equality advocate on its head. Democratic equality is not repudiated, but rather upheld as instrumentally valuable.

The reader might worry that it is obvious in advance that argument on the issue as I have framed it is bound to peter out inconclusively. Scheffler and Anderson and others see luck egalitarian values as properly being assigned little or no weight, and one or another version of the democratic equality ideal as massively morally important, intrinsically and non-instrumentally. Peering at the same array of goodness values and moral values, I have an opposed intuition. The chances that I can land a knockout blow in this battle of intuitions look slim to nonexistent.

I do not claim to be preparing a knockout blow. The issue seems to me anyway to be unsettled, in need of further exploration than I can deliver. My tentative sense is that a reflective equilibrium of

considered judgments favours the prioritarian. The line-drawing problems that the democratic equality advocates acknowledge but do not address are decisively and fully resolved on my account. I just do not see any initially plausible account that distinguishes in a nuanced and fine-grained way the types of equality that we find it reasonable to uphold and the types of equality that we find it reasonable to ignore except on instrumental grounds. Moreover, if we imagine, in thought, that the instrumental relations shift, our judgments about what equalities to uphold shift in lock-step with them, leaving no residue of work for claims of intrinsic and non-instrumental value to perform.

I take it that someone who thinks some equalities of power, rank, and status are intrinsically and non-instrumentally worthwhile is very likely to believe that inequalities in these areas taint the values of friendship and marriage (long-term romantic commitment combined with friendship). Unequal friendship and unequal marriage are paradigm cases of intrinsically bad and unjust inequality. In this spirit, Elizabeth Anderson strongly endorses “Mill’s argument that true friendship in marriage can be fully realized only when the partners are related as equals” (1993, 153). I discuss Mill’s ideal of companionate marriage and related equal friendship norms. Here, in particular, I can find nothing in equality *per se* that is plausibly regarded as intrinsically and non-instrumentally valuable, but an instrumental argument against large asymmetries of power and status in marriage and friendship looks to be compelling.

4. Caring about Equality and Inequality

Besides wondering how to value inequalities in rank, power, and status, we also wonder how we ought to value caring about these inequalities. A craving to dominate over others or to outshine them can be a great vice, and a concern to insist on one’s fundamental equal status with others might be regarded as the chief element in the virtue of self-respect that we prize. Here again the instrumental perspective affords reasonable judgments. We should not think that it matters *per se* how one person’s condition compares to that of another, so *a fortiori* we should not think it matters that one person’s condition is equal or unequal to that of another. When social inequalities hinder the achievement of other values that do matter intrinsically, we

should oppose them, and we should place instrumental value on people's developing negative attitudes toward those instrumentally bad inequalities, insofar as their developing and manifesting these negative attitudes helps quash the bad inequalities. Here it is worth noting that hating the bad inequalities as intrinsically bad might sometimes have instrumental value.

There is something more to be said here. If inequalities of the sorts being considered are at most instrumentally bad, then subjectively regarding them as intrinsically bad is itself making a mistake in valuation, and making such a mistake is itself intrinsically not merely possibly instrumentally bad.⁶ On the other hand, if one comes to value and desire having higher status, power, or rank than others enjoy for its own sake, this is valuing and desiring as non-instrumentally valuable what is not really valuable and worth desiring in this way, and having this inappropriate orientation of judgment and desire is itself intrinsically bad not merely (possibly) instrumentally bad. For example, valuing kowtowing to established power as intrinsically good is itself intrinsically bad. In this valuation the instrumental commitment to democratic equality that I am supporting chimes in with democratic opinion and sensibility, but the flip side valuation this commitment leads to is more controversial.

Suppose that class inequality is on the whole instrumentally bad and should be reduced or eliminated insofar as taking steps in this direction does not give rise to worse bads. Judging class inequality to be intrinsically bad and hating class inequality as intrinsically bad would then be inappropriate evaluative attitudes, having which is itself intrinsically bad even if it happens to be instrumentally useful, productive of good consequences.

Recounting his experiences in the Spanish Civil War, George Orwell observes that in areas controlled by anarchist troops, "General and private, peasant as militiaman, still met as equals; everyone drew the same pay, wore the same clothes, ate the same food and called everyone 'thou' and 'comrade'; there was no boss-class, no menial class, no beggars, no prostitutes, no lawyers, no priests, no boot-licking, no cap-touching. I was breathing the air of equality ..." (Orwell 1952, 566–67). My position is that if Orwell and others value this social

6 Here I follow Thomas Hurka (2003).

equality as intrinsically good, that is a mistake, and having this attitude is intrinsically bad, even if the spur it gives to the elimination of serious evils is highly desirable.

This position is fully compatible with robust embrace of social equality. There are various elements in Orwell's description, but the basic idea is perhaps what Michael Walzer has described as a "society of misters" (and misses) (1983, 254). This is a public culture of civility and respect for all without regard for social distinctions, a public culture in which affirmation of all and especially of less advantaged persons in forms of civil address and small matters of accommodation expresses and reinforces a general willingness to make larger sacrifices as appropriate for those who suffer misfortune. So described, the civic equality culture is a tool, a means to improve people's lives. One can have lots of confidence that it is a good tool for this purpose without embracing it as desirable *per se*.

Orwell associates a society of equals with socialism, and in this sense a socialist society is not necessarily identified with particular economic arrangements such as public ownership. I do not think it would be amiss to identify the socialist ideal in this broad sense with priority, a commitment to improving the quality of people's lives with a tilt in favour of bringing about improvements for those who are badly off, though there will be more about priority later in this essay.

Notice incidentally that the hierarchical society of unequals to which Orwell is opposed need not necessarily be a society in which caste or class status is fixed by birth. A perfect meritocracy could be a society that offends against the social equality ideal. In a perfect meritocracy, the positions in society that confer privilege and advantage are open to all applicants, applicants are assessed and selected on their merits, and all have a fair opportunity to become qualified, so that those with equal native talent and ambition have equal competitive prospects. A perfect meritocracy could also be a society in which the privileged demand pleasant signs of deference and servility from the rest of us and in which the rich "grind the faces of the poor" (Walzer 1983, xiii).

One can develop a non-fetishistic love for a good tool, and similarly if social equality is of great instrumental value it will naturally come to be loved for itself a bit. On my view, this is excusable. A relevant comparison would be the attitudes we have toward fierce

competitiveness and strong desire to win in sports and other competitive games. Winning is not valuable *per se*, so valuing winning for its own sake is having a wrong attitude. However, the desire to win tends to elicit more excellent play of the game, which is valuable *per se*, and anyway playing a game with someone who does not really want to win is usually not much fun, and fun is also intrinsically valuable. So our evaluation of fierce competitiveness and striving to win above all is not condemnatory but just mildly critical, so long as this mild vice is creating public benefits.

5. Equality in Marriage and Family

In *The Subjection of Women*, John Stuart Mill extolled the value of companionate marriage, a union of soul mates – a man and a woman equal in intelligence, moral sense, character, and accomplishments (2008). In such a marriage, husband and wife are full equal partners, each meriting and receiving equal admiration and respect for the other. In the planning of their life together, such a couple gives equal weight to the life aims of each partner. No subordination of the life of one to the plans of the other is contemplated. Each learns from the theoretical and practical wisdom of the other.

This is an inspiring ideal, and Mill deserves much credit for campaigning for equality between men and women, with which his advocacy of companionate marriage is intertwined. However, the companionate marriage ideal ought to give us pause. I shall treat it as generalizing readily to an ideal of friendship. Confining attention to the case of marital friendship for a moment, one notes that Mill is advocating assortative mating. Consider a fifty-two-person society of heterosexuals. All share the same ranking of the all-things-considered attractiveness of their twenty-six potential partners of the opposite sex. Mill focuses on the great mutual benefit when Al and Adina, the two top-rated potential partners, choose one another and thrive, but he does not call attention to what happens when others choose mates on the same basis and at the end of the sorting process Zeke and Zelda, the two bottom-rated potential partners, have the choice either to remain celibate or choose one another. Mill does not stop to think that Zeke and Zelda might benefit from association with a partner of greater wisdom, virtue, and competence.

There might be interaction effects from the pairing of like with like, such that the overall benefits for self and others of such pairings exceeds the total aggregate benefits that would be reached if people did not above all seek to find ideal soul mates by their choice of spouse, but instead sought a wide variety of ends including steady companionship, good sex, fun, likely reliability in a crisis, a sense of humour, and so on, and so on. This raises knotty empirical questions, which Mill ignores. As a utilitarian, he should be interested in devising policies that would be utility-maximizing. I note that even if it were true that the marital search strategies he recommends, if practised generally, were utility maximizing, that would not show them to be justified according to more egalitarian principles such as priority. For it might prove to be the case that in a regime of soul mate marriages of the sort Mill endorses, the utility losses that Zeke and Zelda would suffer are outweighed by the greater gains achieved by already better off people led by Al and Adina. However, if we rank outcomes by a standard such as priority that finds extra moral value in achieving gains for the worse off, by this standard the losses suffered by Zelda and Zeke and their ilk morally outweigh any offsetting gains enjoyed by better-offs. I don't mean to speculate here as to what the results would be of good social science inquiry seeking answers to the questions just raised. My point is simply that the case for the equal marital relationships Mill celebrates is not established merely by pointing to the best that might happen to the best-off under such a regime. If unequal marital relationships should prove to be better for people (with extra weight assigned to gains for the better-off), priority would prefer such relationships over the type Mill favours.

So far, all that has been stated is that in the aggregate the costs of companionate marriage might outweigh the benefits, costs, and benefits being assessed in terms of what is morally valuable for its own sake. This does not touch the question, is marriage between those who are equal in merits on a basis of equality in status, power, and rank intrinsically valuable, considered apart from its consequences and aside from features contingently associated with it? The same question arises for friendship.

Regarding equal merits, I do not see why equality *per se* should be prized. It is better for anyone to be a better rather than worse skier, yodeler, scientist, whatever. Supposing I am the worst of all skiers,

I do not see anything intrinsically bad in my relating to more skilled skiers, perhaps on a basis of shared (not necessarily equal) love for the sport. Relating to me may reduce the others' development and exercise of skill, which would be unfortunate, but here again we are sliding off into imagining that inequality gives rise to other bads, and this is an instrumental concern.

Suppose that marriage might involve a more or less equal relationship along several dimensions of concern. One dimension is power. Suppose that by setting incentives, by using carrots and sticks, one person can induce another to behave in ways that the first person prefers and that the second person would not have preferred in the absence of the first person's interference with her choices, to a greater degree than the second person can in a similar way induce the first to engage in behaviour the second prefers. The first person then has more power over the second than the reverse. Another dimension is status. Suppose one person has earned greater recognition and esteem from significant others than a second person to such an extent that the greater recognition amounts to a qualitative distinction of status. A third dimension is subordination of life aims. Suppose Marie Curie is my life partner. She has great scientific talent and great scientific ambition, and I have no comparable prospects. I decide that my best plan of life gives priority to assisting her in the achievement of her major aims, and there is an asymmetry between us in this regard, as there are no independent aims I am pursuing that call forth in her the comparable resolve to dedicate herself to the fulfillment of my independent aims. (There might still be a counterfactual reciprocity in place here, if she is disposed to subordinate herself to my aims that are objectively of greater significance than hers, if it were the case that I had any such aims together with a reasonable chance of achieving them).

You can see where this is going. I do not see any problem, so far as ethics or the theory of value goes, with choices to engage in marital relationships, or, more broadly, friendship relationships, that involve inequality of power, status, and subordination. My imagined marriage to Marie Curie the great scientist includes all three, and reasonably so. Becoming a friend or lover of a person with greater capacity for accomplishment than you have, you may well find that person has more dense and strong social connections than you have, more wealth and other social resources, or more social power. Becoming personally

involved with such a person is risky, but there might well be corresponding benefits. And anyway becoming personally involved with anybody is risky (as is declining to become involved with anybody at all). The risks may be tolerable. For example, I might reasonably trust that, although Marie is a wheeler and dealer, so could harm me in ways I could not reciprocate, she is also a very nice person, so I can trust her not to abuse this social power. No doubt people who are trusting in this way are often making a mistake, but often is not always.

Marriage has a double aspect. Marriage is a long-term committed romantic friendship relationship between two (or more) adults. It is also a social arrangement designed to facilitate sound childbearing and childrearing practices. Here I am considering only the former aspect.

Some embrace as the ideal of friendship a relationship between highly virtuous agents who recognize and esteem one another's virtues and care for one another on that basis. I see little merit in this conception of friendship, which seems elitist. I suggest that a friendship is a reciprocal relationship between persons involving these attitudes: (1) each likes the other or has some similar pro-attitude toward the other (this might be triggered by any trait of the person); (2) each desires that the other live well; and (3) each is disposed to favour the other over non-friends and to make sacrifices of one's own well-being to advance the other's good when appropriate. In addition, the affective, conative, and volitional components must be appropriately linked: each must desire as in (2) and be disposed as in (3), at least in part, because each has the pro-attitude of (1). Though the attitudes must be reciprocal, they need not be equal; good friends can care about each other unequally. Nor need good friends have equal power over one another. A good friendship is simply one in which these three features, related as stipulated, are present to a high degree and stably.

In somewhat the same manner as Mill, and for similar reasons, Susan Okin proposes that justice requires that we bring it about that each marriage is an equal partnership between a man and a woman (for simplicity we set aside same-sex marriage and marriage between more than two persons). In such an equal partnership, there is an equal split: husband and wife should share equally in paid labour, time devoted to childrearing, time devoted to household chores, the

income from paid labour earned by both partners, and the entitlement to benefit from enhanced job skills or enhanced income potential that accrues to either spouse during the course of the marriage (Okin 1989, chap. 8). She also discusses the problem of women's vulnerability within marriage in ways that suggest she believes that in the just society there is equality of power between the partners in each marriage. However, people with heterogeneous tastes and talents will find many possible mutually agreeable arrangements superior for both partners than equal split, so I see no reason to favour it. It might be the case that in a society that achieves substantial equality of opportunity in life prospects for men and women, marriages might be statistically equal split: in the aggregate of marriages, men and women might as a whole split benefits and burdens according to equal split, even though this does not hold within individual marriages. Here I simply note that a prioritarian morality does not value equality between men and women as intrinsically good or deontologically required, rather as a means to the better achievement of prioritarian goals.

6. An Objection

It might seem that I am misconstruing the democratic equality ideal and thereby understating its power. Perhaps the proponent of democratic equality does not proclaim democratic sufficiency or equality of relationships as endorsable at the level of fundamental moral principles that hold necessarily and universally without exception. Perhaps the appeal of democratic equality emerges in mid-level theorizing. One can ask, given that certain contingent conditions hold, what norms should we accept? If democratic equality is endorsed in this way, it is no objection to the doctrine that it does not look plausible when construed as a principle that holds unconditionally. The democratic equality advocate and critic may be talking past one another.

In response: I do not rule out interpreting democratic equality in this way. To make further progress, we would need to clarify under what exact conditions the theorist is claiming democratic equality ought to be acceptable. Democratic equality writings have not so far attempted this clarification. Moreover, my view can be read as offering an explanation of why democratic equality should be accepted in the conditions in which it would be acceptable.

7. Another Objection

Another objection holds that to understand democratic equality, one should read it as developing an answer to the question, under what conditions is the employment of state power to coerce people to follow social regulations morally legitimate? The democratic equality answer is that political coercion must be justified to those on whom it is imposed, and the best justification is that the political order satisfies the democratic equality conditions: all members of society have an equal say in deciding on the laws that are enforced, all members are continuously enabled to be full participating members of democratic society, and all relate as equals. When these conditions obtain, none can reasonably reject the political society, and when these conditions fail to be satisfied, the basis of social order is open to reasonable rejection.

In response: the objection raises issues that cannot be settled in this essay, such as the plausibility of the contractarian approach to the question of what we owe one another. I simply state that if there are decisive reasons to accept desert-catering priority as the fundamental moral principle, then this doctrine will not be reasonably rejectable and will be an appropriate basis for social unity.

The idea that the question to be settled is what sort of egalitarianism must be in place for it to be the case that the imposition of state coercion on members of society is to be justifiable, might also prompt the doubt that the democratic equality position must be committed to an ideal of relating as equals that holds sway in the sphere of private life. Provided conditions are satisfied so that members of society can reasonably view themselves as political equals, equal citizens, maybe what kinds of relations they form in the sphere of family and private association is strictly a “don’t care” from the democratic equality perspective. If so, then my attempt to criticize democratic equality by criticizing its extension into the sphere of family life and private association is misconceived.

Reply to the objection: if my arguments are correct, then the reasons why we should balk at upholding democratic equality as an ideal for family and friendship flow back and also warrant dismissal of democratic equality in some narrower sphere of political society and public life. As a matter of fact, some democratic equality theorists

do interpret the ideal as extending across social life. Walzer does. So does Anderson.

Moreover, the idea that the pivot point for reflection about the place of egalitarian ideals in the theory of justice is the problem of justifying state coercion rests on assumptions that should be challenged. If one is a Lockean libertarian, the problem of justifying coercion imposed on those who do not consent to it looms large. But Lockean libertarianism is morally dubious. For the rest of us, this framework presupposes that there is a strong presumption in favour of individual liberty, and this presupposition, once brought to light, looks wrong. Individual liberty also needs a justification. Absence of coercion, when there is some reason to see that coercive imposition could protect some people's moral entitlements, needs a justification just as much as coercion does.

8. Power and Freedom as Non-Domination

My discussion of equality of power can be compared to the ideal of freedom as non-domination as analyzed by Philip Pettit. Pettit states that "someone has dominating power over another, someone dominates or subjugates another, to the extent that 1. they have the capacity to interfere, 2. on an arbitrary basis, [and] 3. in certain choices that the other is in a position to make" (1997, 52).

He notes that typically, when these conditions obtain, it is common knowledge among the people involved and others who interact with them that the conditions obtain. He describes a host of bad and many vile consequences that tend to be brought about by the domination of one person by another: on the part of the dominated, toadying, sycophancy, fear, anxiety, shame, loss of integrity, failure to devote one's life wholeheartedly to what one cares about, wasted energy in trying to appease the dominator while pursuing one's goals, and so on, and on the part of the dominator, another long catalogue of evils.

This comment on the badness of dominating power raises the question: suppose the three conditions obtain but nobody knows this is so, or nobody knows but the dominant party, and domination is never exercised, so none of the envisaged bad consequences ensues. Is the sheer obtaining of the stated conditions intrinsically and

non-instrumentally bad?⁷ Sally has power over Jane, but she is very nice, so nothing bad comes of it. Or even if Jane comes to know Sally has power, this bare knowledge might give rise to no anxiety or displeasure, because Jane correctly apprehends that Sally is nice, so one might wonder whether the bare obtaining of the three conditions or that plus bare knowledge of the fact on the part of those involved should be deemed *per se* bad.

I think not. Here's a comparison: drug intoxication for fun, temporary loss of rational control induced for mere pleasure, is causally associated with a long list of dreary familiar bads. To think that drug intoxication *per se* is bad is to succumb to guilt by association. One might say that loss of rational control of one's mind, even if experienced as pleasurable, and happening in circumstances that eliminate risks of bad consequences, is intrinsically bad, but note that it would be odd to think that sleep is *per se* bad. No doubt it would be better to have more time spent in conscious alertness in control of one's faculties rather than less, but arguably that is so because conscious alertness is likely to generate further goods. If there is the same amount of good in two lives (apart from the claimed intrinsic good of conscious alertness), but more conscious alertness in one than the other, that arguably should not register on the scale as any sort of further intrinsic good. Bouts of sleep do not then diminish the quality of a life, and the same goes for bouts of intoxication, I would suppose. *Mutatis mutandis*, the same judgment holds for one person having dominating power over another. When it is bad, it is bad in virtue of its consequences.

Pettit's discussion calls attention to the fact that one might object to inequality of power without prizing equality of power *per se*. What is deemed intrinsically bad is one person having power over another, and changing the situation by making the power reciprocal may not eliminate one person's having power over the other. Pettit's ideal of freedom as non-domination registers equality of power as still bad to the degree that equality fails to reduce and eliminate domination altogether. Registering the different things in this neighbourhood that might be deemed intrinsically and non-instrumentally bad, I deny that either Pettit domination or unequal power is bad *per se*.

7 Pettit is not committed to a yes answer to this question.

Consider the egalitarian junta. It's a group that is dedicated to its idea of justice, manages to gain control of military force, and seizes power in a bloodless military coup. In modern times, this is a not infrequent occurrence, and standardly the group's ideas of justice are worse, sometimes brutally worse, than the ideas of what is right and fair of those displaced from power. Or even if the ideas are not so bad, their implementation turns out to be abysmal. Still we can ask, what if the cabal were entirely correct in its moral judgments and in its estimation of the probable effects that would come from its seizing and holding power? Most people would see a dilemma here: good effects achieved by immoral means. Thrusting itself into power and establishing relations of domination over fellow citizens is intrinsically bad, even if the bad is outweighed by compensating goods and acceptable all things considered.

I disagree. If you correctly believe that seizing and holding state power would achieve justice goals, the power imbalance you are creating is not to be regretted, though we might regret some of the circumstances that render the power imbalance morally desirable. Parents wielding asymmetrical power over children is not *per se* bad or wrong, and the same goes for prison guards wielding power over prison inmates, welfare state officials wielding power over clients, and appointed judges wielding power over those who will be subject to enforced judicial decisions.

There is a residual issue. Denying that a certain phenomenon or condition is intrinsically and non-instrumentally bad is compatible with allowing that the same phenomenon or condition when coupled with some other factor *X* is intrinsically bad. (One might find popcorn not to be intrinsically good and butter not to be intrinsically good but buttered popcorn to be intrinsically good.) Suppose one holds that inequality of power or the obtaining of Pettit's three conditions of domination is intrinsically and non-instrumentally bad *when coupled with bad consequences*. One might state the suggestion in this way: inequality of power or domination is an amplifier of other bads. I accept that there are these interaction effects in the realm of intrinsic value, along the line of G. E. Moore's principle of organic unities. I am sceptical of this particular application of the idea; my hunch is that something like a guilt by association effect is still operating here, in subtler form. But I do not claim to have an argument that sweeps this suggestion off the table.

9. Setting Limits

There are limits to the extent that we should be open-minded about unequal marital relationships. Equalities of various sorts can be crucial means to justice goals. The general case for women's legal equality carries over to support social equality between men and women. Suppose some women start agreeing to marriage contracts that decisively subordinate the wife to the husband. The subordination marriage contract stipulates that the wife permanently authorizes the husband alone to handle the family's financial affairs and make binding decisions for both parties. The contract stipulates that the wife agrees to obey her husband as final authority in all family matters. It would be right for society to give no legal standing to such contracts and to establish social norms that strongly repudiate such contracts. One reason favouring this stand is paternalism. Any woman signing such a contract is almost certainly acting against her self-interest whether she thinks so or not. (Such a contract would not be in the man's interest either but would more decisively be imprudent for the woman who signs on to it.) Another reason is letting down the side. A woman who agrees to such a contract may contribute to an ideology that says such contracts are appropriate and increase other men's inclination to hold out for similar lopsided contracts along with women's inclination to accept them.

Rejecting the idea that asymmetrical power relationships in marriage and friendship relationships are intrinsically non-instrumentally bad is fully compatible with embracing a democratic equality ideal that includes social norms and legal regulations that seek to diminish asymmetrical power relationships in marriage and friendship. What is not bad at all *per se* may reliably tend to be productive of bad consequences. There is so far as I can see nothing objectionable in itself about gun ownership, but if gun ownership generates bad consequences, justice may require restricting or forbidding it. The same holds for power inequalities. (To fix ideas, suppose that if *A* can induce *B* to behave in a way that *B* would not have chosen in the absence of *A*'s inducement, *A* has power over *B*, on the understanding that persuading is not inducing.) According to consequentialism, power is a resource, and, like any resource, it should be placed where it will do the most good, be maximally productive of good consequences.

Pettit's discussion of freedom as non-domination suggests a general Rousseauian argument for an equality of relationships ideal. The argument is perhaps especially powerful in its application to marital, romantic, and friendship relationships, but extends beyond that sphere. Inequalities in rank, status, and power tend to generate distortions in personality, which tend to give rise to bad results. We are prone to developing inflated self-esteem and an excessive desire to be deemed superior by significant others. These proclivities tend to produce vanity, snobbery, arrogant pride, and other social vices, which lead us to behave in ways that stimulate mutually destructive social competitions and widespread failure to give due considerations to others. Whereas angels and archangels could cope with the temptation toward distorted aspirations toward recognition by others that goes with possession of asymmetrical power over those with whom we are involved in intimate relationships, we humans on the whole and on the average do not do well at resisting this standing temptation to distorted social relations. In some settings, power inequalities produce large offsetting benefits, so the best solution is to introduce checks and balances and social controls on capricious and selfish exercises of power. In broad terms, we favour introducing bureaucratic controls on concentrated power in economic enterprises rather than abolishing the concentrated power. A broadly similar point holds for political life. In the sphere of intimate relationships, the benefits of asymmetrical power tend to be slight and the dangers and disadvantages generally outweigh the benefits, so an abolitionist or tightly restrictive policy looks more promising.

In the general case, it is a large and wide open question to what degree particular types of inequalities of status, rank, and power should be allowed, promoted, discouraged, regulated, curtailed, or prohibited. The ideals of equality of relationships and perhaps of democratic equality are comrades of priority, not enemies of it. In the prioritarian perspective, relating as equals is a subordinate ideal, not morally fundamental, but nonetheless important for all that.

Although defending the claim that political democracy arrangements are strongly backed by instrumental considerations is beyond the scope of this essay, I take the idea to be pretty uncontroversial. This is the idea that underlies the quip that democracy is the worst form of government except for all the others. On paper, it might be

easy to devise a justice-promoting dictatorship or aristocracy; in the actual world, such ideals are chimerical.

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