

ANALOGICAL ARGUMENTS FOR EGALITARIANISM

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Christopher Freiman
College of William and Mary
Department of Philosophy

Abstract

Egalitarians sometimes analogize socioeconomic opportunities to starting gates, playing fields, and the results of a lottery. A fair game is one in which all have an equal opportunity to succeed; egalitarians propose that the same is true of a fair society. A second type of argument for egalitarianism appeals to intuitions about the distribution of found resources. A just division of manna discovered on a strange planet seems to be an equal one. Both types of argument share a crucial feature: they concern the once-off division of a fixed sum of goods. I argue that the most compelling reasons to depart from an equal division of goods derive from the economic activity involved in producing more of those goods, e.g., Pareto improvements due to efficiency gains that result from incentives that encourage production. We cannot conclude that game analogies and found resources cases arbitrate in favour of equality against non-egalitarian principles because they exclude precisely those considerations that provide the strongest reasons to reject equality.

This paper criticizes two related types of argument for egalitarianism. The first type appeals to game analogies. Egalitarians analogize socioeconomic opportunities to starting gates, playing fields, and the results of a lottery. A fair game is one in which all have an equal opportunity to succeed; egalitarians propose that the same is true of a fair society. The second type of argument appeals to cases about found resources. Intuitively, a just division of manna discovered on a strange planet is an equal one. Many interpret our egalitarian intuitions about these kinds of cases as evidence in favour of an egalitarian principle of distributive justice. These two types of argument share a crucial feature: they both concern the once-off division of a fixed sum of goods. This feature is what grounds my criticism.

The paper's first section considers the game analogies. The games in question are fixed sum; relative deprivation therefore entails absolute deprivation. In a lottery, for example, an increase in rival players' expected income necessitates a decrease in one's own expected income. Thus, a principle need not be fundamentally egalitarian to explain the injustice of inequalities in games like lotteries. Our reason to equalize players' chances is plausibly due to a reason to avoid making people worse off in absolute terms rather than a reason to minimize differences in relative standing. Because both egalitarian and non-egalitarian fundamental principles can yield egalitarian conclusions for the game analogies, we cannot interpret these analogies as arbitrating in favour of an egalitarian fundamental principle against the relevant non-egalitarian fundamental principles.

In the second and third sections, I address found resources cases. As with the game analogies, found resources cases are structured so as to render the issue of production inapplicable. No economic activity is involved in the production of resources found on a newly discovered planet. However, I argue that the most compelling reasons to depart from an equal division of goods derive from the economic activity involved in producing more of

those goods, e.g., Pareto improvements due to efficiency gains that result from incentives that encourage production. We cannot conclude that found resources cases adjudicate in favour of equality against non-egalitarian principles when they omit precisely those considerations that provide the strongest reasons to reject equality.

Before proceeding, let me clarify the aim of this paper. I do not intend to show that the whole of the case for egalitarianism is mistaken. There are many examples and arguments offered on behalf of egalitarianism that I will not address. I will focus on two common types of argument and attempt to show that they do not supply the justificatory support for egalitarianism that they purport to supply.

§1

Let's begin by clarifying some terminology. I will use *dynamic* and *static* as terms of art to denote contrasting types of economic conditions.¹ Dynamic conditions are those in which goods are produced and distributed across time; static conditions are those in which goods are not produced by social cooperation and are divided in a once-off split.

This paper uses the dynamic-static distinction to criticize a particular way of arguing for *egalitarianism*, viz. the principle according to which a just distribution of goods (e.g., welfare, resources) minimizes luck-based inequalities compared to the available alternative distributions. In this section I argue that many well-known game analogies that elicit intuitions in favour of equality concern static conditions. This is significant because both egalitarian and non-egalitarian fundamental principles imply equality in these conditions. Thus, egalitarian intuitions about game analogies cannot be interpreted as evidence in favour

¹ My distinction between dynamic and static conditions draws inspiration from David Schmitz's distinction between dynamic and static perspectives, although I make no claims of fidelity to his account. See David Schmitz and Robert Goodin, *Social Welfare and Individual Responsibility* (Cambridge: Cambridge University Press, 1998), chapter 1.

of an egalitarian fundamental principle as opposed to the relevant non-egalitarian fundamental principles.

Before proceeding with the argument, I'll differentiate fundamental principles of justice from derivative principles of justice as follows. Let's stipulate that

A principle of justice *F* is *fundamental* if and only if our reason to satisfy *F* is not due to our reason to satisfy another principle.

By contrast,

A principle of justice *D* is *derivative* if and only if our reason to satisfy *D* is due to our reason to satisfy another principle.

So, for example, a utilitarian fundamental principle implies support for egalitarianism as a derivative principle in conditions where the utility of wealth diminishes at the margin and people's utility functions are identical. Given that the utilitarian principle and not the egalitarian principle is fundamental, whether we have reason to equalize wealth depends on the conditions in which wealth is distributed.

I argue that game analogies do not show that egalitarianism is justified as a fundamental principle rather than as a derivative principle that happens to satisfy a non-egalitarian fundamental principle in the conditions specified by the games. I'll consider three examples: the analogies between socioeconomic opportunities and (i) starting gates in a race, (ii) playing fields in a sporting match, and (iii) the results of a lottery.

The starting gates and playing fields analogies are invoked to motivate the principle of equality of opportunity: individuals' chances of socioeconomic success should not be affected by luck-based inequalities.² A competition is unfair if some competitors start at a disadvantage through no fault of their own. Similarly, it's unfair for people to do worse than

² For uses of these analogies see, e.g., T.M. Scanlon, 'The Diversity of Objections to Inequality,' In *The Difficulty of Tolerance*, (Cambridge: Cambridge University Press, 2003), pp. 202-218, at p. 205; Brian Barry, *Why Social Justice Matters* (Cambridge: Polity Press, 2005), p. 40; John Roemer, 'Equality of Opportunity: A Progress Report,' *Social Choice and Welfare* 19 (2002), pp. 455-471, at p. 456.

others in competitions for socioeconomic opportunities because they were born into unfavourable circumstances.

The metaphor of the ‘natural lottery’—the distribution of natural talent and initial socioeconomic advantages—also features prominently in work on equality and distributive justice. The metaphor is affiliated most notably with luck egalitarianism. Richard Arneson says, ‘The luck egalitarian appeals to the moral arbitrariness of the natural lottery.’³ On a luck egalitarian view, claims to unequal deserts or entitlements are undercut ‘to the degree that sheer luck brings it about that people who make roughly comparable efforts are differentially productive in their contributions to economy and culture.’⁴ It’s intuitively unfair for some to profit more than others simply in virtue of being luckier in a lottery they had no choice but to enter. Each person should have the same chance of success. Egalitarians argue that the same is true of life prospects in general.

I agree with egalitarians that the three game analogies elicit an intuition in favour of equality. However, I deny that this intuition furnishes justificatory support for egalitarianism relative to relevant non-egalitarian fundamental principles because these other non-egalitarian fundamental principles also favour equality in the context of the games. To begin, notice that the three types of games are static in the stipulated sense: there is no way to produce more of the goods for which players compete. In each of the three games, the good for which players compete is fixed sum. Starting gates, for example, determine the initial placement of people competing to be the fastest of the group. As David Schmidtz notes, the point of a race is to judge relative performance.⁵ Each runner’s goal is to beat the others; the outcome is win-lose. Starting gates are *positional goods*; that is, their value to their possessor is

³ Richard Arneson, ‘Luck Egalitarianism Interpreted and Defended,’ *Philosophical Topics* 32 (2004), pp. 1-20, at p. 9.

⁴ Ibid.

⁵ David Schmidtz, *Elements of Justice* (Cambridge: Cambridge University Press, 2006), p. 117.

determined by how much they improve her condition relative to others.⁶ One racer's improved chance at a gold medal *necessarily* worsens another's chance. Thus, there is no way for inequalities in starting gates to be mutually beneficial. If some runners start ahead of others, moving everyone's gate forward in an equal amount does nothing to increase the disadvantaged runners' chances of victory. We cannot produce a general increase in the supply of opportunities for victory.

Similar remarks apply to playing fields. Playing fields determine the condition of teams or players competing to defeat one another. Again, the context is fixed sum: win-lose. An uneven surface necessarily advantages one team at the expense of the other. The benefits afforded by running downhill require the other team to incur the costs of running uphill. As in the case of starting gates, there is no way for inequalities in playing surfaces to be mutually beneficial because there is no way to produce a general increase in the supply of opportunities for victory.

The same point holds in the case of lotteries as well. In a lottery, a fixed sum of money is given to the winner. One player's gain is therefore another's loss; an increase in rival players' expected income necessitates a decrease in one's own expected income. The crucial point is this: those made worse off relative to others by inequalities in starting gates, playing fields, and lotteries are necessarily made worse off absolutely.

The preceding shows that, in the case of the games, relative deprivation entails absolute deprivation. Thus, we need not subscribe to an egalitarian fundamental principle to endorse equality in these games. The intuition that equality is the correct principle of distribution for

⁶ For an excellent discussion of positional goods and why even non-egalitarians have reason to endorse their equal distribution, see Harry Brighouse and Adam Swift, 'Equality, Priority, and Positional Goods,' *Ethics* 116 (2006), pp. 471-497. As Brighouse and Swift note, a number of goods are positional in virtue of their competitive value. However, elsewhere I argue that there are fewer goods with positional aspects than Brighouse and Swift suggest. See Christopher Freiman, 'Priority and Position,' *Philosophical Studies* (forthcoming).

starting gates, playing fields, and lotteries is consistent with equality being a *derivative* principle. Plausibly, our reason to distribute these goods equally is due to a reason to avoid making people worse off (relative to their condition under an available alternative distribution) rather than a reason to minimize disparities in relative standing.

By way of example, consider *prioritarianism*: a benefit is more valuable the worse off the beneficiary is in absolute terms.⁷ Prioritarianism is a non-egalitarian fundamental principle. It assigns intrinsic moral importance only to absolute condition; it does not count equalizing relative standing among the fundamental concerns of justice. Notice, however, that prioritarianism yields egalitarian conclusions for the games. As Harry Brighouse and Adam Swift argue, egalitarianism and prioritarianism coincide in their implications for the distribution of positional goods, such as those that confer advantages in competitions (they call these ‘competitively positional goods’).⁸ With respect to positional goods, they write, ‘Restricting inequality in itself improves the position of the worst off. Insofar, then, as goods have a positional aspect, prioritarians and egalitarians will agree that there is reason to distribute them equally.’⁹ The example of a race will show why.

Let’s begin by fixing some ideas. First, in the context of a race, ‘benefit’ or ‘advantage’ should be specified in terms of a runner’s opportunity for success in the race, i.e., victory. (The opportunity for success in the running competition is meant to be analogous to the opportunity for success in socioeconomic competitions for, e.g., income or welfare.) Now suppose there is a two-person race in which all things are equal—except for starting positions. The runner on the left starts one yard ahead of the runner on the right. This inequality benefits the advantaged runner to the same extent it harms the disadvantaged

⁷ See, e.g., Derek Parfit, ‘Equality or Priority?’ In *The Ideal of Equality*, edited by Matthew Clayton and Andrew Williams (Basingstoke: Palgrave Macmillan, 2002), pp. 81-125.

⁸ Brighouse and Swift, ‘Equality, Priority, and Positional Goods,’ p. 476.

⁹ *Ibid.*, p. 475.

runner. Thus, preserving the inequality brings a benefit of one yard to the advantaged runner whereas eliminating the inequality brings the same benefit of one yard to the disadvantaged runner. Will prioritarianism preserve or eliminate the inequality?

Prioritarianism will eliminate this inequality: although the inequality benefits the advantaged runner exactly as much as equality benefits the disadvantaged runner, prioritarianism assigns greater moral weight to providing a benefit to the disadvantaged than to the advantaged. Because races are fixed-sum games, any inequality in starting gates harms those whom it makes worse off to the same extent it benefits those whom it makes better off. Prioritarianism therefore implies equality in starting gates, all else equal.

Both egalitarian and non-egalitarian fundamental principles can explain the wrongness of inequalities in starting gates as well as playing fields and lotteries. For egalitarians, our reason to equalize is due to our reason to minimize disparities in relative standing; for prioritarians, our reason to equalize is due to our reason to preferentially benefit the badly off. Yet both principles agree on the wrongness of inequality in the conditions of the games. Thus, we cannot take egalitarian intuitions about starting gates, playing fields, or lotteries to arbitrate in favour of egalitarianism against a non-egalitarian view such as prioritarianism at the level of fundamental principle.

The indeterminacy of the game analogies means that they do not furnish unambiguous support for egalitarian conclusions about familiar matters of distributive justice such as income taxation, economic regulation, and transfers of wealth. Although egalitarianism and prioritarianism necessarily coincide in their implications for the games, they do not necessarily coincide in their implications for the institutions that regulate ongoing economic cooperation. Prioritarian fundamental principles will permit economic inequalities when

egalitarian fundamental principles do not. The reason is because economic outcomes, unlike the outcomes of the games, are variable sum.

In John Rawls's terms, society should be 'a cooperative venture for mutual advantage.'¹⁰ Over time, economic cooperation can increase the stock of goods available to everyone, thereby improving everyone's absolute condition even if the gains are distributed unequally. Inequalities affiliated with growing the cooperative surplus can be mutually beneficial.¹¹ For example, one person's economic success can generate economic benefits for others such as increased consumer surplus, occupational opportunities, and tax revenue.

The possibility of mutually beneficial economic inequality points to a critical difference between economic opportunities and opportunities in games. As noted, one's greater opportunity for success in a race, sporting match, or a lottery *necessarily* worsens another's opportunity. By contrast, one's greater opportunity for socioeconomic success can make others better off under certain institutional conditions. In an economy characterized by comparative advantage and the division of labour, the luckier one is ('luckier' in the sense noted by Arneson earlier, viz. being more productive in one's 'contributions to economy and culture' due to chance), the luckier others are—at least in terms of their potential for benefiting from positive externalities. However, we should be careful here: economic inequalities are, of course, not *always* mutually beneficial.¹² What's critical is that in economic

¹⁰ Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1999), p.4.

¹¹ Robert Nozick stresses that society differs from a race because there is no centralized process that awards a pre-established prize. See Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974), p. 235. Loren Lomasky similarly argues that pluralism about value and the absence of any centralized distribution of opportunity militates against the race metaphor. See Lomasky, *Persons, Rights, and the Moral Community* (Oxford: Oxford University Press, 1990), p.180. My argument, however, contends that society is not zero-sum even on the condition that all participants agree on the value in question—namely, economic opportunity.

¹² Positional goods would be a key example. See Brighouse and Swift, 'Equality, Priority, and Positional Goods.'

contexts inequalities *can* be mutually beneficial, whereas in the context of the games, they cannot be.

To illustrate the point, compare a two-person race and a two-person economy. In the race scenario, imagine that you're offered the following choice: the other runner can either have an excellent chance of winning or a terrible chance of winning. Clearly the second option improves your own condition. Now imagine that you're stranded on a desert island with one companion and offered the following choice: your companion can either be a terrifically talented fisherman or a terribly untalented fisherman. This time, the *former* possibility works in your favour. You can trade some of the berries you collect for some of the fish caught by your companion, leaving you both better off if not equally so.¹³

To summarize, egalitarian intuitions about games do not provide determinate support for egalitarian fundamental principles. Non-egalitarians can grant the intuitiveness of equality in the contexts of games while denying that this intuition has the political and economic implications that egalitarians claim for it.

§2

The next two sections assess a different type of static case offered on behalf of egalitarianism: thought experiments about found resources. Such cases concern scenarios in which people discover rather than cooperate to produce the goods to be distributed and, intuitively, the just distribution is an equal one. These thought experiments purport to establish a defeasible reason in favour of equality. Before detailing specific found resources cases, let me briefly sketch my argumentative strategy.

¹³ For a similar point about the natural lottery, see Schmidtz, *Elements of Justice*, p. 219. Schmidtz writes that if we *could* manipulate the natural lottery we should assign more rather than less talent to others: 'Other people's talents make us all better off. Talented bakers don't *capture* pie. They *make* it. The rest of us have more pie, not less, when talented people put their talent to work. The natural lottery is not zero-sum.'

I grant that found resources cases establish a defeasible reason in favour of equality. My objection centers on a dilemma regarding the strength of this defeasible reason. The cases can show that there is either (i) a strong defeasible reason in favour of equality or (ii) a weak defeasible reason in favour of equality. More specifically, they can either (i) show that the defeasible reason in favour of equality is generally stronger than our reasons to favour competing non-egalitarian principles or (ii) *not* show that the defeasible reason in favour of equality is generally stronger than our reasons to favour competing non-egalitarian principles.

I believe that the most natural interpretation of the thought experiments aligns with the first alternative although there is room for reasonable disagreement. Yet equally troublesome objections arise from either alternative. Here is the dilemma, in brief. The problem with (i) is that it claims more than can be justified by the thought experiments. As I explain below, found resources cases omit those considerations (e.g., absolute welfare improvements due to efficiency gains) that are most likely to favour values other than equality—and we cannot conclude that equality generally outweighs competing values by reflecting on examples that omit these very values from consideration.

Alternatively, egalitarians can opt for the second interpretation, according to which we have a reason of indeterminate strength to divide goods equally such that an equal split is justified when no competing reasons apply. To put the point differently, the most we can conclude from the thought experiments is that equality is justified nothing else considered.¹⁴ Found resources cases can indeed establish that there is a defeasible reason in favour of equality of this sort. The problem is that this alternative precludes the cases from adjudicating in favour of egalitarianism against non-egalitarian principles. That is, these cases

¹⁴ This interpretation is similar to what Richard Arneson calls a ‘very weak presumption’ in favour of equality. See Arneson, ‘Justice Is Not Equality,’ *Ratio* 21 (2008), pp. 371-391, at p. 384.

would not arbitrate in favour of equality against other values that we also have defeasible reason to promote (e.g., absolute welfare). Thus, neither option provides justification for preferring egalitarianism to relevant non-egalitarian alternatives.

Let's look at some examples. Bruce Ackerman imagines that space explorers discover a new world containing an 'infinitely divisible and malleable' resource called 'mana.'¹⁵ Ackerman contends that, intuitively, there is a presumption of material equality in the allocation of mana. He imagines one would-be mana consumer saying to another: 'Since I'm at least as good as you are, I should get at least as much of the stuff we both desire—at least until you give me some Neutral reason for getting more.'¹⁶

Ackerman acknowledges that this result is at once 'very strong and very weak.'¹⁷ It is strong because 'it places a significant conversational burden upon the opponents of initial equality' and it is weak 'because there is no reason to expect such a quick conversational victory. Even in our idealized setting, the colonists will find that they cannot conclude their discussion of mana without confronting other dimensions of the power struggle.'¹⁸

It is not immediately apparent how to interpret Ackerman's view of the justificatory force of the mana case. On the one hand, it seems as though the most natural reading of Ackerman's 'strong' claim of a 'significant conversational burden' is that there is a special (but defeasible) presumption against unequal distributions: the default distribution is equality and therefore the burden rests with non-egalitarians to shift the distribution toward inequality.

On the other hand, Ackerman specifies the strong interpretation in a way that renders it fairly weak: 'At a minimum, the advocates of equality have established that *something* rational can be said on its behalf;' the mana argument 'suffices to establish a prima facie case' such

¹⁵ Bruce Ackerman, *Social Justice in the Liberal State* (New Haven: Yale University Press, 1980), p. 31.

¹⁶ *Ibid.*, p. 58.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

that ‘so long as everybody remains tongue-tied’ the voyagers ‘have no choice but to recognize the legitimacy of equal initial material endowments.’¹⁹ Although it is not entirely clear whether Ackerman intends the manna case to show that there is a reason in favour of equality of determinate strength or indeterminate strength, problems arise on either alternative as I explain below.

G.A. Cohen provides another example. He contrasts a camping trip based on equality and collective control with one based on ‘the principles of market exchange and strictly private ownership of the required facilities.’²⁰ With respect to the second, inegalitarian camping trip Cohen writes: ‘[M]ost people would hate that. Most people would be drawn to the first kind of camping trip [...] and this means that most people are drawn to the socialist ideal, at least in certain restricted settings.’²¹ Cohen’s camping trip thus appears to serve as an intuition pump on behalf of a reason to favour equality: by reflecting on an idealized case that strips problems of distribution down to their morally relevant features, we see that equality enjoys intuitive support relative to non-egalitarian principles. This is a significant result given Cohen’s methodological commitment, expressed elsewhere, to tethering philosophy closely to ‘pertinent prephilosophical judgment.’²²

Cohen continues by offering ‘some conjectures about how most people would react in various imaginable camping scenarios.’²³ In one of the scenarios Sylvia finds, and subsequently claims ownership of, an apple tree. Her attempt to appropriate the apples for herself—her refusal to offer them to a system of ‘collective property and planned mutual

¹⁹ Ibid, italics in original.

²⁰ Cohen, *Why Not Socialism?* (Princeton: Princeton University Press, 2009), p. 6.

²¹ Ibid.

²² Cohen, *Rescuing Justice and Equality* (Cambridge, MA: Harvard University Press, 2008), p. 3.

²³ Cohen, *Why Not Socialism?*, p. 7.

giving’—revolts her fellow campers and, presumably, us.²⁴ Sylvia shouldn’t have unequal access to the apples. Cohen says, ‘It is commonly true on camping trips, and, for that matter, in many other non-massive contexts, that people cooperate within a common concern that, so far as is possible, everybody has a roughly similar opportunity to flourish.’²⁵ Reflection on such scenarios allegedly shows that egalitarian principles furnish ‘rather obviously the best way to run a camping trip.’²⁶ Cohen then argues that the intuitive attractiveness and justness of the egalitarian camping trip suggests that we have reason to work toward realizing the same ideal on a national or international scale.²⁷

Although I only discuss two, there is a trend in the egalitarian literature that appeals to these kinds of examples for support for initial equality.²⁸ However, I must stress that such examples are far from the entirety of the cases made by Ackerman, Cohen, and other egalitarians.²⁹ My focus is therefore restricted: I only want to examine the justificatory implications of these specific kinds of examples.

Notice that the cases above assume static rather than dynamic conditions. That is, they concern a once-off division of found resources rather than an ongoing process of production and distribution. The remainder of the section explains why the focus on static

²⁴ Ibid., p. 10.

²⁵ Ibid., p. 4.

²⁶ Ibid., p. 10.

²⁷ Ibid., p. 46ff.

²⁸ See, e.g., Michael Otsuka, ‘Self-Ownership and Equality: A Lockean Reconciliation,’ *Philosophy and Public Affairs* 27 (1998), pp. 65-92, at p. 80, fn37; Thomas Christiano, *The Constitution of Equality* (New York: Oxford University Press, 2008), p. 28.

²⁹ For example, another of Cohen’s camping scenarios involves production. He asserts that ‘most people would hate’ an arrangement that rewarded unequal fish to a more naturally talented fisherman for his greater fishing productivity. *Why Not Socialism?*, pp.6-7. However, there is evidence that speaks against Cohen’s claim. Reflecting on an extensive body of survey and behavioral research, David Miller summarizes people’s attitudes about desert thusly: ‘With effort held constant, the one who achieves more deserves more.’ Miller, ‘Distributive Justice: What the People Think,’ *Ethics* 102 (1992), pp. 555-593, at p. 562. There might be considerations outside of the camping trip thought experiment that militate against this view of desert; nevertheless Cohen appears to be wrong in claiming that ‘most people are drawn’ to an egalitarian principle in settings like the camping trip when inequalities in production apply. *Why Not Socialism?*, p. 6.

conditions complicates the support these thought experiments provide for egalitarianism. I argue that considerations arising only in dynamic conditions—specifically, the possibility of producing more of the good in question over time—are those that are the most likely to draw our intuitions away from an egalitarian split. Yet found resources thought experiments are structured in such a way so as to render these dynamic considerations irrelevant. We should therefore hesitate to infer support for egalitarianism from intuitions about these cases given that they exclude the considerations that are most likely to elicit *non*-egalitarian intuitions.

A variety of dynamic considerations can tilt our judgment in favour of non-egalitarian distributions. Brian Barry distinguishes between forward-looking and backward-looking dimensions of justice.³⁰ Found resources thought experiments neglect both. I will focus on a forward-looking consideration—absolute welfare improvements, especially for the badly off, due to efficiency gains. However, there are other candidates such as desert or historical entitlement (both backward-looking considerations) that I lack the space to examine here.³¹

The possibility of economic production over time introduces efficiency considerations that are excluded from thought experiments about found resources. Suppose we are considering a once-off division of found manna. If Margo receives a grain of manna instead of Ned, Ned is worse off compared to a baseline in which he receives the manna. Preferentially distributing manna to Margo, then, cannot be justified to Ned. In the absence of a specific reason to favour Margo, the unequal distribution arbitrarily favours one party over another and is therefore intuitively unjust. We should distribute the resource equally.

³⁰ Brian Barry, *Political Argument* (London: Routledge and Keagan Paul, 1965, pp. 111-112.

³¹ For example, see Nozick, *Anarchy, State, and Utopia*, p. 198 and Schmidtz, *Elements of Justice*, pp. 109-113 for backward-looking objections to the use of what I have been calling ‘static’ cases (including a different example from Ackerman) to justify egalitarianism.

However, so far we have only justified an equal split in the case of a once-off division of found resources where there are no reasons to distribute resources asymmetrically.

In dynamic conditions, by contrast, there can be a variety of reasons to distribute resources asymmetrically. For one, it need not be the case that Ned is worse off when Margo receives more manna. Suppose preferentially distributing manna to Margo has positive effects on her production (for example, via incentive effects or her comparative advantage in harvesting manna) that generate positive externalities that redound to Ned's benefit over time. This efficiency consideration provides a reason for a non-egalitarian distribution. But a mutually beneficial expansion of the cooperative surplus is a dynamic, forward-looking consideration, and so it isn't considered in examples that focus on the one-shot division of found resources.

The preceding considerations are familiar. Indeed, egalitarians themselves typically claim that absolute welfare improvements—particularly for those badly off—carry moral weight and can justify inequalities all things considered. My question, then, is this: why not select a fundamentally nonrelational principle (e.g. priority) as the default principle rather than equality? Given the widespread recognition that absolute welfare improvements for the badly off have moral force, it is at least *prima facie* plausible that the correct baseline distribution is not the one that minimizes inequalities but rather, say, the one that prioritizes the welfare of those with less welfare. So why privilege equality by defaulting to initial equality rather than (e.g.) initial priority? The next section picks up this question.

§3

Let's reset by revisiting the dilemma proposed earlier: egalitarians can interpret the commitment to initial equality as implying either (i) a *strong* defeasible reason in favour of equality, such that our reason to favour equality is generally stronger than our reasons to

favour competing non-egalitarian principles or (ii) a *weak* defeasible reason in favour of equality, such that it is *not* the case that our reason to favour equality is generally stronger than our reasons to favour competing non-egalitarian principles. As noted, I believe the textual evidence supports the former interpretation but the evidence is somewhat ambiguous. So I will consider both possibilities.

First, there is the strong interpretation: found resources thought experiments show that the defeasible reason in favour of equality is generally stronger than our reasons to favour competing non-egalitarian principles. My objection here is that found resources thought experiments are too sparse to establish this claim. They exclude those competing, non-egalitarian values that arise specifically in dynamic conditions and so supply no way of assessing the relative strength of the reasons favouring equality. As stated earlier, we cannot conclude that equality generally outweighs competing values by reflecting on examples that omit these very values from consideration.

To clarify this point, consider a case that purports to establish a presumption in favour of a prioritarian principle:

PRIORITY: Omega is society's worst-off member. He fares better under the current distribution of resources (D1) than he would under the alternative distribution (D2).

Intuitively, a move from D1 to D2 is unjust. Now suppose a theorist enlists this intuition about PRIORITY in support of a principle like the following: a just distribution preferentially benefits the worse off. The theorist concedes that our reasons to favour prioritarian distributions can be overridden—perhaps by considerations of equality—but insists that the prioritarian principle nevertheless enjoys a *special* presumption in its favour that competing principles like equality must overcome. To put the point differently, our intuition about PRIORITY provides justificatory support for a commitment to initial priority, viz. the notion that prioritarian distributions ought to serve as our default or baseline and that a ‘significant

conversational burden' rests with those who would deviate from the prioritarian distribution. What should we make of this statement?

It seems clear that the statement claims more than can be justified by PRIORITY. An egalitarian can object that the conditions in PRIORITY are described such that there is simply no way for equality considerations to feature in our evaluation of the case. The example fails to specify how the move from D1 to D2 would affect Omega's standing relative to the rest of society. All we know is that the move makes him worse off in absolute terms. Thus, PRIORITY supplies no way of determining the strength of our reason to favour the prioritarian principle relative to the competing principle of equality. Given the example's sparse description of the two alternative distributions, the move from D1 to D2 is clearly unjustified; however, this is because the example omits competing reasons that might speak in favour of the move. To establish a special presumption in favour of a prioritarian principle, we need a richer example.

Similarly, egalitarian theorists are correct to claim that unequal splits in cases of found resources are unjustified; however, I have argued that this is because the examples omit competing reasons that speak in favour of unequal splits. Thus, cases of found resources can no more establish a special presumption in favour of egalitarianism than PRIORITY can establish a special presumption in favour of prioritarianism.

On the other hand, perhaps we should opt for the weaker interpretation—there is a defeasible reason to favour equality but it is not the case that this reason is generally stronger than our reasons to favour competing non-egalitarian principles. In support of a weaker interpretation, consider Ackerman's comment on the manna case: 'At a minimum, the advocates of equality have established that *something* rational can be said on its behalf.'³²

³² Ackerman, *Social Justice*, p. 58, italics in original.

I agree with Ackerman that found resource cases indicate that something rational can be said on behalf of equality. The problem is that something rational can also be said on behalf of competitor principles as evidenced by the earlier case of PRIORITY, for example. Indeed, we can create an indefinite number of similar cases using the same recipe.³³ Consider:

UTILITY: The current distribution of resources (D1) maximizes utility relative to the alternative distribution (D2).

It is clear that something rational can be said on behalf of D1 and thus utility maximization. But we wouldn't infer that PRIORITY or UTILITY establishes a *strong* reason (in the specified sense) in favour of initial priority or initial utility because they do not tell us anything about the relative strength of our reasons to satisfy prioritarian or utilitarian distributive criteria. PRIORITY indicates only that we have a reason of indeterminate strength to favour prioritarian distributions. The same can be said for cases of found resources and the support they provide for egalitarian distributions. Thus, the weaker interpretation of initial equality leaves us at a stalemate. It fails to establish that equality enjoys a privileged position—that is, it fails to establish that non-egalitarian principles face justificatory burdens that egalitarian principles do not.

In closing, let me reiterate that there is more to the defense of egalitarianism than what I have addressed here. However, game analogies and found resources thought experiments

³³ This point speaks to the other main argument for initial equality, an argument that appeals to the moral arbitrariness of the 'natural lottery.' The moral arbitrariness of the natural lottery does not, in itself, establish the correctness of equality as a baseline. Put roughly, the idea underlying this argument is that we should favour a non-arbitrary baseline distribution and since the natural lottery generates an *arbitrary* distribution, we should reject the distribution generated by the natural lottery. However, non-arbitrariness does not adjudicate determinately in favour of equality because there are many non-egalitarian baselines that are not arbitrary. (Alternatively, if one's reason for objecting to the distribution generated by the natural lottery is that it is unequal, then an appeal to the maldistribution of the natural lottery cannot serve as independent support for equality: in this case, the egalitarian objection to the natural lottery would *presuppose* the correctness of equality.) Moreover, as argued in section one, the analogy of the natural lottery frames the unmodified distribution of talents and opportunities as a fixed-sum game and thus elicits an egalitarian intuition without thereby implying support for an egalitarian fundamental principle.

constitute a meaningful part of the case for egalitarianism and the view is less compelling without their support.³⁴

*College of William and Mary
Williamsburg, Virginia, USA
cafreiman@wm.edu*

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