

INCAS AND ALIENS: THE TRUTH IN TELIC EGALITARIANISM

SHLOMI SEGALL*

Abstract: The paper seeks to defend Telic Egalitarianism (TE) by distinguishing two distinct categories into which typical objections to it fall. According to one category of objections (for example, levelling down) TE is *groundless*. That is, there is simply no good reason to think that inequality as such is bad. The other type of objections to TE focuses on its *counterintuitive* implications: it is forced to condemn inequalities between ourselves and long-dead Inca peasants, or between us and worse-off aliens from other planets. The paper shows that once we unpack these two types of objections to TE they become much less persuasive.

Keywords: equality, Derek Parfit, desert, justification, levelling down

Telic egalitarianism is the view that inequality is in itself bad (Parfit 1991: 4), that is, even when it is not bad for anyone in particular (Parfit 1991: 29).¹ Many people reject Telic egalitarianism (Miller 1982; Frankfurt 1987; Parfit 1991; O'Neill 2008; Holtug 2010: ch. 7; Hausman and Waldren 2011), and they do so for a variety of reasons, most prominent of which is of course the levelling down objection. In this paper, I want to try and defend the following understanding of Telic egalitarianism:

Telic Egalitarianism (TE): Inequalities (in whatever it is that ultimately matters to individuals, e.g. welfare) among equally deserving (in whatever

* The Program in Politics, Philosophy, & Economics (PPE), The Hebrew University of Jerusalem, Jerusalem 91905, Israel. Email: shlomi.segall@mail.huji.ac.il

¹ According to some, this position is more aptly called 'fundamentalist egalitarianism' (Hausman and Waldren 2011: 569). I think this label is indeed more accurate, but I shall nevertheless stick here with Parfit's terminology. An alternative term for the same position is Nils Holtug's 'outcome welfare egalitarianism' (Holtug 2010: 175).

sense of that term)² individuals make an outcome intrinsically bad in (at least) one respect.³

An implication of this view is that some inequalities, namely undeserved ones, are always bad, even if they are not bad for anyone in particular (compared with other alternative distributions).

In defending TE I shall distinguish two distinct categories into which the most prominent objections to it fall. According to one category of objections TE is *groundless*. That is, there is simply no good reason to think that inequality as such is bad.⁴ This is allegedly evident, for example, when equality benefits no one (the levelling down objection).⁵ The other type of objections to TE, I want to say, focuses on its *counterintuitive* implications. Some critics, for example, point out that Telic egalitarians are forced to condemn inequalities between ourselves and long-dead Inca peasants (Parfit 1991: 7), or between us and aliens from other planets (assuming the latter are worse-off than us) (Arneson 2002: 179; Hausman forthcoming: 3; cf. Fabre 2006) an implication that they find absurd. On this type of objection, then, TE leads to consequences that are either undesirable or simply silly. Rather than (merely) revealing TE to be groundless, this type of objection arguably shows it to be (also) counterintuitive. The accusation of groundlessness, then, is essentially the claim that there is *nothing good* about equality (or bad about inequality). And in contrast, the accusation of counter-intuitiveness is the claim that there is something *bad* about (pursuing) equality. Put differently, the groundlessness objection to TE says that there is *no reason* to hold it, whereas the counter-intuitiveness objection to it says that there are reasons *not* to hold it (independently of its alleged groundlessness, that is).

² The 'equally deserving' clause is an important addition to Parfit's formulation of telic egalitarianism. I shall elaborate it below.

³ This position is held also by Larry Temkin (e.g. Temkin 2003a: 768). In the last section I shall distinguish my position from his.

⁴ Hausman and Waldren write: 'The fundamentalist egalitarian owes us some account of why inequalities matter ...' (Hausman and Waldren 2011: 575). Dennis McKerlie writes: 'It does not show us that we value an equal distribution for the deeper reason that it eradicates the influence of what is morally arbitrary. The argument presupposes that we do care about, or can be brought to care about, a certain kind of inequality. It expresses this concern, but it *does not explain or justify it*.' (McKerlie 1996: 280, my emphasis). We should note, though, that McKerlie adds that it is not obvious that equality does require grounding: 'there is no reason to think that we will be able to explain the badness of inequality in terms of the badness of other things, or in terms of some other value that is not a matter of badness, any more than we can explain why suffering is bad in that way. There is no obvious reason for saying that the claim that inequality is bad must be supported by an argument while the claim that suffering is bad does not require that support' (McKerlie 1996: 277).

⁵ 'It is difficult to understand the great badness of inequality, and the moral urgency of its eradication, if one endorses [Telic egalitarianism]' (O'Neill 2008: 123–4).

The methodological point driving this paper is that to assess whether TE is true or false we must unpack these two types of objections to it, that is, those targeting its groundlessness from those targeting its counter-intuitiveness. Once we do that, I contend, it will become easy (or at any rate easier) to refute both objections. In the first section I tackle the objections that allege that TE is counterintuitive. I then move, in the second section, to respond to the groundlessness objection. I counter that objection by attempting to provide precisely such a ground (for TE). I argue there that the badness of (certain kinds of) inequality is rooted in the presence of morally arbitrary disadvantages. Advantaged individuals, I add, have a duty to justify their superior holdings. Correspondingly, disadvantaged individuals have a claim to be provided with a justification as to why it is right for them to be disadvantaged. *Any* arbitrary advantage (and disadvantage) is morally suspect and is therefore in need of justification. If I show this, then I will have shown that TE is not groundless. By meeting these two distinct objections I will have defended TE. In the last section I note how my account differs from (and potentially improves on) that of Larry Temkin's.

Let me make several clarifications and qualifications before moving to address objections of the first (counter-intuitiveness) kind. I have already thrown around several loaded terms, and will add some additional ones later, that it would be useful to clarify. These include 'disadvantage', 'deserve', 'morally arbitrary' and 'choice'. I shall elaborate on these below, so here let me just offer the following. By 'disadvantage' I mean nothing more than 'being worse off relative to another'. I do not mean the term to denote anything more loaded than that. (If you are uncomfortable with my use of that term simply replace every time I say 'disadvantage' with 'worse off relative to someone else'). Similarly, 'deserve' should not be confused with the loaded notion of desert (from which my position is actually divorced, see the final section). Rather, I use the verb 'deserve' simply to mean that the person's entitlement in holding on to X is unproblematic. Correspondingly, 'morally arbitrary' is used here merely as interchangeable with 'undeserved'. Being 'arbitrarily disadvantaged' then, means being *undeservedly worse off compared with another*. Finally, by 'choice' I merely mean to note one of the potential means by which an outcome is rendered *not* arbitrary, morally speaking. If a certain disadvantage is a consequence of the agent's own choice, then it is thereby no longer morally arbitrary. I note here that there may be objections to such a supposition, but I cannot engage, in the confines of this paper, in this larger debate. Rather, I see the point as a modest claim, and shall merely assume, for the sake of argument, that choice renders an outcome (say, being advantaged or disadvantaged) to be not morally arbitrary.

Here is a final technical remark. I have characterized one type of objection as targeting TE's counter-intuitiveness and the other as targeting

its groundlessness. I should stress that I do not mean by this that the latter (the groundlessness objection) is intuition-free. This is important: the claim that 'TE must be wrong because it has no ground' *can* itself be based on intuition. (Indeed, I believe this in large part what is going on in Derek Parfit's case, see below.) Both types of objections, then, can be motivated by intuition; it is the *target* of their objection that differs.

1. IS TELIC EGALITARIANISM COUNTERINTUITIVE?

It is important to note that objections that target TE's alleged groundlessness are vulnerable to any counter-argument that does establish some ground, no matter how weak. But objections that show the implications of TE to be counter-intuitive are much harder to refute. Let us then begin with the latter. The category of objections under consideration here says that TE must portray certain inequalities as bad, which is counterintuitive. These alleged counterintuitive cases include:

- inequalities between us and past (and future) individuals
- inequalities between us and intelligent beings from other planets
- inequalities which could only be curbed through levelling down
- inequalities across Divided Worlds.

1.1. Incas and Aliens

Critics say that TE is forced to portray the inequality between us and past generations (e.g. 13th century Inca peasants) as bad and that this is counterintuitive (Parfit 1991: 7). In response, proponents of TE may either deny that TE does have that implication, or simply bite the bullet and deny that there is anything counterintuitive about that implication. One may adopt the former strategy by, for example, limiting TE's scope to a certain *institutional* framework of the here and now (Tan 2012: esp. Part I). On this view TE need not condemn inequalities that exist beyond that institutional structure, including, obviously, those between us and past generations (as well as inequalities between us and Martians, which we shall examine in a moment). This move, then, seeks to rescue TE from the Inca objection by limiting its scope. For reasons that will become more apparent in the next section, that is not the strategy that I want to employ here. Instead, I wish to preserve TE's wide scope, and simply deny that such a judgement (that inequalities between us and the Incas are bad) is counterintuitive to begin with.

TE is committed, I concede, to the view that the inequality between us and people in the past is bad. What might underlie the objection according to which this implication is counterintuitive? I can think of two motivating thoughts. First, it is allegedly silly to pursue equality in this case because we cannot possibly benefit the dead. And second (and given the first

point), it does not make any sense to make ourselves worse off in the name of such equality with past individuals. Observe that the second thought would condemn TE but not Prioritarianism or Sufficiencyarianism, say. (These other views do not require that we throw away our resources and lower our own welfare just because the poor Incas happened to be so badly off.) Now, it is easy to see that the Inca objection understood this (second) way is in fact merely a special case of levelling down.⁶ It objects to pursuing equality by means of levelling down. We shall examine the LD objection in the next sub-section, so may set aside for now this version of the Inca objection.

As a unique objection, then, the Inca objection has to say that TE is counterintuitive because we cannot possibly benefit the dead. On its own, this is quite plausible. Couching the objection in this way, however, raises an obvious difficulty. If the Inca objection is indeed rooted in the mere impossibility of implementing it then it does not seem to be (and in fact cannot be) an objection to pursuing an *egalitarian* distribution as such. Rather, it is an objection to the attempt to pursue any pattern of distribution that encompasses individuals who are already departed. On that objection, pursuing sufficientarian, prioritarian, utilitarian, or indeed even some strongly anti-egalitarian principle would be equally impossible and hence allegedly counterintuitive. The objection, if valid, is an objection not to TE but simply to extending the scope of redistribution backwards in time. Perhaps even more importantly, proponents of TE may point out that the truth of their view does not depend on whether or not it is possible to alter the (bad) state of affairs. The validity of TE rather depends on whether or not the state of affairs could be judged to be bad, independently of what is then to be done about it. The question TE asks is: '*supposing one could* do something to rectify a certain state of affairs, would one have a reason to?' Put this way, the position ceases being so counterintuitive. On the contrary, the fact of the Inca's much worse off lives is surely distressing.⁷ Notice that I am not trying, nor do I need, to convince you that this is the right question to ask about equality. I merely contend that once the TE claim is understood this way, the Inca example ceases to be counterintuitive (not on account of the impossibility of distribution back in time, at least).⁸

⁶ Something similar, with regard to the global reach of egalitarianism, has been observed already in Holtug (2009: 175).

⁷ Bernard Williams expressed skepticism over this position, but provides no good reason, as far as I can see, to accept his skepticism (Williams 2005: 66).

⁸ But this may raise another worry: if the inequality between us and the Incas is bad, shouldn't it, at the very least, give us pause, even if a slight one, every time we contemplate improving our own well-being, or even that of next generations? (I am grateful to a referee for this journal for raising this concern.) Perhaps it should, but once again this boils the objection down to that of levelling down, with which I shall deal below.

I have said that the truth of TE's assessment of the goodness of the state of the world could be assessed independently of what can be done to change it. But it is important to be clear about what this means. The claim is not that axiological views, such as TE, fail to give us reasons for actions. Far from it. Judging a state of affairs to be bad (say because it contains inequality) gives us a (defeasible) reason to ameliorate it (remove the inequality, in this example). This, in turn, is consistent with the conclusion that it would sometimes be better to refrain, *all things considered*, from reducing certain inequalities (say between us and the Incas). What that latter judgement does *not* imply is that there was nothing bad about that inequality in the first place.⁹

The difficulty or even impossibility, all things considered, of striving to improve a state of affairs does not show that that state of affairs was not bad (in one respect) to begin with. Accordingly, the judgement that it would be best, all things considered, to refrain from curbing a certain inequality does not show that inequality to be unproblematic, to begin with. Here, then, is an alternative way of understanding the Inca objection. The objection might concede that while the condition of long-dead individuals (when they lived) is bad and as such regrettable, this is not so due to inequality, of all things. A critic of TE might concede that she, also, is troubled by the short and brutish lives that were led by Inca peasants. It is a source of genuine regret that such were the lives led by these people. If she could, the critic says, she would have certainly done something to improve their lives. Nevertheless, what motivates her discontent is not some concern for equality (between us and them) but rather a concern for the *absolute* level of deprivation visited upon these wretched individuals (O'Neill 2008: 134). This is obviously not an implausible line to take. Notice, however, that here, the objection (to TE) turns not on something that is particular to our relation to the Inca peasants (e.g. the temporal distance between us and them). For, the objection would equally hold for contemporary individuals, and even ones who are fellow citizens of ours. Here, as well, it might be true that 'we could regret the suffering of [these individuals] without appealing to any distinctively egalitarian considerations ...' (O'Neill 2008: 134). It is, in other words, a familiar prioritarian or (more likely) sufficientarian objection to the *groundlessness* of TE, and it does not at all

⁹ The temporal distance between us and members of past generations may raise other problems that might motivate the Inca objection, most notably the non-identity problem. Redistributing resources to worse-off past individuals might entail that actual current well-off individuals will not come into being. Isn't this embarrassing to TE? I think it is not. Such a consequence of redistribution towards the past (supposing it was a possibility) may well serve as a reason why, all things considered, we should refrain from it (although personally I am not sure it is). But this does not yet show that it is absurd to think that there is something regrettable about that inequality to begin with.

turn on some specific, allegedly counterintuitive, features of the relation between us and individuals who died long ago. And, if one does not find sufficientarianism to be compelling within a given society, nothing *in this objection* gives her a reason to think otherwise with regard to inequality between us and the long-dead Incas.

What I have said so far does not refute the Inca objection to TE. All I have established, rather, is that there is nothing self-evidently *counterintuitive* in judging the inequality between us and past generations to be bad. Invoking long-dead individuals cannot, on its own, show the falseness of TE. One might add that it is actually quite puzzling why Parfit (or a supporter of Parfit's position) should consider the view according to which inequalities between us and Inca peasants are bad to be counterintuitive. In my view at least, it is rather counterintuitive to think of such disparities as *not* raising a moral concern. Suppose, for example, we examine the Inca position from some timeless vantage point. If it helps, perhaps imagine yourself to be the creator of that universe.¹⁰ You then happen to observe significant inequalities in liberties, in life expectancy, and in welfare more generally, between most individuals living in the 21st century, and most individuals living in the 13th century, or indeed early *Homo sapiens* living a hundred thousand years ago. Why *shouldn't* you be bothered by these inequalities? What reason can you give to dismiss these egalitarian concerns? The past might be a foreign country,¹¹ but not so foreign as to lie in a moral vacuum.¹²

Of course one class of familiar reasons you may provide to dismiss such concerns is to appeal to the absence of instrumental harmful effects of inequality in this case. You may say that we need not worry about these inequalities because they are not accompanied by such instrumental disvalue as harm to the disadvantaged person's self-respect, or that of causing stigmatization, or undermining the prospects of community, and so forth (Miller 1982; Scanlon 2003; O'Neill 2008; Hausman and Waldren 2011: 576–8; Hausman forthcoming: 5). That is all very well and familiar. But once again here one's objection to TE would rest entirely in pointing to its alleged groundlessness. One would then simply be stating that inequality could not possibly matter when not accompanied by some

¹⁰ It should be said that critics of egalitarianism sometimes also help themselves to such a device, and moreover without thereby losing their bearing on their moral intuitions (see Crisp 2003: 121).

¹¹ As noted in the famous opening line of L. P. Hartley's novel, *The Go-Between*.

¹² Some metaphysicians may object in saying that the past simply does not exist, and hence inequalities between us and the Incas also do not exist (let alone are bad). Notice that such a view is no objection to TE, and may actually help it escape the Inca objection much more easily. TE, recall, need not say that there is something morally bad in the state of affairs between us and the Incas. Rather, it says that *in so far as* there exists inequality between us and them then that inequality is bad.

instrumental disvalue. It is not that there is some reason against it; it is rather that there is none for it.

Let us, then, move to the second example purporting to show the counter-intuitiveness of TE, namely the discovery of intelligent beings on other planets. The claim is that TE is forced to portray any inequality between us and these aliens as bad, and that this is an embarrassing position to take (Hausman forthcoming: 3). Now, once again, some proponents of TE may try to avoid this scope objection by denying that their egalitarian ideal entails such an implication (again, by restricting its scope) (see Tan 2012: 166–70). But alternatively, as earlier, one may simply bite the bullet and question whether this is indeed counter-intuitive. Consider why it is so readily assumed that such a consequence would be embarrassing (for egalitarians). Some of the alleged sense of counter-intuition might be attributed to some uncertainty with regard to the moral status of these newly discovered Martians. Are they to be considered morally equal to us humans? Importantly, however, this is *not* a question for the egalitarian to settle. If Martians are not morally equivalent to us then arguably there is no requirement of (or value to) equality, and therefore no objection for TE to answer. But if, on the other hand, Martians are sufficiently like us, morally speaking, then why shouldn't requirements of equality obtain?¹³ Put simply, *if* these creatures are deemed to be morally equivalent to humans, then one must provide a reason why egalitarianism should *not* apply.

Here is one such reason. Some people may perhaps think that we cannot have distributive duties towards individuals who up until a moment ago we didn't even know existed. But this is a non-starter. First, telic egalitarianism is concerned with the badness of inequality, independently of any assessment of duties. Second, even setting that aside, and as others have pointed out, if some unknown famished tribe were to be discovered in the Brazilian Amazon, most of us would have no qualms admitting that we, or at least some of us (all other Brazilians, say), have distributive duties towards them (Fabre 2006: 152). At the very least, this shows that the fact of being recently discovered cannot deny our duties to them. The critic might concede that this shows that we do indeed have duties towards recently discovered moral agents, but stress that these are not *egalitarian* duties. But once again, this line of response would revert back to the familiar sufficientarian claim about the moral irrelevance of inequalities. It would *not* point to something unique and

¹³ Suppose it is decreed that Martians are, morally speaking, 37% like humans, say. What to say then? Well, the same thing we would say with regard to certain non-human animals and some severely cognitively disabled humans. I have nothing new or interesting to say here, apart from noting that the problem then would not be unique to TE (see also Holtug 2010: 238–42).

independently counter-intuitive with regards to newly discovered beings. If one is not convinced by the general sufficientarian claim – that (even) within a given society inequality as such never matters – then nothing in the Aliens objection should convince her otherwise. On this account, at least, the Aliens objection adds nothing new for the egalitarian to grapple with.

It is not, then, the fact of their being recently discovered that might deny egalitarian duties towards aliens. Is it then simply the distance that makes a moral difference here? This is unlikely. Egalitarians of the non-telic kind and even many non-egalitarians typically admit that we have some basic moral duties to all other moral agents, wherever they may happen to be (Rawls 1999). If these newly discovered moral agents happen to be starving, these people (Rawlsian-style Prioritarians, Sufficientarians, and even Utilitarians under certain conditions) would be compelled to send them some aid, no matter how many light-years away from us they are located. Sheer distance, therefore, cannot make a difference here. Now, others would say that although they are our moral equivalents, we lack duties to assist members of other species because, well, they are members of other species. But suppose that Mitt Romney, say, who thinks, feels and behaves as a human being, and *is* the moral equivalent of many, turns out, in fact, to be an alien. Would we then have to think that any suffering he incurs is irrelevant? That seems unlikely. Finally, critics may object that the proposition that we might have egalitarian duties of distribution towards Martians is counterintuitive because there simply isn't any conceivable reason to think that we *do*. But as before, this would amount to conflating the two, independent objections to TE. The 'Aliens objection' might show TE to be groundless, but it does not show it to be counterintuitive.

1.2. Levelling Down and Divided Worlds

The third objection mentioned was the levelling down objection, which, of course, has received ample attention. Suppose we contemplate a move from D1 (200, 100) to D2 (100, 100). Critics suggest that there is nothing conceivably good to tell in favour of this move (Parfit 1991: 17). Despite the enormous attention the objection has received, it might still be worthwhile to examine it in light of the distinction we drew. Levelling down might be objectionable because, first, there is simply no respect in which it leads to a better outcome (the groundlessness objection). But second, and quite independently, levelling down might show that there is something bad, and thus counterintuitive, about TE. In short, levelling down (LD) might

show that there is no reason to hold on to TE; and, independently, it might show that there are reasons to reject it.¹⁴

We can fairly quickly see that the second type of objection is not very compelling. It might, admittedly, be counterintuitive, *all things considered*, to endorse a move from D1 to D2. But by now this is trivial and readily conceded by proponents of TE (e.g. Temkin 2003b: 73). Egalitarians need not hold that levelling down is good, all things considered. Rather, they claim that the levelled down outcome has (at least) one good aspect about it. For LD to work as a counter-intuitiveness type objection, critics of TE must establish the following. They must show that the view according to which moving to D2 is *in one respect* better is counterintuitive. And *that*, crucially, is not clear at all. In fact, it is precisely that which is in contention (see also Brown 2003; Tungodden 2003: 9). To illustrate, consider one of the starkest manifestations of levelling down, namely, gouging out the eyes of the sighted in the name of equality with the blind. Recommending the gruesome action is no doubt counterintuitive. All things considered, nobody in their right mind would commend it. But again, that is not at all what TE claims, or, correspondingly, what is at stake here. The question, rather, is whether the judgement that ‘there is something good, no matter how negligible in this particular case, about bringing about equality’ is counterintuitive. And *that* is not obvious at all.

The type of objection according to which there is something counterintuitive about its consequences does not seem to be the point that can sustain the levelling down objection. And indeed, in invocations of levelling down the objection seems to be rooted mainly in the first type of objection we identified. Namely, it is rather the claim that there is simply nothing good in a move towards equality when doing so benefits no one. This is reflected in Parfit’s account. The entirety of his famous levelling down objection seems to rest on the view that it is ‘absurd’ to think that D2 (the levelled down outcome), an outcome that benefits no one (and thus offends the Person-Affecting-View), is, *in any respect*, better compared to D1.¹⁵ Once again, the objection is not, as it may wrongly seem at first, that endorsing the consequences of TE is counterintuitive. The objection, rather, is that it is groundless; there is simply nothing to tell in its favour.¹⁶

¹⁴ Of course, an alternative defence would be to deny that equality entails levelling down. For such attempts see Mason (2001) and Jensen (2003).

¹⁵ Although lately, even Parfit seems to retract from that: ‘The Leveling Down Objection is not, I believe, decisive. It is not absurd to claim that, if everyone became equally badly off, that would make the outcome in one way better’ (Parfit 2012: 401).

¹⁶ This is occasionally recognized also by critics of TE. Andrew Mason, for example, writes that ‘it is implausible to suppose that, other things being equal, a state of affairs in which everyone is equally destitute is better in even one respect than a state of affairs in which some are in this condition and others are better off’ (Mason 2001: 252). This, we can see now, is a groundlessness, not counter-intuitiveness, objection. Or consider this, from

Consider, finally, the ‘Divided Worlds’ cases that Parfit also presents as an argument against TE. The choice is between:

1. Half at 150, Half at 200
2. All at 150.

This is a levelling down case but with the added feature of occurring in a divided world, thereby setting aside any shared history, blame for inequality, or any other putative instrumental benefit of equality. Parfit’s claim is that there is nothing that is better about the latter world. His claim is based on intuition (grounded in the person-affecting-view),¹⁷ and, for what it is worth, one that I (and, one may speculate, all other proponents of TE) simply do not share. Egalitarians deny that there is nothing to regret in abandoning the second world (see also Temkin 2003a: 796). Inequality is bad even when a particular incidence of it is deemed the least bad of all possible worlds, all things considered. It is in fact curious that critics of TE should think that the world being divided should make a difference to the way we ought to assess states of affairs. If TE is the view that inequality is bad in itself, and is not grounded (merely) in some instrumental disvalue, then it is *by definition* true that the worlds being divided should make no difference to (or more accurately, should not be the *only* thing that matters in) our assessment of such cases. TE might be wrong about this, of course. But merely invoking Divided Worlds does not suffice to show that.

2. IS TELIC EGALITARIANISM GROUNDESS?

There are two distinct types of objections to TE, we said, one targeting its groundlessness and the other targeting its alleged counterintuitive implications. And we saw that once the latter objection is peeled away and considered on its own, it is revealed to be unpersuasive. Put differently, we have failed to see reasons that tell *against* TE. What then, about the absence of reasons *for* it? Is TE, in other words, in fact groundless?

When critics say that TE is false because it is groundless what they mean, we said, is that there is simply nothing good about it. For example (to take again the LD objection), even if LD represents

Martin O’Neill (O’Neill 2008: 148): ‘if Telic egalitarians could successfully make the case for claim A [that it is in itself bad if some people are worse off than others], then they need not be at all troubled by the force of the Levelling Down Objection, given that they can appeal to the successful Pluralist Response to that objection’.

¹⁷ Mason, also, observes this (Mason 2001: 251): ‘Note, however, that the Leveling Down Objection itself ultimately rests on an intuition, namely, the intuition that, other things being equal, equality cannot be good when it is good for no one.’

a increase with regard to equality,¹⁸ there is nothing good, as such, about that increase. And the same, of course, holds for *inequality*: the groundlessness objection says that there is simply nothing bad about inequality as such. Now, the first thing to notice is that this is a very strong claim. For, any counter-suggestion that successfully provides a reason, *no matter how minor*, would be sufficient to defeat it. Consider, for example, the suggestion that there is something beautiful (and thus, of some aesthetic value) in the mathematical arrangement of equal numbers. (This is sometimes offered by critics as a caricature of TE, and indeed I shall briefly revisit it in the next section.) Let us suppose for the sake of argument that this is true, and that equal numbers do have some aesthetic value. In that case, even *that* trivial value would suffice to demolish the claim that ‘there is nothing good about equality as such’. Since they make, to begin with, very strong claims, we see, it takes very little to rebut groundlessness objections (including the levelling down objection).

We can think, however, of much weightier (and indeed, moral) reasons to care about equality (aside from its aesthetic value, that is). Here, then, is one such reason to think that (certain) inequalities are bad as such. Consider the familiar luck egalitarian view that *it is bad for one to be worse off than another through no fault or (reasonably avoidable) choice of one’s own*. This view identifies which inequalities are bad, namely those that are un-chosen. And it also identifies what makes them bad, namely the fact that they make a person undeservedly disadvantaged (compared with someone else). (Once again, recall, by ‘undeservedly disadvantaged’ I mean merely being worse off than another through morally arbitrary reasons.) Encapsulated here, then, is an account of the badness of inequality. What is bad about (un-chosen) inequalities is precisely the fact that they leave people undeservedly disadvantaged compared with others.

This account contains an important double-barrelled feature (in itself a lesson from Susan Hurley’s important critique of luck egalitarianism) (Hurley 2003: esp. ch. 3; see also Segall 2013: 58–63). Namely, it takes neither *equality*, nor *arbitrary* distributions, to constitute some moral default or starting points. Let me explain. First, the account does not merely presume the badness of inequality, nor, correspondingly, does it take as a starting point the goodness of equality. This is evidenced by the fact that on this account *some* inequalities, namely chosen ones (option luck inequalities, if you prefer) are not bad. To stress, it is not just that

¹⁸ In fact, it is hard to see how LD *cannot* represent an increase, not to say an improvement, with respect to equality. See also John Broome on this: ‘leveling down will always cause an improvement with respect to equality’ (Broome unpublished). For a somewhat similar point see Ingmar Persson’s distinction between the LDO as a normative claim as opposed to LDO as a meta-ethical claim (Persson 2001: 26).

non-arbitrary inequalities are less bad compared with arbitrary ones; it is that they are *not bad at all*. Equality is therefore not assumed here as some moral default. Second, the account does not condemn distributions merely for being *arbitrary*. That is obvious. If it did, the view would have condemned also *arbitrary equalities* (say, those resulting from manna-from-heaven) (McKerlie 1996: 279; Hurley 2003: 151–2). The egalitarian account just invoked finds fault neither with arbitrary distributions, on the one hand, nor with inequalities as such, on the other. It targets, rather, *arbitrary inequalities*. And it explains, moreover, precisely how arbitrary inequalities differ from all other arbitrary distributions, on the one hand, and from non-arbitrary inequalities, on the other. Namely, arbitrary inequalities leave some individuals worse off than others, and through no fault of their own. It is the fact of being arbitrarily disadvantaged, then, that is the source of badness according to this account. It is bad for one to be arbitrarily worse-off compared with others, and consequently arbitrary inequalities are always suspect (unless otherwise excused). Correspondingly, morally arbitrary advantages are in need of a justification.¹⁹

In offering that it is bad for one individual to be worse off than another for no fault (or choice) of one's own telic egalitarians of the luck egalitarian persuasion provide a ground for egalitarianism and thus refute the groundlessness objection. Now, notice that in assessing the goodness of the state of the world, we assume here the perspective of an external observer. This helps us to see an important feature of this account, namely that it admits the widest scope possible. *Any* arbitrary inequality, no matter the space it traverses or the centuries it spans, is bad. The badness of arbitrary inequality does *not* follow, on the present account, from some instrumental disvalue. It does not depend on the parties to it being conscious of it, being harmed by it, and so forth. Arbitrary inequality is (intrinsically) bad wherever and whenever it occurs.

In fact, it might be useful to think of the scope of the account just given in what is sometimes called dialogical terms. That, in itself, is not a new proposition, and here I am happy to follow in the footsteps of Bruce Ackerman, G. A. Cohen, Serge-Christophe Kolm, Dennis McKerlie and Philippe Van Parijs (Van Parijs unpublished; Ackerman 1980: 58; Kolm 2005: esp. ch. 20).²⁰ That is, we may think of all moral agents – past, present and future, terrestrial as well as extra-terrestrial – as encompassing

¹⁹ Another defence of egalitarianism that alludes to the imperative of justification is offered by Otsuka and Voorhoeve, although they restrict theirs to allocators (Otsuka and Voorhoeve 2009: 183–4).

²⁰ Although it seems to me that Kolm's notion of what he calls 'dialogical ethics' is slightly more comprehensive than that of the other four, and encompasses many more duties than merely those pertaining to egalitarian distributions.

one *justificatory community* (Cohen 1992: 282; 2006). Members of this justificatory community are under duty to provide others with reasons for any advantaged position on to which they hold. When advantaged holdings are arbitrary (say, they are the product of brute luck), holders must provide a good reason (whether of justice or otherwise) why it is right for them to hold on to these privileged positions. (They may say, for example, that holding on to that advantage somehow improves the position of everyone else, including the worse off.) Correspondingly, the worse off have a claim to be given a compelling reason as to why they should be so disadvantaged.²¹ The duty of justification (and the corresponding claim it gives rise to), notice, holds for all moral agents. If Martians are considered to be of equal moral status to humans (again, not a question for egalitarians, not to mention TE, to settle), then they also owe, and are in turn owed, justification. Similarly, worse-off 13th century Inca peasants are in a position to demand an explanation (and justification) from better off individuals occupying other eras as to why it is acceptable for them to be worse off.²² Some readers may not readily feel personally compelled by this duty.²³ If so, simply try and imagine yourself to be some sort of a creator of that universe, upon whom supplications are made. The poor Incas (and the worse-off aliens) have a good claim that they may press on you. Correspondingly, you ought to be able to either concede their point (and admit that their disadvantage is unjust), or provide a good reason why it (the disadvantage) is not unjust or is, in turn, justified all things considered. What you may not do is simply dismiss it.²⁴

To get a taste of how the account proposed here could be applied, think again of the levelling down objection and the move from D1 (200, 100) to D2 (100, 100). The disadvantaged group in D1 (call it 'the worse off') may legitimately expect an explanation as to why it is right for them to be worse off. In reply, the other group (or some external allocator, for that matter), call it 'the better off', might respond by saying that the only alternative in which the worse off are no longer disadvantaged (namely, equality) would imply reducing the bundle of the better off while not benefiting the worse off in the least. Producing such a reply

²¹ This comes close to something once suggested by McKerlie (1996: 293–4): 'So the principle of equality can be understood in terms of the moral claims of individuals, even if it does not contribute to the moral good of individuals.'

²² Notice that I do not claim a right to justification that is exclusive to distributive justice. Indeed the right (and its corresponding duty) might have a far wider scope. One may, for example, speak of a right to justification as underlying the very notion of human rights. On this, see Forst (2011: 205).

²³ Samuel Scheffler, personal communication.

²⁴ This may conflict with non-armchair theology, and in particular with the assumption of divine omnipotence. Francisco Suarez for example believed that since God is omnipotent then it cannot owe anyone anything, including duties of justice (Schwartz unpublished).

would meet the duty of justification. (Whether or not the justification is a persuasive one is another story.) But what is important for us here is that the disadvantage is morally suspect unless proven otherwise. Crucially, the fact that an unequal distribution *can* be excused does not deny it the status of being morally bad to begin with. Arbitrary inequalities are bad, even when they are excused (or justified) all things considered. (Things are different when a justification proves not that inequality is justified all things considered, but that it is actually not bad or unjust to begin with. I shall come back to that in the next and final section.) That is precisely what the 'justificatory account' (let us call it that) captures. Unless critics can counter the justificatory account of the badness of inequality they must concede that TE is not, after all, groundless.

Let me note, in concluding this section, two additional features of the account given, one concerning the value of equality, and the other concerning the non-identity problem. First, notice that the justificatory account restricts itself to telling us when and why inequalities are bad. They are bad when they leave individuals arbitrarily disadvantaged. The account, then, speaks of the badness of inequality rather than the goodness of equality. This ties in nicely with Ingmar Persson's view (which I happen to find compelling) according to which seeing equality as good, as opposed to viewing inequality as bad, has some implausible implications. For example, it gives us a reason to bring about a world in which all individuals lead an equally horrible, not-worth-living, lives, which is counterintuitive (Persson 2008: 298; 2012: 296). To avoid that, egalitarians should hold that while inequality detracts from the goodness of outcomes, equality does not add anything independently good. (Independently, that is, from the removal of inequality.)

The other point concerns non-identity. Think of the following dilemma:

A: (George: 10, Michael: 5) vs. B: (George: 5, Gilbert: 5)

This is a levelling down case with the added feature of non-identity. Michael, some would say, cannot possibly complain about World A (in which he is disadvantaged relative to George), for the simple reason that in the only other alternative he does not even exist. This is sometimes thought to be a decisive argument for prioritarianism and against egalitarianism (Holtug 2010: 186–90). But whatever the merit of that objection to egalitarianism, my account sidesteps it. On the justificatory account, Michael is owed a justification for why he should be worse off (in World A). The fact that he does not even exist in the only other alternative world may serve as an *excuse* for why World A should be acceptable to him, *all-things-considered*; it is not a reason that pre-empts (or revokes) the badness of his disadvantage. World A has something bad about it,

and non-existence under the only other possible world does nothing to eliminate it.

3. NEITHER DESERT, NOR AESTHETICS

It is bad for some to be worse off than others through no fault or choice of their own. A worse off individual has a complaint against anyone who happens to be better off than her, wherever, and whenever she is located. All undeserved inequalities are therefore morally bad and in need of being justified. This serves to show that an inequality is bad *even when* the only available means of avoiding it would make everyone worse off.

TE, it is obvious, divorces the value of equality from welfarist considerations. It is of course this couching of inequality in an impersonal (or non-person-affecting) good to which many critics object.²⁵ The justificatory account serves as a response to such (groundlessness) objections. It is important to ascertain, however, what kind of impersonal good, precisely, egalitarianism is concerned with. In this final section I want to show that my account of the badness of inequality is not reducible to some other, non-egalitarian, value. I shall do so by distancing my account from two other accounts, both concerning impersonal values, that are sometimes thought to underlie the impersonal badness of inequality. These two other values are desert on the one hand, and the abovementioned aesthetic value of mathematical equality, on the other.

Let's start with desert. My position in this paper, I said at the introduction, follows rather closely that of Larry Temkin. Similarly to him, I hold that inequality is bad even when it is not bad for (or harm) anyone in particular. I also agree with Temkin that not all inequalities are bad, only un-chosen ones. Chosen inequalities, Temkin says and I agree, are not (intrinsically) bad *at all* (Temkin 2003a: 767; 2003b: 62). (They can still, of course, be instrumentally bad.) But there is another element to his account, from which I would like to distance mine. Temkin says that it is not only that chosen inequalities are not bad at all, but also that certain *equalities* can (also) be bad. An equal distribution can be bad, says Temkin, when it is not equally deserved. A case in point would be an equality of welfare that obtains between Hitler and Gandhi (Temkin 1993: 138–40).²⁶ But as critics have rightly pointed out (Hausman and Waldren 2011: 572, n. 13), this position implies that the value underlying Temkin's account is perhaps

²⁵ Whether the critics themselves provide an account that is independent of impersonal values is another matter. Persson has convincingly argued that Parfitian prioritarianism, for example, also must rely on an impersonal value, one that increases the more worse off the beneficiary is (see Persson 2008: 301; see also Segall 2014).

²⁶ Although I do not presume to know in which way it is bad. If to believe Slavoj Žižek's latest utterance, 'Ghandi was more violent than Hitler' (and so perhaps Gandhi ought to have less welfare). (Cited in Gray 2012.)

not equality after all, but rather desert (or proportional justice, if you prefer). Whatever is the case, my account parts company from Temkin's precisely at this juncture. An equality of welfare that obtains between Hitler and Gandhi might indeed be bad. But if it is, it is so for reasons *other than* equality (presumably, as mentioned, desert). This is consistent with everything said so far. The account provided in the previous section restricts itself to the view that certain *inequalities* – un-chosen ones – are bad. It is *disadvantaged* individuals who are owed justification for why it is right for others to be better off than they are. In the case of equalities, however much undeserved (and in whatever sense of that term), there is no one who is disadvantaged, and thus no one for whom justification is owed.²⁷ Unlike Temkin's, then, my account is independent of the value of desert.²⁸ It is egalitarian all the way down.

The account offered here is not grounded in desert. Neither is it grounded in some merely aesthetic value of equality. Critics, I said, sometimes portray TE as resting exclusively on such aesthetic value of numerical equality (O'Neill 2008: 124). If true, this would be rather embarrassing for TE. Moreover, if TE were based on some aesthetic concern then the badness of inequality would then seem to reside both with the worse off party *and* with the better off one,²⁹ which is again rather counterintuitive (McKerlie 1996: 294). Fortunately, this caricature can be easily set aside here. This can be done by recalling that on the proposed account some *inequalities*, namely chosen ones, are not bad *at all*. This alone suffices to show that the underlying value of TE cannot be some aesthetic or arithmetic preoccupation with equal numbers. It is, instead, rooted in the repugnance of being undeservedly disadvantaged.

4. CONCLUSION

TE is neither counterintuitive, nor groundless. This judgement, we may note in conclusion, should not be so hard for critics to come to terms with. For notice that all it (to accept TE, that is) implies is that undeserved

²⁷ I do not deny that in the case of undeserved equality there is no one who is *aggrieved*. Gandhi may well have a valid complaint, namely that it isn't right for Hitler to be as content as he is. I need not deny this. What I do deny is that this grievance prompts a complaint of *egalitarian justice*. Gandhi might be aggrieved, but he is not disadvantaged. If he were disadvantaged (say, if his being aggrieved diminished his welfare compared with that of Hitler's) then his complaint *would* be one of egalitarian nature, but then of course the state of affairs could no longer be said to be one of equality.

²⁸ Is it perhaps dependent on the value of *choice*? After all, it claims that *chosen* inequalities are not bad at all. Again, the answer is no. For, equalities, whether or not chosen, are never bad on the current account. For further discussion see Segall (2012).

²⁹ Some critics of TE do have that view of it in mind. How else, they wonder, would one explain TE's endorsement of levelling down. Holtug concludes (2010: 203): 'Egalitarianism, then, is hardly based on a concern for the worse off.'

inequality, wherever, whenever, and among whomever it obtains is bad. This is a rather minimal proposition.³⁰ It does not yet tell us what to do, all things considered, about these inequalities. It simply compels us to hold that undeserved inequalities, wherever and whenever they exist, are intrinsically bad.³¹ As such, the truth of telic egalitarianism should be endorsed by all.

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³⁰ See also Tungodden (2003: 9, my emphasis): 'it is essential to notice that the weak principle of equality is really a very *weak* principle. It is not saying that equality is everything, it is simply pointing out that if there are undeserved, non-voluntary inequalities in society, then there is something bad about the situation. Of course, if this badness can only be removed by torturing someone, then it is obvious that the new situation is worse all things considered.'

³¹ I agree with Iwao Hirose here: 'If Egalitarians hold both the Principle of Equality [that equal outcomes are better than unequal ones] and the Principle of Utility [according to which it is in itself better that people are better off] and if they claim that the leveling-down is, all things considered, strictly worse, *what is the big deal* about claiming that leveling-down is better in one respect?' (Hirose 2012: 101, emphasis added).

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BIOGRAPHICAL INFORMATION

Shlomi Segall is an Associate Professor at the Program of Politics, Philosophy, & Economics (PPE) at The Hebrew University of Jerusalem. He is the author of *Health, Luck, and Justice* (Princeton University Press, 2010), and *Equality and Opportunity* (Oxford University Press, 2013). His current work focuses on the value of equality.