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ON THE STATUS OF EQUALITY

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1. INTRODUCTION

The belief that there is a close connection between equality and justice is quite common. Since justice is a quintessentially ethical idea, that linkage clearly must have some ethical status. But what is the basis of this status? On this subject, presumptions diverge—explicitly or by implication—even among those who firmly associate equality with justice. Some see the linkage to be mainly political; others take it to be more than that—perhaps even logically necessary. This distinction is not unimportant since political perspicuity would have to be contingent on the ideas and commitments of the people involved, whereas logical necessity must be independent of that. I want to discuss the difference between the two approaches—the political and the logical—and to examine briefly the respective domains of analytical relations and political contingencies in connecting equality with justice.

The immediate occasion for this examination is an interesting and important paper by John Kane, in which he disputes the view that there is any logical connection between justice and equality.1 Kane is not alone to have questioned the presumed logical link, and this makes it all the more important to address Kane's cogent reasoning. I argue that Kane is partly right, but he does not give the analytical relations the due acknowledgement that even his own line of reasoning would require.

However, before I proceed further, I must comment on an ambiguity—perhaps even an error—in Kane's interpretation of my own position in Inequality Reexamined, on this subject.2 This is important to do not just to set the record straight, but also because the substantive position I shall argue

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394
for is a development of what I had proposed in that monograph. In this sense, the next section has both a corrective and a constructive purpose. In the later sections, I proceed to distinguish between the respective domains of analytical relations and political contingencies, and also to comment on Kane’s substantive arguments.

2. POLITICAL PLAUSIBILITY AND BASAL EQUALITY

Kane notes that “the presumption of some necessary connection between the ideas of justice and equality is endemic as Sen and I both believe.” But he also contends—suggesting strongly that there is a divergence between our views here—that “such a presumption is in fact mistaken.” I had not, in fact, claimed that one must presume that there is a necessary connection between justice and equality. Rather, I had noted that “every normative theory of social arrangement that has at all stood the test of time seems to demand equality of something—something that is regarded as particularly important in that theory” (p. 12). I did try to clarify what exactly I was claiming:

We may be persuaded that the basic disputations are likely to be about “equality of what?”, but it might still be asked whether there need be a demand for equality in some important space or other. Even if it turns out that every substantive theory of social arrangements in vogue is, in fact, egalitarian in some space—a space seen as central in that theory—there is still the need to explain and defend that general characterization in each case. The issue to address is not so much whether there must be for strictly formal reason (such as the discipline of “the language of morals”), equal consideration for all, at some level, in all ethical theories of social arrangement. I am more concerned with the question whether ethical theories must have this basic feature of equality to have substantive plausibility in the world in which we live.4

In the formal structure I had tried to develop, equality of some type—what was called “basal equality”—is sought in each such substantive ethical theory by arguing for (or by simply assuming) the primacy of some space—incomes, utilities, libertarian rights, and so forth, in the respective actual ideas of justice. The endorsement of the importance of equality in that central space (i.e., basal equality) then yields the need to accept inequality in other spaces, since these different equalities could not be simultaneously guaranteed. (The extensive diversities of human beings—a major theme of my book—makes the congruence of equalities in the different spaces extremely unlikely.) For example, those who seek equality of incomes cannot also demand equality of libertarian rights of ownership, transactions, and bequeathal—and vice
versa. "Equality in what is seen as the 'base' is invoked for a reasoned defence of the resulting inequalities in the far-flung 'peripheries."

I had not claimed that it would be logically impossible to construct a moral theory that would not demand equality in any space whatsoever, nor in particular attach any importance to equality in some space that is seen as "central" to that moral theory. But in confining my attention to the class of theories that do value equality in some space, I did emphasize the political force of having "equal concern for all at some level"—a level that is seen as quite central in that theory (e.g., incomes for income-egalitarians, liberties for libertarians, and so on). Political diversities of our beliefs permit some variation in the choice of space in which equality is to be "basally" valued, but they do not easily accommodate rejecting the need for equality in every possible space. I did try to read some significance in the fact that "every normative theory of social arrangement that has at all stood the test of time seems to demand equality of something—something that is regarded as particularly important in that theory," but the reading was primarily political (without any claim being made that things could not have been otherwise, or that mere logic would make this "test of time" analytically inescapable).

To seize the structure of this argument, it is useful to note that I was not only acknowledging the practical force of the demands of equality in some chosen space that is seen as central, but also—the other side of the same coin—the corresponding need to accept (and, in terms of consistency, contingently require) inequality in other spaces that are seen as less central. There is no necessity in all this of disputing Kane's claim that "justice requires different things in different circumstances, and no a priori judgments as to equality or inequality of treatment are justifiable" (p. 389). Indeed, even as far as "basal equality" is concerned, the argument must surely go well beyond the a priori, and well beyond the acceptance of the need to seek equality in some space. Substantive arguments have to be presented as to why a particular space rather than another should be seen as central in that ethical context.

3. ARISTOTELIAN PROPORIONALITY

While the need to have substantive arguments going beyond the form of equality is not a bone of contention between us, Kane does, in fact, offer a differently formalized view of justice, related to "the Aristotelian doctrine of proportionality." He contrasts this formal principle with the rule of equality in some space, in outlining what he believes the basic conception of justice to be:
The principle upon which such rights, penalties, or duties are traditionally calculated is the Aristotelian principle of proportionality: the more one has of a certain property $X$, the more one deserves of whatever treatment $Y$ is relevant to it. (p. 378)

I had, in fact, briefly discussed this principle, in terms of particular uses, in *Inequality Reexamined* (pp. 90-2), treating it as a type of equality of treatment. Since Kane sees equality and proportionality as two contradictory formal principles, it is worth discussing in what sense they are or are not really contrary.

In fact, a kind of formal equality, with well-defined analytical requirements, is implied by any rule of the type of the proportionality principle: in this case, that different persons (no matter who) that share the same value of the central property $X$ must be seen as deserving the same value of $Y$. The basic point here is that the $Y$ that is "due" (to use Kane's terminology) to a person is supervenient on his or her $X$, and not on who the person is (or on any other characteristic of this person). The general nature of treating people equally in this sense was extensively discussed in *Inequality Reexamined*, and it applies inter alia to the proportionality principle as well.

Second, it so happens that if $Y$ and $X$ are strictly proportional (as the name of the rule suggests and some versions of the Aristotelian claim endorse), then not only does everyone with the same $X$ get an equal $Y$, but also everyone—no matter what $X$ he or she has—gets an equal amount of $Y$ per unit of $X$. In fact, however, despite the name, it is common to consider monotonic functions $f(X)$ other than proportionality in applying the so-called proportionality principle. This involves an additional problem of rescaling to characterize the sense in which the "due" values of $Y$ for respective values of $X$ are supposed to be determined by the principle of "proportionality." The idea of "equal treatment" would relate to the "dueness" function connected with that scaling. I shall not pause here to elaborate on this (the relation can be dealt with, mathematically, in similar ways to the problem of interpersonal comparability). The crucial issue is the equal treatment of people in identical circumstances (taking, in this case, the relevant circumstance to be the value of $X$).

The fact that the proportionality rule falls well within the general category of egalitarian rules need not come as a great surprise, since the formal aspects of equality can be very versatile. This is not to deny that there is an interesting substantive question as to the form in which equality may be most plausibly sought. Indeed, in *Inequality Reexamined* (91-3), the proportionality view of having one's $Y$ in line with one's $X$ ("equal treatment" in relating $Y$ to $X$) was contrasted, in this respect, with the rule of working for the same $Y$ for all ("equal treatment" in giving everyone equal $Y$). A substantive examination
of "equality of what" has to address this question along with the choice of space. But what is at issue is not whether or not to have any general requirement of equality of treatment, but the form that equal treatment should take. Any principle of the kind that Kane himself discusses thus incorporates a requirement of "equality," and the only remaining issue is the more general one (to which Inequality Reexamined was addressed), namely, equality of what?

4. REACH AND LIMITS OF NECESSITY

So what do we conclude? As a substantive proposition, the requirement of equality of any particular kind (of incomes, of utilities, of freedoms, etc.) cannot, of course, be a logically necessary part of justice under every possible conception. Even the requirement of demanding equality of "something that is regarded as particularly important" in the respective theory of justice cannot be fully analytical. If it is indeed the case (as I have tried to claim it is) that "every normative theory of social arrangement that has at all stood the test of time" does, in fact, satisfy such a requirement, that commonality certainly derives largely from the political regularities that have emerged over time in the beliefs and convictions of people.

For this reason, I see no reason to disagree with Kane's main claim (except with his implicit suggestion that I had argued for the contrary view; this I had not done). But there is a further issue, to wit, the formal requirements that are imposed by any general rule of justice. Any delineation of principles—of needs, of deserts, of entitlements, or whatever—makes the right outcomes supervenient on some specific characteristics that a person may possess or acquire or receive, and this carries with it the entailment that anyone who has the same characteristics—no matter who he or she is—must receive the same consideration. That "equality of treatment" is nonspecific, but it does incorporate a substantive demand for equality, in a parametric form.

This applies to all the classes of justificatory arguments that require the use of such rules and regularities. Kane does not say this, and indeed in his citation of Aristotelian "proportionality" rules, he seems to be denying any connection of such principles with equal treatment at all. But this is largely a matter of presentation. Consider, for example, Kane's argument: "If a teacher punishes a whole class for the misbehaviour of one pupil, or an officer shoots an entire village for an act of sabotage by one of its members, surely the onus is on the perpetrators of the equal treatment to say why they have made no distinctions between the guilty and the innocent" (p. 389). The same
substantive query can be raised by asking the offending teacher (or police officer) why the principle should not be that all misbehavers (or all saboteurs) be treated equally, rather than that people with dissimilar responsibilities be given the same punishment. What Kane calls "the equal treatment" is not the only form that equal treatment can take.

We can still question whether there is any necessity to have these general classes of justificatory arguments that take us to equality of treatment in some generic sense (e.g., a person should get this because of some characteristic he or she has). Indeed, one can argue that the necessity of equality in classes of substantive moral theories was not in itself a necessity. I do not see much merit in spending effort to resist this claim. I have no great difficulty in conceiving of a putative theory of justice that remains completely arbitrary in its allocation, without any use of a principle that involves supervenience on some general characteristics of persons (rather than simply who is who). I will, of course, resist such a theory of justice, but not on the ground that there is something of a logical mistake here. Its arbitrariness has to be compared with the reasons—plausible to us—that can be given in favour of equal treatment of one kind or another, and this fits into the discipline of examining a substantive theory of justice in political philosophy.

The really engaging questions about "the status of equality" concern (a) the choice of the space and the form in which equality is to be sought ("equality of what?") and (b) addressing conflicts between the claims of any particular type of equality and other considerations, including other types of equality ("what relative significance to attach?"). The status of equality is a substantive rather than a formal issue.

NOTES

3. Kane, "Justice, Impartiality, and Equality," 376. He does not explicitly attribute this view to me (as far as I can see) but proceeds as if I believed in a logically necessary connection. He comes closest to attribution in the following passage:

Sen suspects that the reason why so many altogether different substantive theories of social justice have the common feature of demanding equality of something is to be found in a "foundational principle" of ethical reasoning, namely, the principle of equal concern for all at some level. The absence of such concern, he says, makes a theory arbitrarily discriminating. (pp. 375-6)
But the question to ask here surely is: what kind of arbitrariness would this be—political or logical or both?

4. Sen, *Inequality Reexamined*, 16-7. I had, in fact, gone on to argue: “A theory may accept—indeed demand—inequality in terms of many variables, but in defending those inequalities it would be hard to duck the need to relate them, ultimately, to equal consideration for all in some adequately substantial way” (p. 17).


6. That argumentative force relates closely to the idea that has been illuminatingly explored by Thomas Scanlon of the need to have “reasons that others could not readily reject.” Idem, “Utilitarianism and Contractualism,” in *Utilitarianism and Beyond*, ed. Amartya Sen and Bernard Williams (Cambridge, UK: Cambridge University Press, 1982).

7. Kane simply asserts that the “caste system in India is formally just,” and in this context cites Michael Walzer to the effect that “in a society where shared social meanings are integrated and hierarchicul, ‘justice will come to the aid of inequality’” (p. 390). But political movements challenging this view have been, in fact, dominant in contemporary India, and even the constitution of the Indian Union (adopted on the basis of a consensus immediately after independence) bans various practices of caste-based inequality and requires “affirmative discriminations” in favor of lower castes in civil service and education (provisions that have been further expanded in the last decade). The discipline of political plausibility is not without its substantive bite.


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