EQUALITY
AND PUBLIC POLICY

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INTRODUCTION

If ever there were a time in which concerns about equality as a primary issue for social policy disappeared from public view, now is not that time. Recent work in economics on inequality has climbed to the top of best-sellers lists, and the issue was a major talking point in American midterm elections in 2014. The sheer bewildering volume of scholarship and discussion of equality makes it difficult to distinguish signal from noise. What, of all that we know about ways in which we are equal and ways in which we are unequal, matters? If, as seems plausible, we neither are nor should desire to be equal in every respect that we could in theory be equal, in which ways ought we to care about being equal? Does the kind of equality of outcome — perhaps equality of income or wealth — that is frequently the focus of discussion matter most? Does opportunity matter more? What about less material forms of equality such as equality of status, or power, or authority? How do these various forms of equality interact with each other?

The essays in this volume represent the work of a number of leading scholars from different disciplines on these questions. Drawing on sources in philosophical analysis, empirical science, and history, they sort through competing claims and counterclaims about the intuitions that drive our concern for equality. Their conclusions are not in unison, but nonetheless represent important advances in our attempts to grapple with this crucial social value.

In the opening essay, “The Egalitarian Species,” Gerald Gaus addresses “Hayek’s Worry”: the concern that our biologically evolved egalitarian moral sentiments are in deep conflict with the socially evolved impersonal order that F. A. Hayek calls “the Great Society.” Gaus analyzes what he takes to be the “egalitarian ethos” characteristic of our species, relying on a number of recent studies from the social sciences. His core claim is that rule-based market orders are not opposed to evolved egalitarian sentiments: our fundamental egalitarianism quintessentially expresses itself in norms of fair treatment. These norms oppose being bossed and dominated, and markets depend on them. However, Gaus argues, Hayek’s Worry cannot be entirely assuaged; human sentiments have some inclination toward equal shares but, more importantly, human egalitarianism rebels at being bossed. It is not markets, Gaus concludes, but the hierarchical firm, that should be the focus of the Hayekian worry about the clash between biologically evolved sentiments and modern economic orders.

In “Has Rising Income Inequality Worsened Inequality of Opportunity in the United States?” Scott Winship notes that leading policymakers, researchers, and journalists routinely pronounce the American Dream dead:
intergenerational mobility is assumed not only to be insufficient, but lower than in the past. For many, Winship suggests, it is an article of faith that rising income inequality is the smoking gun in this murder mystery. Winship argues, however, that a review of economic trends since the mid-twentieth century offers little reason to believe that such inequality is a threat to the American Dream. Inequality among the broad American populace has not increased since the 1980s, and increased modestly even before then. The incomes of the poor and middle class have grown more than commentators typically appreciate. Moreover, many argue that wages have not kept up with productivity and that family incomes have risen only because wives have been pressured to increase their work. Winship maintains that while these claims have kernels of truth, they fail to recognize how the Golden Age of the mid-twentieth century was the product of cultural norms that were unsustainable, undesirable, or both. Furthermore, intergenerational mobility has not declined in recent decades, despite a rise in inequality below the “top one percent” and income concentration at the top.

State regulation of employment relations for the sake of equality is typically represented as interfering with freedom of contract. Elizabeth Anderson argues in her contribution to the volume, “Equality and Freedom in the Workplace: Recovering Republican Insights,” that this representation errs in supposing that the terms of the laissez-faire capitalist labor contract are determined by market competition and negotiation between employers and workers. In fact, she holds, capitalism’s need for conventions that can govern cooperation on large scales can be satisfied only by a legal infrastructure supplied by the state through corporate, property, and labor law. These laws establish the constitution of workplace governance, which defaults to employer dictatorship in the laissez-faire baseline of employment at will. Anderson contends that this default cannot be justified by freedom of contract, property rights, or efficiency. Efficiency considerations can justify hierarchical management of the firm, but do not entail that workers have neither voice in nor inalienable rights against management. According to Anderson, pre-capitalist republican theories of freedom as nondomination were used for two centuries to criticize arbitrary rule, whether by state actors or employers. Moreover, most egalitarian republicans from the seventeenth century through the nineteenth century were friendly to markets but critical of wage labor, aspiring for an economy based on independent, self-employed farmers, traders, and artisans. While these republicans failed to offer a viable constitution of workplace governance for large-scale production, she argues, some of the principles of constitutional design for protecting individuals from arbitrary, unaccountable authority remain relevant for designing workplace constitutions that limit employer authority.

Steven Horwitz explores the conventional narrative according to which the last generation has seen the rich get richer and the poor get poorer.
while the middle class gets hollowed out. In “Inequality, Mobility, and Being Poor in America,” Horwitz argues that this narrative has serious flaws. First, he contends, claims of growing inequality overlook data on income mobility. It is not the same households who are rich and poor each year, and many poor households become richer over time. Second, the claim of middle class stagnation is largely a statistical illusion based on an incomplete interpretation of median household income. The middle class has shrunk, but so has the percentage of poor households, while the percentage of rich households has grown significantly in the last few decades. Third, Horwitz suggests that looking at consumption rather than income enables us to see both the absolute gains of poor U.S. households and the narrowing of the gap with the wealthy. Horwitz concludes that these three points together offer a much more optimistic view of the degree of inequality and the ability of the poor to become rich. But the picture is not all rosy. The essay closes with a discussion of the relevance of housing, health care, and education costs to the argument that greater optimism about inequality and mobility is warranted.

In “Relational Equality, Inherent Stability, and the Reach of Contractualism,” Paul Weithman examines Elizabeth Anderson’s claim that the fundamental difference between relational and luck egalitarians is in whether principles of justice should be justified second- or third-personally. According to Anderson, this difference explains why relational egalitarians typically embrace contractualism, and why contractualists think considerations of stability bear on the content of distributive principles while luck egalitarians do not. Weithman maintains that careful analysis of Anderson’s argument brings to light the psychological claims some contemporary contractualists make about how distributive principles can be stabilized. It shows, he argues, that even if concern for stability is internal to contractualism, those particular claims are not. Interpersonal or contractualist ways of justifying principles are compatible with a variety of claims about how compliance with such principles is brought about. Furthermore, Weithman argues that contractualism is also underpinned by an attitude that can appropriately be called “moral faith.” This is faith in the amenability of human beings to the relevant kind of moral education and in the ability of basic institutions to deliver it. Weithman concludes that this underpinning is as much a source of contractualism’s distinctiveness as the conception of justification identified by Anderson.

According to Debra Thompson, claims to formal and substantive equality, demands for protections against racial discrimination and redistributive or reparatory action, and legal, political, or judicial concessions by the state all rest upon the same foundation: systems of racial classification. Her essay, “What Lies Beneath: Equality and the Making of Racial Classifications,” explores how systems of racial classification, which lie inconspicuously beneath contemporary and multidimensional understandings of equality, are shifting, contested, and ultimately rather fragile.
Using empirical examples from the politics of the census in Canada, the United States, and Great Britain, Thompson argues that racial rules are shaped by the existence and character of other dominant racial projects of the state by tracing the political development of census questions and categories. This tracing shows, moreover, that such racial classification is most easily done behind closed doors and beyond the reach of clarification or condemnation. Finally, the underlying norms that inform the designation of racial groups implicitly engage in indictments of visibility, disadvantage, and authenticity.

In “‘Without Respect of Persons’: Gender Equality, Theology, and the Law in the Writing of Margaret Fell,” Sarah E. Skwire observes that when people in the twenty-first century speak about equality, we tend to speak of it as having been created by particular policies, which implies a top-down approach to equality. She notes that the suggestion of such a construction is that “the people” are not equal until the government makes them equal. And, according to Skwire, what we lose when we adopt a construction of this sort is the radical voice of individuals asserting that their equality always already exists. Skwire argues that the writings of the seventeenth-century Quaker, Margaret Fell, are instructive for recapturing this voice. Fell’s most famous work, “Women’s Speaking Justified” (1666/1667), is not a request for the granting of gender equality; it is a demand for recognition of the equality Fell knows she already possesses. Skwire explains that Fell embraces a radical vision of women as equally powerful speakers of the word of God. Equality in divine creation leads to equality in spiritual standing and spiritual expression. This equality, Fell holds, leads just as inarguably to the need to recognize — not grant or establish — equality in politics. Skwire concludes that what becomes important when we speak and write and make policy about equality in the twenty-first century, is that equality is a natural state — whether one believes, like Fell, that it is given by God, or whether one has a more secularized approach — and it is the job of policymakers to confirm that.

In “Equality via Mobility: Why Socioeconomic Mobility Matters for Relational Equality, Distributive Equality, and Equality of Opportunity,” Govind Persad examines the connection between socioeconomic mobility and equality. He distinguishes different forms of mobility, such as intragenerational versus intergenerational mobility and absolute versus relative mobility. He also briefly reviews relevant findings from the social sciences: for example, that relative mobility exists but — particularly out of the bottom and top quintiles — is limited; that relative mobility differs between countries; and that absolute mobility is modest in extent, though higher for wealthier families. Persad argues that equal opportunities do not always produce mobility because not all individuals with opportunities pursue them, so mobility is insufficient for equal opportunity. However, he maintains that relative mobility is a proxy (albeit imperfect) for equal opportunity. Moreover, he argues that relative mobility provides one way...
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of reconciling economic efficiency with long-term distributive equality, by allowing for specialization while distributing its benefits more evenly across the population over time. Finally, he contends that relative mobility is compatible with relational equality because relational equality does not require short-term distributive equality, and that absolute mobility is not, by itself, sufficient for relational equality. Overall, Persad concludes that socioeconomic mobility is conceptually distinct from equality of opportunity, distributive equality, and relational equality. However, socioeconomic mobility is connected — in different ways — to each form of equality, and, if we value one or more of them, these connections endow mobility with derivative normative significance.

In “Equality, Liberty, and Prosperity,” Antony Davies, James R. Harrigan, and Megan Teague examine a “natural experiment” in equality of opportunity among the fifty U.S. states. Given our inability to suspend the laws of random chance, economic freedom is, they claim, the closest humans can come to approximating equality of opportunity. As with equality of opportunity, securing economic freedom means guaranteeing outcome inequality. But that does not necessarily mean that restricting economic freedom promotes outcome equality. To restrict economic freedom, governments must actively intervene in people’s affairs, preventing them from behaving in ways that they would voluntarily behave. That intervention itself may generate outcome inequality. Those interested in equality are then left to address two empirical questions: Does suppressing economic freedom cause more or less outcome inequality than does securing economic freedom? Does suppressing economic freedom cause a greater or lesser level of outcome than does securing economic freedom?

The authors compare economic freedom across time and across states to economic outcomes and outcome inequality measures, such as income, income inequality, poverty, unemployment, population migration, and entrepreneurial activity; they argue that economic freedom is correlated not only with improved outcome levels but also with reduced income inequality. They also find evidence that people migrate from states with less economic freedom into states with more economic freedom. While correlation does not imply causation, the evidence does demonstrate that securing economic freedom is not associated with worse outcomes or worse outcome inequality.

The connections between equality and health are the focus of the contribution to this volume of Kristin Voigt and Gry Wester. Health is important for a variety of reasons, perhaps most prominently because of its importance for individuals’ well-being and ability to pursue different life plans. In their essay “Relational Equality and Health,” Voigt and Wester indicate that political philosophers have become increasingly interested in questions of justice arising in relation to health, particularly with respect to the allocation of health care resources and, more recently, the possible influence of social, economic, and political factors on health. Much of the
literature addressing these questions, they note, works from a predominantly distributive understanding of justice — that is, an understanding of justice that is concerned with the distributive patterns of relevant outcomes. But the distributive framework and its underlying assumptions have attracted criticism from so-called “relational” egalitarians, who have proposed a different way of conceptualizing equality, focusing on the quality of social relations among citizens and/or the ways in which social institutions “treat” citizens. Voigt and Wester explore a number of different ways in which the relational approach could have implications for health, with particular focus on health care, health inequalities, and health policy. They think that health raises interesting questions for relational egalitarians, particularly in light of emerging epidemiological evidence about the possible role of material factors and broader social circumstances in shaping health outcomes.

In “What Can Corporations Teach Governments about Democratic Equality?” Tom W. Bell evaluates the differences between democratic and corporate approaches to equality. While democracies place great faith in the principle of one-person/one-vote, business corporations and other private entities typically operate under the one-share/one-vote rule, allocating control in proportion to ownership. In times past, Bell says, we might have cited the differing ends of public and private institutions to explain the difference in approach. But as business entities have grown in size and in the range of services they provide, the distinction between public and private governance has grown blurry. To illustrate, Bell cites Brooklyn’s Co-Op City, which provides more than fifty thousand shareholder-tenants with services normally provided by a municipality, and the largest homeowners association in the United States (Highlands Ranch, Colorado), which provides over thirty thousand homes and ninety thousand residents with the functional equivalent of an entire town. Bell envisions that soon, entire “startup cities” may join residential cooperatives and homeowners associations in drawing their governing principles from private sources. He argues that private communities can affirm the principles of democratic equality by affording full protection to all rights holders, individuals and owners alike. The one-person/one-vote approach popular in political contexts, Bell submits, works best at protecting the individual personal rights — freedoms of conscience, speech, and innumerable others — to which each of us has an equal claim. And corporate law’s one-share/one-vote rule works best at protecting the property rights of those who invest in a commonly owned community. Thus, a polity should offer both corrective and constructive democracy. The result is a double democracy that, Bell argues, combines the best features of public and private governance to give equal treatment to both the personal rights of individual residents and the property rights of shareholder owners.

The final essay, by Daniel L. Bennett and Richard K. Vedder, “Public Policy, Higher Education, and Income Inequality in the United States:
Have We Reached Diminishing Returns?” is concerned with the relationship between higher education and income equality. Bennett and Vedder note that although public policy designed to promote greater college enrollment rates has often been justified as a means to reduce income inequalities, there is very little evidence that higher college attainment is associated with reduced inequality, and economic theory at best suggests an ambiguous relationship between college attainment and inequality. The essay includes an overview of some of the unintended consequences of public policies designed to promote greater enrollment. One such consequence is that the growth in college completion, which is at least partially attributable to public policy, may have actually contributed to rising income inequality. Bennett and Vedder hypothesize the existence of a U-shaped relationship between college attainment and income inequality, and using panel data for the fifty states in the United States over the period from 1970 to 2004, they provide empirical evidence in support of such a curve. They conclude that while prior to the mid-1990’s increases in attainment were associated with less inequality for most states, rapid growth in attainment since then has moved most states to the right of the inflection point such that attainment gains are associated with more inequality in most states.

The variety of approaches, questions, and perspectives in even this small collection of essays indicates that, not only are we a long way from answers about the ways we want to be equal, but we aren’t even certain what are the most important questions. Careful scrutiny of forms of equality most amenable to measurement seems to suggest that a more synoptic view might be helpful, but the range of questions that open to us when we pan out is frustratingly broad. Perhaps we ought not to be so certain yet that we know what kinds of equality should underpin social policy, and instead ought to be seeking, as the authors in this collection do, to establish links between various forms of equality and other things we value. If anything is certain, it is that the hard thinking about equality has just begun.
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