Introduction: equality, liberty, and liberal theory

This essay considers both the foundations and the limits of a liberal theory of equality. I begin by examining the working assumptions about human beings that have operated as plausible supports for the distributive arguments made by liberal egalitarians. These views I call the foundations of liberal egalitarianism in part because they are basic to the case for liberal egalitarianism – and fundamental to the egalitarian’s case against a more libertarian, laissez-faire, liberalism.

The foundations of liberal egalitarianism consist of two general characterizations of individuals as equal beings. By one view, people are assumed – at least for purposes of political theory – to be similar in their passions: similar in their general capacities for pleasure and pain as well as in their aversions to certain pains and in their desires for certain pleasures. On the second view, all people are judged to be adequately rational beings, with an assumed capacity to create reasonable life plans and to abide by the moral law necessary to maintain a just social order. Late nineteenth- and twentieth-century liberal egalitarians were not the original proponents of these presuppositions of human equality, although I will try to indicate that these assumptions were well suited to their egalitarian purposes.

One can find these assumptions of human equality in two strands of classical liberal theory. The first one might call the eudaemonistic school; it is inhabited by classical utilitarian thinkers such as Bentham and James Mill. The second I shall call the rationalist school; it includes liberal theorists such as Locke and Kant. Although there are many features that distinguish these two groups of thinkers from each other and internally differentiate the theorists of each school, their agreement concerning the existence of some form of human equality is in itself interesting, given later developments within liberal thought. The first chapter of this essay therefore is selectively expository: It is an investigation of the equality assumptions of these classical liberal thinkers. This initial
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exposition serves to expose the roots and partial supports of subsequent liberal egalitarian arguments.

Two uses of the concept of equality typically enter into discussions of social justice. The first is that of describing people as equal beings. The second is that of justifying a more equal distribution of goods, services, and opportunities among those people. I have called the first use of the concept within liberal theory its “equality assumptions,” although it should be clear throughout that the assumptions are not meant in any strict sense to suggest that people are identical beings. Perhaps “similarity assumptions” would be more accurate, but that label fails to convey the strength of group identity that these assumptions entail for liberal theory. Claims of human equality convey an author’s identification with other members of the species. The political implications of this identification require further, and extensive, specification.

The second use – as an account of principles of distributive justice – transforms the concept of equality into a conception of egalitarianism. A theory is egalitarian if it on the whole recommends a more equal distribution of goods (broadly considered) and opportunities than exists within the society to which it is addressed by the theorist or by the student applying it at a different time. This use is roughly consistent with Felix Oppenheim’s definition, although I do not claim that egalitarianism can be completely understood descriptively, because the descriptive definition leaves unspecified the criteria of distribution: Ought we to be concerned about equality of material goods, of treatment, of satisfactions, or of participatory opportunities? Which of these are chosen as criteria for labeling a theory egalitarian must, I believe, be a matter left for further argument. Our use of the terms “egalitarian” and “just” will therefore overlap, because we shall consider egalitarian only those principles that would create a more equal distribution of goods based upon appropriate or relevant criteria.

The egalitarian arguments I discuss and develop into an integrated theory of equality have roots in classical liberal theory. These roots impart strength and stability to the egalitarian argument that I later develop, though they limit its potential for growth. Although I remain an advocate of liberal equality, I hope to make explicit significant theoretical limits to the claims of liberal egalitarianism. One plausible reason for advocating a liberal theory of equality is opportunistic: Because the prevailing conception of justice within Anglo-American societies is liberal, liberal egalitarianism may have a greater chance of gaining popular sup-
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port than does a radical egalitarian theory. But my decision to discuss and develop a liberal theory of equality is more fundamentally based upon the judgment that liberal theory has a greater egalitarian potential than generally has been recognized – greater even than Rawls’s explicit arguments in *A Theory of Justice* have led some critics to believe – and that that potential is compatible with the desire to safeguard and expand individual liberty. Having been moved by critics of liberalism, I want to come to terms with liberalism’s egalitarian potential.

Like “equality,” “liberalism” is a word that is used with great frequency but rarely defined. Yet some definition appears in order, to clarify my argument. My only claim for the following definition is its usefulness in understanding the coherence and limits of liberal thought and its consistency in characterizing as liberal those theories generally associated with the liberal tradition. I take a liberal theory of justice to have the following characteristics:

1. A liberal theory begins by stipulating what constitutes an individual’s interests.
2. Among such interests is an interest in liberty: in doing what one chooses without interference from others.
3. A state is then justified if and only if it satisfies the interests of individuals as previously understood.
4. A liberal theory assumes that a state is necessary to regulate the pursuit of individual interests: Those interests are expected to conflict either in themselves (some people seek power over others) or because of conditions of economic scarcity (all peoples’ desires for goods cannot be satisfied simultaneously).

From criteria (1) and (3), this definition of liberal theory is a methodological one, specifying liberal theory as a form of methodological individualism. The specific form of methodological individualism liberal theory adopts is normative. Liberal theorists assume that justification of political principles must be grounded upon a preexisting notion of individual interests. This form of methodological individualism does not preclude a belief in the social formation of individual interests. It only entails a rejection of the view that, by sociologically describing the formation of individual interests, one necessarily denies that those interests can be taken as grounds for deriving principles of justice.

Liberal theorists have of course used different principles of aggregation. Utilitarians specify that the satisfaction of interests is to be maximized regardless of whose interests they are, whereas liberal rights theorists argue that all persons’ interests are to be protected equally. However, the equality assumptions of liberalism
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have pushed even utilitarian theorists toward an aggregation principle that tends to effect an equal protection of individual interests.

By this definition, liberal theory may accommodate considerable disagreement over the nature of individual interests: People’s interests may be said to lie in satisfying their desires (as in Benthamite utilitarianism) or in realizing their rationally determined interests (as in Kant). Hobbes postulates a person’s interests to be exclusively in his self, whereas the interest of a progressive Millean individual is an interest of the self, at least in part, in communal endeavors and in the pursuit of objective truth.

This definition of liberalism is broad, so as to include the wide variety of theories generally associated with the liberal tradition, without, however, subsuming every theory of social justice. Burke’s theory is excluded by the second criterion. Burke directed a great deal of his criticism against the view that liberty is among the basic interests of all individuals and that the state’s role was therefore to secure that liberty for all citizens. Marx’s theory is most obviously excluded by the fourth criterion, which stipulates a substantive assumption he did not share with liberal philosophers.³

Durkheim creates an interesting problem, because his descriptive argument – that society exists as a sui generis entity molding human nature – did not preclude a normative agreement with liberal theorists that principles of justice ought to be based upon a recognition of individual interests and ought to safeguard individual freedom.⁴ Durkheim relativizes liberal individualism to apply only to those societies in which individuals are already conscious of their particular interests as distinct from those defined by the collectivity, societies Durkheim characterizes by their organic solidarity. Liberal theorists ought to acknowledge this strength of Durkheim’s theory: that liberal theories of justice have no place, or make little sense, applied to societies Durkheim characterizes by their mechanical solidarity. One might say that such societies – small, undifferentiated, and nonindividualistic – exist in a state of “nonreflective equilibrium.” Neither Locke’s nor Hobbes’s state of nature nor Rawls’s original position is a plausible starting point for judging the justice of such societies, because each of these theoretical perspectives presupposes the existence of a society containing individuals with differing conceptions of the good life, who reflect critically both upon their life chances and upon the justice of their society.

Critics are correct in pointing out that classical liberals have
made sweeping universal claims for their theories, as if human interests (and consciousness) have remained constant throughout history and invariable across societal boundaries. Although it is essential that we accept this criticism of classical liberalism, it need not lead us to condemn the entire enterprise of liberal theory. Rather, I suggest that liberal theories of justice must make more modest claims – claims consistent with Durkheim’s criticism of the Kantian belief in a noncontingent, preexisting, and universal human nature. Throughout the remainder of this essay, my claims for liberal egalitarianism are contextual: They refer only to its plausibility within the context of industrial societies in which citizens disagree about conceptions of the good life and are capable of critically reflecting upon the justice of their society.

Liberal theorists have not always justified what is conventionally called a liberal state – that is, a state characterized by (1) constitutional government within a legalistic framework, (2) representative democracy, and (3) systems of equal liberty and opportunity. Hobbes is the most prominent example of a liberal theorist who, taking the liberal method of aggregating individual interests as one of his points of departure, does not arrive at the liberal state. Liberalism as a doctrine of the state thus forms a subset within liberal theories. This categorization confirms our intuition that Locke’s is the archetypical liberal theory, one that not only is liberal in its method but also explicitly justifies a liberal state.

My preoccupation in this essay will be with a still smaller subset of liberal theories – liberal egalitarian thought. But I stipulated at the outset the constraints of theorizing within which liberal egalitarian thought operates, so as to avoid an arbitrary judgment of its limits.

My definition of liberalism is not directly historical, although I have indicated that the force of liberalism as a theory of justice depends upon the historical and social context in which it is applied. But my definition is compatible with a historically based view of liberalism in the Anglo-American tradition. A strictly historical definition of liberalism – as expounded by seventeenth- through nineteenth- (or twentieth-) century theories – might preclude the question I wish to ask about the possibilities for developing a liberal theory beyond its past or present historical forms.

Alternative definitions of liberal theory that are compatible with historically identified forms of liberalism are also possible. The obvious alternatives would define as liberal those theories whose central concern is individual liberty, or those stipulating the need
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for limited government. My definition overlaps both alternatives. Yet it has the advantage over the first alternative of distinguishing liberal theories from conservative or radical ones that also value individual liberty but define liberty in distinct ways, and consequently put forward distinct arguments about ways of realizing liberty. Suppose we try to separate liberal from other theories by distinguishing between negative and positive freedom. Negative freedom is the absence of interference with one’s activities by other men or institutions; positive freedom is the ability to rule oneself by exercising one’s highest rational faculties and so to become one’s own master. Liberals have traditionally believed that only by allowing people to be free from external interference can we ever know what their self-realization entails. But even Locke’s theory is not one of purely negative freedom. Indeed, all plausible liberal theories of freedom are built upon some notion of what constitutes a rational will. All provide us with some understanding of what range of choices we can understand a reasonable individual to have made freely in a particular society. There are thus a series of steps from purely negative to purely positive notions of freedom, rather than a group of liberal theories based upon negative and another group based upon positive freedom, with a slippery slope descending from the latter into a justification of tyrannical government. Nonetheless, a core element of liberal theory is its understanding that freedom is an essential interest of all individuals and that freedom must entail the possibility of choosing among a broad range of attractive alternatives. There is, however, more to liberalism than this understanding of liberty; there is, for example, also a method of arriving at a positive evaluation of negative liberty.

Emphasizing support only for limited government as definitive of liberal theory may also be misleading, because the question one then wants to ask is, How limited? Rousseau’s and Burke’s preferred governments were also limited, and liberal theorists themselves have differed significantly about how limited a just government must be. Their answers to that question have to a significant degree been contingent upon empirical assumptions concerning the effects of expanding governmental power. Once those assumptions are challenged and altered, the same liberal theories can sanction broader governmental powers without any alteration of their basic principles. Less-limited government, of course, need not entail arbitrary or undemocratic use of political power. Almost all liberal theorists – along with Rousseau – have condemned arbitrary use of political power. (Even Hobbes attempted, albeit un-
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successfully, to argue that it would not be in the sovereign’s interests to rule by arbitrary decree.)

Because I have stipulated that liberal theorists take the freedom of every individual to be of prima facie value, a reasonable question to ask is whether and how a concern for equality can consistently enter into liberal thought. This is not a question to be answered briefly. But some indication of the direction of my argument may be useful here, because so many theorists have argued or simply assumed that liberty and equality are incompatible.

Let us take the hardest case for a liberal egalitarian. Assume that liberty – understood as freedom to do what one chooses without interference from others – is a right of every individual. Further, assume that there are no other competing individual rights. Even in this simple world of competing individual rights to freedom, it is common and rational to argue that every individual’s liberty may justly be constrained by the like liberty of every other. It is rational, given the premise that every individual ought to be considered a moral equal of every other. Now not all individual sacrifices of liberty entail the loss of liberty on an aggregate level – although it is true, as Isaiah Berlin argues, that “if I curtail or lose my freedom . . . and do not thereby materially increase the individual liberty of others, an absolute loss of liberty occurs.” Even most libertarian theorists have recognized this simple but important truth: If I, by my actions, deprive other persons of their freedom of choice – for example, by restricting the resources over which their choice can be exercised – then the curtailment of my individual freedom may enhance the individual freedom of others and may therefore be justified. It is his recognition of this that recommends Locke’s theory to contemporary liberal egalitarians. Berlin also recognizes that “the freedom of some must at times be curtailed to secure the freedom of others.” But why does he believe that there can be no principle regulating such a trade-off, that at best a “practical compromise” can be found?

Perhaps Berlin wants us to consider a society in which a majority of adults do not enjoy the civil and political liberties of a minority. Let us assume that most of the enfranchised minority have never favored extending the suffrage to the disenfranchised. The disenfranchised force (through extralegal actions) the minority to recognize their right to civil and political freedom. Berlin gives us no reason why we should not choose a principle that requires us to maximize liberty, where each person’s liberty is counted equally. In this case, temporarily restricting the liberty of the minority
maximizes the number of individuals who have liberty both in the short and in the long run. Alternatively, one might argue for a Lockeian principle that justifies revolution even by a minority when their rights are systematically violated. Berlin does not provide us with an argument about why he might doubt either of these moral principles, intended to govern cases of injustice. There is a yet more basic principle to govern situations where one individual’s freedom of action restricts another’s similar freedom. The long-recognized liberal principle is that each person’s freedom must be similarly restricted to those actions that do not intrude upon others’ comparable freedom.

This reconciliation of liberty and equality is very basic and perhaps too simple. The problem becomes more complex once one recognizes that there are many freedoms to be regulated. In considering each individual as an equal holder of a “package” of freedoms, liberal egalitarians establish a presumption in favor of equalizing all individuals’ shares of freedom. Therefore, if unrestricted freedom to own and regulate private property causes some individuals’ freedom of speech and association to be severely restricted, a principled argument can be made for limiting private-property rights. The rule of aggregation employed here is one of equalizing liberties among individuals. A blanket refusal to constrain some individual liberties in the name of other liberties or in the name of equalizing individual shares of like liberties prevents any escape from Hobbes’s state of nature, unless one assumes that people’s desires are naturally harmonious. But on that assumption, we would never have imagined ourselves in a state of nature in the first place. One way in which equality thus enters liberal thought is as a rule of aggregation: a principle of ordering and balancing liberties so that people are permitted to share freedom(s) equally.

Liberty is not the only value recognized by liberal theorists, and we must therefore wonder whether other values conflict with the value of liberty to the extent that, in Berlin’s words, only “practical compromises” can be reached. Consider the right to life that Locke recognized along with the rights to liberty and property. Liberal egalitarians want to say that freedom of choice is not very meaningful without a right to those goods necessary to life itself. This step allows us to say that the existence of liberty can be contingent upon providing individuals – who after all exercise choice within a particular society – with what they need in order to enjoy the exercise of their choice among attractive alternatives. Hobbes, Nozick, and less clearly Berlin have refused to take this step, but they
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have been inconsistent in their refusal to concede Locke’s point—that freedom is not a “liberty for every man to do what he lists... but a liberty to dispose and order as he lists... within the allowance of those laws under which he is, and therein not to be subject to the arbitrary will of another, but freely to follow his own.”10 If liberal theory is characterized by a refusal to admit this meaning of liberty, then Locke fails as a liberal. Rather than surrender our common understanding of Locke as the archetypical liberal, we ought to suspect the test by which he fails.

If it is meaningful to say that the right to nourishment creates the conditions for freedom, and thereby increases individual freedom to follow one’s own will, then freedom of human beings from starvation is a form of freedom—freedom to choose or to follow one’s life plan—and not simply a verbal disguise for another value. “Everything is what it is,” Berlin claims. “Liberty is liberty, not equality or fairness or justice or culture, or human happiness or a quiet conscience.”11 But not everything is just one thing: Freedom from want to pursue other valued ends can also be understood (or defined) as the value of sustenance. Because we cannot fix the meaning of freedom without regard to social context, we cannot conclude that its meaning must never overlap that of other values. Locke’s definition makes freedom compatible with those values that provide the context for expanding every individuals’ capacities for choice among attractive alternatives. We should not conclude, however, that liberty therefore becomes synonymous with all other values, or even with equality. Berlin is correct in warning us against such definitional imperialism. Nonetheless, freedom can meaningfully be understood in the context of economic scarcity as freedom from want, and in the context of international insecurity as freedom from fear, to pursue one’s own ends.12 And we can rightly argue that people will have more freedom if the society in which they live restructures its institutions so as to provide more, and more attractive, alternatives among which to choose.

Although even on this contextualist approach, freedom and equality do not become synonymous, their mutual compatibility increases. If one restricts freedom to the Hobbesian definition, then equality and liberty are compatible only in the sense that each individual’s freedom is to be counted equally with others’. But once one recognizes that freedom from want or fear is partly constitutive of freedom to do what one chooses with one’s life and that individual freedom expands with the creation of more social alternatives among which to choose, then still more egalitarian
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principles of distribution become preconditions of realizing or, more accurately, increasing the value of liberty. Liberty does not entail a strictly equal distribution of goods, nor does it entail a more equal distribution unless that distribution is a precondition for expanding individual freedom of choice within a given social context. This is precisely what many contemporary liberal egalitarians contend: that an egalitarian principle is thus a prerequisite for realizing freedom from want if, in order to provide every individual with nourishment, material resources must be distributed more equally within our society. As I have indicated, it is not clear what equality as a political value means other than (1) a description of individuals as (in varying ways) equal beings and (2) a principled argument for redistributing goods (material and other) more equally among persons. Yet the reason for preferring equality in the second sense is rarely (and never within liberal theory) equality itself. Equality – understood as a preference for a more egalitarian distribution of goods – is “parasitic” upon other values, not least upon liberty.

Berlin warns us against those who would totally destroy the “negative” meaning of liberty by subsuming it under another value – that of realizing one’s true, rational, higher, or inner self. It is not that liberals refuse to value self-fulfillment, but that they rightly refuse to call self-fulfilled persons free if they have not chosen their fulfillment. To have engaged in a process of choosing who one is or what one has done is an essential part of what it means to be free. One cannot be a free person without continually engaging in processes of choice. Nor can one’s actions be free without being subject to one’s own choices, however inwardly determined those choice processes are thought to be.

We often decide whether individuals are free by judging whether the alternatives among which they have choices are attractive or reasonable ones, rather than by investigating the internal nature of their decision-making processes. We can acknowledge, therefore, that not every situation in which a person has a choice is a situation of freedom. Choice is a necessary, not a sufficient, condition of individual freedom: The alternatives from which we are able to choose must be reasonable ones, and the situation of choice itself must be one that facilitates, or at least does not stifle, our ability and desire to choose. We say that slaves are not free because in their situation the capacity for effective choice among attractive life plans is stifled. We may also reasonably doubt whether some of the actions of poor people are free – particularly their choice of work, because the range of options