

Tony Chadwick Essay Prize 2012: Prize Winner

A Problem for Egalitarians

by David Hickey

In the essay 'A Question for Egalitarians' [1] John Kekes put forward a question that he suggests undermines a fundamental tenet of egalitarian philosophy. Kekes argues that higher life expectancy for women over men is a serious and unjustified inequality. If this is the case then egalitarian philosophy dictates that this must be equalised between genders, or that men should somehow be compensated for their earlier deaths. The example concludes that an attempt to do so would lead to absurd and dangerous policies. The question that he poses to egalitarians is what is wrong with these policies?

This essay will not aim to answer Kekes' question directly. Instead it will show that his essay is based on flawed ideas. Firstly, that life expectancy is not a primary good and, secondly, that this inequality can be justified on several grounds. In sum we will see that life expectancy could not and should not be something considered for redistribution. It is important to set out that we are not concerned here with justifying any wider egalitarian philosophy. We are concerned only with the definition of primary goods for redistribution or compensation, with a focus on life expectancy.

To see why life expectancy is not a primary good we will look at definitions of primary goods and ideas of redistribution from luck egalitarianism, Rawlsian conceptions and the left-libertarian perspective. To see how this inequality can be justified we look primarily at the importance of liberty and special responsibility for our lives. Commonly there is poor redress to egalitarian arguments because opponents are drawn only to issues of redistribution; egalitarianism's goal, however, is a good life. The good life requires liberty and this constitutes a fundamental objection to the redistribution of many goods. Finally taking the arguments that rebuff Kekes' conceptions we will address a different problem for egalitarians.

Kekes' lays out his position and concept quickly and uses this brevity to shoehorn life expectancy into an unclear definition of primary goods:

Inequalities are serious if they affect primary social goods, which are goods necessary for living a good life... One obvious implication of egalitarianism is that overcoming serious unjustified inequalities requires redistribution of primary goods... This inequality is serious because life expectancy has at least as strong a claim to being a primary good as any other candidate. [2]

Here Kekes uses "primary social goods" and "primary goods" interchangeably, we shall see that life expectancy is neither. Later Kekes states that this is not an inequality which could ever be truly rectified. But from an egalitarian perspective this is irrelevant. Egalitarianism, Kekes argues, should compensate the disadvantaged if they cannot be given extra years of life. Thus he begins to suggest shortening women's lives and lengthening men's by removing more men from demeaning or stressful work and employing more women, or by redistributing health care and so on. All of which the reader is intended to find intuitively objectionable.

To address why life expectancy is not a primary good will require looking at several broad perspectives to fully understand it. It is perhaps an end itself as opposed to a good of any kind. We will maintain the idea that primary goods are things that every rational man is presumed to want, but shall go further into defining types of goods and limits to redistribution.

In *A Theory of Justice*, John Rawls draws a distinction between primary social goods and primary natural goods. This is either openly or tacitly upheld by other philosophers, such as Amartya Sen who we will discuss later on. The distinction that Rawls makes here is important in terms of what can be redistributed and how, but also to see that life expectancy does not fit any definition of primary goods:

The primary social goods, to give them broad categories, are rights and liberties, opportunities and powers, income and wealth... They are social goods in view of their connection with the basic structure; liberties and powers are defined by the rules of major institutions and the distribution of income and wealth is regulated by them. [3]

Discussing other primary goods Rawls argues that “goods such as health and vigour, intelligence and imagination are natural goods; although their possession is influenced by the basic structure, they are not so directly under its control.” [4] Rawls’ split between social and natural goods according to which the major institutions and individuals can achieve, is the natural conclusion of his transcendental institutionalism. But before addressing this directly, note that he refers to health and not life expectancy. Consider for a moment that life expectancy is neither a social nor a natural good. So then, what is it?

As to the obvious rebuttal that health and life expectancy have such a clear relationship that they are one and the same issue, we must reject it. The issue of life and death is very clear cut, however health is much more difficult to define and severely impacts on whether we believe we are living the good life. Poor health, such as a disability, can exist for a whole life time. Death and life only come once each.

At the other end of the egalitarian spectrum we can consider libertarian views. A right-libertarian would reject all notions of redistribution and argue that the only equality should be in rights and liberties. However, left-libertarians, such as Michael Otsuka, can embrace egalitarian ideas and redistribution. On egalitarianism Otsuka states, “Egalitarian justice calls for the equalization of opportunity for welfare rather than the equalization of anything other than, or in addition to, that.” [5]

Otsuka maintains the above idea that health can be a question of welfare, but life cannot. To phrase it another way, life is the beginning of welfare, death is the end of welfare. Life is more than can be encompassed in any definition of good. Nor can it fit the definition of a means. If anything, it is an end in itself. The question that Kekes really proposes is how do we value life and each year of life?

Let’s consider a brief thought experiment. If we are measuring quality of life, or opportunity for welfare, we must constrain our measurement to the period in which we are alive. If a person is less capable of fulfilling their desires, for example being disabled, then their quality

of life, or opportunity for welfare, is less. If a person dies earlier we can only say that their life was shorter, not that they were less satisfied during the course of their life.

Let us assume that in this scenario all people die of natural causes which couldn't have been prevented, i.e. they weren't murdered or denied medical treatment, and that men and women, on average, have equal opportunity for welfare for each year they are alive.

First is person A. A only lives until they're 30 but they live a life of immense pleasure in which all their desires are satisfied. Asked if their quality of life could have ever been better A insists that it could never have been improved. Second is person B. B experiences the same level of happiness as A throughout their life, only they live until they are 60.

Sum total B has had more happiness than A over their separate life times. However, if we actually look at the quality of their lives, which by both accounts were as good as they could have been, then a shorter life doesn't equate to saying that A's quality of life, or opportunity for welfare was any less.

In a crude way it could be said that what's important as a measure is to use an average rather than a sum total. Otherwise we would find ourselves in a position where every life lived under a certain number of years could be deemed bad, or less than another in worth.

If we alter the experiment a little we are given a difficult dilemma. Imagine that A and B are both dying at the same time. They are lying next to one another in hospital beds, A is 30 and B is 60. You have the ability to save one of their lives. You know that sum total B has had more happiness in their life. One argument suggests that the right thing to do here would be to save A so they can equalise the amount of happiness between them.

From an egalitarian perspective they have both had the same opportunity for welfare in their lives. Whichever went on living would keep the same amount of equality of opportunity for welfare. To decide which one lives is not a question about opportunity for welfare as Kekes would have us believe. This is a question of expected value from their continued lives. So it is a moral question beyond the scope of opportunity for welfare because it is giving years of life and not health.

Expected value can be put in the formation below:

$$\text{Expected value} = \text{Probability of value} \times \text{Actual gain}$$

We must acknowledge that we cannot know the actual gain until the person is dead. Furthermore the probability of value from a life can be said to be either impossible to judge (the egalitarian proviso is considered to come from a Kantian background) or a personal moral judgement that none of us would like to make.

The central idea behind primary goods is their relation to welfare. Behind redistribution or compensation is the concept of opportunity for welfare. Life expectancy and years of life are more than a simple good. They are perhaps an end in themselves but I will not try to re-title them definitively. Suffice to say this is where Kekes' argument takes its wrong turn.

That the argument for why life expectancy is not a primary good has been established sets in place a corner stone of this essay. But the foundations can be extended to provide a firmer base for egalitarian redistribution by making clearer the argument for liberty in an egalitarian society.

Egalitarianism strives to achieve the best possible life for each individual. How this can be achieved is not something to delve into here, but one of the commonly agreed upon foundations is that of maximal freedom, unless a limitation of this is to the benefit of everyone. In the case of Kekes' argument the rebuttal is clear: even if life expectancy were a primary good, to enforce or try to equalise life expectancy limits freedoms in a very oppressive manner.

The importance of freedom and taking a special responsibility for our own lives has been generally accepted by philosophers and we do not have the time here to expound it fully. In general we fall back to arguments that argue individual liberty is important for personal satisfaction, the progress of society and the development of new ideas and new thoughts. Speaking about J.S. Mill, Isaiah Berlin characterised some shared thoughts on the price of freedom:

What he hated and feared was narrowness, uniformity, the crippling effect of persecution, the crushing of individuals by the weight of authority or custom or of public opinion; he set himself against the worship of order or tidiness, or even peace, if they were bought at the price of obliterating the variety and colour of untamed human beings. [6]

The majority of egalitarians accept arguments for freedom, equal liberties and rights as the best method toward individual happiness, the good life and progress. Libertarians, such as Robert Nozick, argue that the only things that should be equal are natural rights and liberties [7]; Ronald Dworkin's theories emphasise the centrality of freedom, or Special Responsibility; Rawls' participants behind the veil of ignorance agree on having equal rights and liberties as a primary good and it is therefore something they wish to maximise. (Rawls even considers the good of self-respect which is derived from individual autonomy and choice.)

For the consideration of length of life, this freedom means the choice of work or bad habits. Many people openly choose pleasure over health by drinking, smoking or eating an unhealthy diet. If pleasure is their particular good and it results in diminished life span then we must accept this as part of their personal liberty.

Which goods can be redistributed depends entirely upon what institutional framework that we put in place as the backdrop to our society. Because of this the scale on infringements upon liberty can be huge and so they must be well restricted. Natural goods must, for the most part, remain a question of freedom. By this reasoning even if life expectancy were a natural good it could not be redistributed or compensated for. Amartya Sen places the idea of choice as something of paramount importance in *An Idea of Justice*:

Freedom from premature mortality is, of course, helped by a higher income... public healthcare, the assurance of medical care, the nature of schooling and education, the extent

of social cohesion and harmony and so on... In assessing our lives, we have reason to be interested not only in the kind of lives we manage to lead, but also in the freedom that we actually have to choose between different styles and ways of living. Indeed the freedom to determine the nature of our own lives is one of the valued aspects of living that we have reason to treasure. [8]

Consider all the parts of society that would need to be engineered to mete out an equality of natural goods and it would clearly be devastating to personal liberty. Even consider the few in Kekes' essay and society would become filled with the crippled characters Mill and Berlin feared. The liberty of individuals is one of the most important rights in a society and a justification for not balancing out all areas of society.

There is also a point about fatalism to be made. Let us consider what would happen if a method of genetic engineering were found to exactly balance the life expectancy of all people. This way everyone knows that they will die on the day of their 80th birthday. The idea would be rejected. People would not want to know when they will die because it removes something from their life, an uncertainty and an aspect of liberty. The same would be true of any measures taken to extend and shorten lives.

To conclude the discussion of Kekes' question and whether life expectancy could or should be redistributed or compensated for, the answer to all of these is a resounding No. This is on the grounds of liberty and because it is not something suitable for redistribution from a Kantian perspective, where the value of each life is unknown and unknowable.

The grounds that we have used to deny Kekes' supposition also give us good ground to see what may be considered a good suitable for redistribution. I will not venture onto the grounds of libertarian theories as consideration of their redistribution would require a re-consideration of natural rights and liberties.

Within a contract theory we can consider what falls under social goods, natural goods and the extent to which any liberties may be compromised. Contract theories have the interesting proposition that we can redistribute as long as it is agreed upon and as long as it benefits everyone. Liberties and rights therefore can be compromised under an broad umbrella term. For example, taxation to provide medical care or libraries means your money is taken in order to provide the option of healthcare and free studies because it is in society's greater interest, but this is a subjective opinion.

Can we define the limits of redistribution by what freedoms they might restrain? Aside from central ideas such as freedom of speech, which even has its own limitations, it appears unlikely. Freedom of how to live can be placed within some form of free market system or prevention of violence, but judgements will become subjective. A constitution could be created to protect the most basic liberties but the problem for egalitarians is that a central belief in liberty means that ultimately judgements over what can and should be redistributed will always be down to a democratic majority. Egalitarian philosophy, beyond its initial grounds of justification, will always be forced to this point where no choice can be entirely right if they embrace concepts of liberty.

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