**Ideas We Act On: LIBERTY, EQUALITY, AND JUSTICE**

**The Dimensions of Equality, The Equalities to Which We Are Entitled, The Inequalities That Justice Requires**

**The Dimensions of Equality**

**TWO THINGS ARE EQUAL when one is neither more nor less than the other in an identified respect. When they are unequal, their inequality consists in one being more, the other less—one superior, the other inferior—in some respect.**

**This understanding of equality and inequality remains constant in all the dimensions in which things are related as equal or unequal. What differs as one distinguishes different dimensions is**

**(1) the character of the subjects of which equality and inequality are predicated,**

**(2) the mode of the predication, and**

**(3) the qualifications attached to the predication. Let us consider each of these differences in turn.**

***1. Personal and Circumstantial Equality***

**The subjects being compared and regarded as equal or unequal fall into two main categories: human beings and everything else—all the external circumstances under which human beings live and act and whatever factors impinge upon their conduct and their welfare. I shall refer to the first category as human or personal equality and inequality, and to the second as circumstantial equality and inequality.**

**Human equality and inequality can be further subdivided into that which arises from the endowments that persons bring into this world at birth and that which derives from their attainments—the attributes or characteristics they acquire in the course of their lives, the degree to which they develop their innate endowments, and the work of their hands and minds.**

**Inequality in height exemplifies a human inequality that is genetically determined and so is an inequality between two persons that is a matter of native endowment. To whatever extent we are born with one or another degree of intelligence, human equality and inequality in this respect are also a matter of native endowment.**

**Two human beings who start out equal in their genetically determined degree of intelligence may develop that endowment to different degrees, either through what they themselves do with their minds or because of the circumstances under which they are reared, trained, and educated. In either case, they may end up unequal in their mental attainments. One may know more than the other or have more skill in the use of his mind.**

**Two persons born with the same capacity for engaging in a certain sport may, at a later stage in their lives, be unequal in the degree of their acquired skill in playing tennis or in swimming.**

**One individual may put his native endowments to work in the production of wealth or other goods, while another, with equal endowments, may squander his talents, producing nothing, or employ them less assiduously and efficiently, producing less. They must then be regarded as unequal in this respect.**

**The personal equality or inequality that stems from the degree to which individuals are natively endowed in one way or another, let us call natural, as contrasted with the equality or inequality of human attainments, which can be referred to as acquired. All personal equalities and inequalities are either natural or acquired.**

**When we turn from human equality and inequality, natural or acquired, to circumstantial equality and inequality, we confront the difference between the type of circumstantial equality or inequality that has come to be called equality or inequality of condition, and the type that has come to be called equality or inequality of opportunity.**

**The difference between equality of condition and equality of opportunity can best be illustrated by a race in which individuals all start out with no one affected by circumstances more or less favorable to winning the race. Their equality of opportunity consists in an equality in the initial conditions under which they enter the race. When the race is run, these same individuals end up unequal. According to the speed with which they ran the race, one comes in first, another second, another third, and so on. If prizes are awarded, the gold, silver, and bronze medals represent an inequality of conditions, which is also sometimes called an inequality of results.**

**The example I have used is complicated by the fact that the runners who enjoy an equality of opportunity with regard to external circumstances may enter the race unequal in their native endowments as competitors. Even if they are equal in their native endowments, they may enter the race unequal in the degree to which they, by exercise and training, have developed those endowments. Prior inequalities of endowment or attainment will, of course, affect the inequality of resulting conditions in spite of the equality of opportunity provided by the equal initial conditions under which they entered the race.**

**That is why it is often pointed out that if human beings are granted nothing more than equality of opportunity, inequality of conditions is likely to result. The individuals who are better endowed or better trained are most likely to end up ahead of those less well endowed or trained.**

**An equality of resulting conditions that is unaffected by equality of opportunity (enjoyed by individuals of unequal endowment and attainment) may be achievable only by strenuous efforts on the part of society to see that its individual members are somehow given or granted such equality. When, for example, all members of a society—or all with justifiable exceptions—are given the same political status, let us say that**

**of citizenship with suffrage, an equality of political condition results.**

**Equality before the law is another example of an equality of condition that a society can establish. It does so when it accords equal treatment in the courts and in other aspects of the legal process to all individuals regardless of their inequalities of endowment or attainment, regardless whether they are rich or poor, regardless of the ethnic group to which they belong, and so on. Such equality of treatment does not discriminate in any way among persons who differ from one another in a wide variety of respects that are irrelevant to the treatment they should receive in the legal process.**

**Equality of condition may be either an equality in the status granted individuals, an equality in the treatment accorded them, or an equality with respect to their possession of one or another basic human good, such as political liberty, wealth, a healthful environment, or schooling. Their equal possession of such goods depends upon factors controlled by society, not entirely by themselves.**

**For our present purposes, it will suffice to subdivide equality or inequality of conditions into three main categories: political, economic, and social. Equality of opportunity (which is an equality of initial as opposed to resulting condition) can be similarly subdivided.**

***2. Equality That Does Exist and Equality That Ought to Exist***

**When we predicate equality or inequality of persons or conditions, the predication may be either declarative or prescriptive. To say that two individuals *are* or *are not* equal in a certain respect is declarative. To say that they *should* or *ought to* be equal or unequal in a certain respect is prescriptive.**

**In the sphere of human equality and inequality, prescriptive statements make no sense. We cannot say that human beings ought to be equal or unequal in any personal respect, neither with regard to their endowments nor with regard to their attainments. All that we can meaningfully say, as a matter**

**of fact, is that they *are* personally equal in this respect and unequal in that respect.**

**It has been suggested that individuals, entering into association with one another to form a community, *should* do so on a supposition contrary to fact; namely, that they are all personally equal in every important respect. This contrafactual supposition is defended on the ground that organized society can come into existence on the basis of a social contract only if all who enter into that contract suppose themselves to**

**be completely equal. If a veil of ignorance about the facts, which permits them to make this contrafactual. supposition, were not operative, it is thought that they would not agree to become participants in the social contract.**

**The social contract is a myth that can be dismissed as unnecessary for the explanation of the origin of political communities. With it goes the veil of ignorance that is thought necessary for the formation of society by means of a social contract. There is no sense in saying that human beings *ought***

**to regard themselves as personally equal in all important respects when they know the facts to be quite the contrary. Human communities of all sorts, including states or civil societies, have come into existence and have been formed by individuals who enter into such associations in spite of their well-known and acknowledged personal inequalities in many important respects.**

**Turning from personal to circumstantial equality and inequality, we find that both declarative and prescriptive statements can be made with good sense. We can say that this group of individuals *are* or *are not* equal with respect to a given circumstance affecting their lives; or we can say that they *ought* or *ought not* to be equal in that respect.**

**For example, those who, living under a constitutional government, are accorded the status of citizenship have an equality of status. They are all equal in their possession of the political liberty attendant upon that status. However, some members of that society may not be accorded the status of citizenship with suffrage. Then, as a matter of fact, the enfranchised and the disfranchised members of the society will be politically unequal —unequal in political status and unequal with respect to political liberty.**

**When this is factually the case, conflicting prescriptive proposals may be advanced. Exponents of the democratic principle of universal suffrage may argue that all persons in a republic (or all with few justifiable exceptions) *should* be enfranchised. Opponents of universal suffrage, for one reason or another, may argue that the franchise *should* be restricted to persons having this or that special qualification, such as gender,**

**skin color, or amount of property possessed.**

**Justice enters into the picture as regulative only in the sphere of circumstantial equality and inequality, because only there can we make prescriptive proposals.**

**Considerations of justice do not enter in the sphere of human equality and inequality where only declarative statements can be made and prescriptive proposals are impossible. Personal equality or inequality, natural or acquired, is neither just nor unjust. It is simply a matter of fact.**

**It is pointless to say that if nature were just, human beings would be born equal in all important respects. Nature is neither just nor unjust in the gifts it bestows. Only human beings can be just or unjust in the proposals they advance with regard to an equality of conditions or with regard to an inequality of results.**

**Where an inequality of conditions exists but ought not to prevail, justice may call for rectifying this by establishing an equality of conditions in its place. With regard to individuals who make unequal contributions by the work they do or the goods they produce, justice may call for an inequality of results**

**in the rewards they receive.**

***3. Equality in Kind and Inequality in Degree***

**We come finally to the most difficult and at the same time the most important qualification or distinction to be considered in our statements about equality, whether declarative or prescriptive. It consists in the distinction between**

**(a)an equality of conditions that exists or ought to exist without any attendant difference in degree and**

**(b) an equality of conditions that exists or ought to exist but which is accompanied by differences in degree and so by inequalities among those who are equal in a given respect.**

**The following example may make this clear. All who have the status of citizenship with suffrage are equal in their political condition and with respect to their possession of political liberty. But when the members of a society are divided into the enfranchised and the disfranchised, an inequality of political conditions exists. If that is unjust, it can be rectified by establishing universal suffrage.**

**When, with universal suffrage, all enjoy an equality of political status, it may still remain the case that some citizens elected or appointed to public office exercise a greater degree of political power than citizens who are not public officials. They are able to participate in the affairs of government to a higher degree than ordinary citizens. Here, then, we have an equality of condition that is accompanied by differences in degree**

**and so by inequality.**

**All who are citizens have some degree of political power, since all through suffrage can participate in the affairs of government. But some citizens, through exercising the power vested in certain public offices, have more political power than others.**

**Now let us consider a republic in which the suffrage is restricted rather than universal. There the population will, first of all, be divided into two politically unequal segments—**

1. **those who have the status of citizenship with suffrage and, consequently, political liberty and some degree of political power, and**
2. **those who do not have the status in question, and so have no political liberty and no degree of political power.**

**There will be a second source of political inequality in the society we are considering. This time the political inequality will occur only among those who are politically equal. Equal because they all have suffrage, the enfranchised portion of the population will consist of persons who are unequal in the degree of political power they possess. As citizens with suffrage, all will have some degree of political power, but some who**

**have it will have more of it, and some less.**

**The distinction that confronts us here can be summarized by saying that, in the sphere of circumstantial equality, equality prevails among those who *have* a certain condition, and inequality prevails between the group that *has* it and the group that *does not have* it. This is an equality among all the haves and an inequality between the haves and the have-nots. In addition, among the haves, there may be differences in the degree to which they possess and enjoy the condition in question, some having more of it, some less. Here we are looking at an attendant inequality among the haves, one that exists between the individual who *has more* and the individual who *has less.***

**It is difficult to name the equality and inequality we have been considering. I propose to call the equality that prevails among haves an equality in kind, and the inequality between haves and have-nots an inequality in kind. In contradistinction, I propose to call the inequality among the haves, according**

**as one has more and one has less, an inequality in degree.**

**If all persons are equal in their having the same specific human nature and, with that, the same species-specific properties, that is an equality in kind. But one person may be endowed with a specific property to a higher degree than another. The resultant personal inequality of human beings, all members of the same species but differing from one another as individuals, is an inequality in degree.**

**In the sphere of circumstantial equality, both types of equality may prevail in fact. All members of a society may be equal in kind as haves in a certain respect, but they may also be unequal in degree, one being a have-more, another a haveless. It is also possible, though very unlikely, that, as a matter of fact, all may be equal in kind as haves without any accompanying difference in degree.**

**Those who would rectify the injustice of existent inequalities of condition differ radically in the proposals they advance. There are those who would defend the prescriptive judgment that, with respect to certain conditions, political, economic, or social, all *should* be equal in kind without any attendant inequality in degree. All ought to be haves with respect to this or that important human good, but among the haves, none should have more and none have less.**

**Opposed to them are those who would defend the prescriptive judgment that, with respect to the same conditions, all *should* be equal in kind, adding that such equality in kind *should* be attended by inequalities in degree. While all ought to be haves with respect to the human goods in question, some ought to have more, and some less.**

**Which of these two conflicting views is the correct view of what justice requires with respect to circumstantial equality—equality of status, treatment, possessions, and opportunity—**

**is the question I shall attempt to answer in the following chapter. In closing this chapter, I cannot refrain from expressing my sympathy for readers who have struggled to read it carefully. I know they have found the treatment of equality difficult, more difficult than the treatment of liberty. I find it so myself. Though both are complex ideas, each embracing a diversity of modes, the dimensions of equality are a much more complex subject than are the kinds of liberty.**

**The Equalities to Which We Are Entitled**

**THIS CHAPTER, AS ITS TITLE INDICATES, runs parallel to Chapter 20. There we were concerned with the liberties to which we are entitled; here with the equalities that we have a right to—the equalities that justice requires.**

**The parallelism should enable readers to surmise at once the basis for our entitlement to certain equalities. Just as with the liberties to which we have a natural right, so here with respect to the equalities that we can rightfully claim, the ultimate basis of the right lies in the nature of man.**

**If human beings were not by nature endowed with freedom of the will and the power of free choice, to be exercised in the pursuit of the ultimate good that they are morally obliged to seek, they would not have, by nature, a right to liberty of action. If they were not by nature political animals, they would not have by nature the right to political liberty. Their right to these liberties lies in the fact that deprivation of them renders their power of free choice ineffective in the pursuit of happiness and frustrates their natural inclination to participate in political affairs.**

**The equalities to which we are all entitled, by virtue of being human, are circumstantial, not personal. They are equalities of condition—of status, treatment, and opportunity. How does our humanity justify our right to these equalities?**

**The answer is that, by being human, we are all equal—equal as persons, equal in our humanity. One individual cannot be more or less human than another, more or less of a person. The dignity we attribute to being a person rather than a thing is not subject to differences in degree. The equality of all human beings is the equality of their dignity as persons.**

**Were all human beings not equal in their common humanity, did they not all equally have the dignity of persons, they would not all be entitled to equalities of condition. The point is strikingly illustrated by an ancient and erroneous doctrine (which, by the way, takes many disguised forms in the modem world) that some human beings are *by nature* slaves and so are radically inferior to other human beings who are *by***

***nature* their masters. If this view of the facts were correct, as it is not, all human beings would *not* be entitled to any equality of condition—equality of status, treatment, and opportunity.**

**The factual basis for the correct view is biological. All members of any biological species, human or otherwise, are alike in possessing the properties or powers that are genetically determined attributes of that species of living organism. These common properties, shared by all individuals of a certain species, are appropriately called species-specific.**

**Of these species- specific properties, some are generic, shared by other animals; such, for example, in the case of human beings, are their vegetative and sensitive powers. Only some of man’s species-specific properties consist of powers that are not generic, but being distinctive and definitive of the human species, differentiate human beings as different in kind from other animals.**

**To say that all human beings are equal in their common humanity is, therefore, to say that all have the same species specific properties, both those that are generic properties shared by other animals and those that are distinctive and definitive of the human species, such as man’s power of free choice and his power of conceptual thought.**

**The statement in the Declaration of Independence that all men are created equal and endowed *by their Creator with certain* *unalienable* rights is not, on the face of it, self-evidently true. Nor can it be made self-evident by substituting “are by nature equal” for “created equal,” and “endowed by nature with certain unalienable rights” for “endowed by their Creator with certain unalienable rights.”**

**The truth of the statement, even when the substitutions are made, is the truth of a conclusion reached by reasoning in the light of factual evidence, evidence and reasoning that refutes the ancient doctrine that some human beings (all members of the same species) are by nature slaves.**

**I am not going to present here the evidence and expound the reasoning that establishes the truth of the conclusion that all human beings, as members of the species *Homo sapiens,* are *ipso facto* equal. I have done that in another book, entitled *The Difference of Man and the Difference It Makes.***

**The conclusion there reached is that man differs in kind, not merely in degree, from other animal organisms, which means that while he has certain generic properties shared by them, with respect to which he may differ in degree from them, human beings also have certain distinctive properties that only they possess and that all other animals totally lack. It is the having and not having of these distinctive human powers that differentiates human beings in kind from other animals.**

**The truth of the proposition that all human beings are by nature equal is confined to the one respect in which that equality can be truly affirmed; namely, their all being equally human, their having the species-specific properties and especially the differentiating properties that belong to all members of the species.**

**There is no other respect in which *all* human beings are equal. Two or more individuals may be personally equal in some other respect, such as height, intelligence, talent, or virtue, but equality in such respects is never true of all.**

**The contrary is true. When we consider all members of the human species, we find that, in every respect other than their possession of the same species-specific properties and powers, inequalities in degree prevail. In other words, though all human beings have the same generic and specifically distinctive**

**properties and powers, some will have them to a higher, some to a lower, degree than others.**

**Individual members of the species differ from one another either by innate endowment, genetically determined, or by voluntary attainment, individually acquired. From these individual differences arise the inequalities in degree that make one individual superior or inferior to another in some particular respect.**

**One individual, by nature equal to another in kind, which means equal through having the same species- specific properties, may be by nature unequal to another in degree, which means being genetically endowed with a higher or lower degree— with more or less—of the properties or powers that both possess at birth. In addition, one may be superior or inferior to another in individually acquired attainments as well as in genetically determined endowments. This may wholly result from differences in individual effort; but it may also be partly due to the favorable or unfavorable circumstances under which the individual strives to accomplish something.**

**For brevity of reference, let us use the phrase “specific equality” to refer to the personal equality in kind that is the one equality possessed by all human beings. Let us use the phrase “individual equality” or “individual inequality” to refer to the personal equality and inequality of human beings in all other respects, whether that be equality and inequality in degree of endowments or equality and inequality in degree of attainments.**

**From the declarative statement about the specific equality in kind of all human beings, what prescription follows? The answer is that all human beings are in justice or by right entitled to a circumstantial equality in kind, especially with respect to political status, treatment, and opportunity and with respect to economic status, treatment, and opportunity.**

**Being by nature equal, they are all endowed by nature with certain unalienable rights, unalienable because they are inherent in man’s specific nature, not merely bestowed upon man by legal enactment. Legal enactment may be necessary to secure these rights, but it does not constitute their unalienability.**

**Merely legal rights are alienable. Being granted by the state, they can be taken away by the state. Natural rights can be secured or violated by the state, but they do not come into existence through being granted by the state; nor does their existence cease when they are not acknowledged or secured by the laws of the state.**

**As we have seen, human beings, having by nature the power of free choice, have a natural and unalienable right to liberty of action. Being also by nature political animals, they have a natural and unalienable right to political liberty and participation. Justice requires that all should be accorded the equal status of citizenship with suffrage, through which status they can exercise their power to participate in government. All citizens have this power. It is totally lacking in those who, being disfranchised, are deprived of it. Having this power to some degree confers upon all citizens with suffrage a circumstantial equality in kind. Between those who have it and those who are deprived of it, there is a circumstantial inequality in kind.**

**Turning now from the political to the economic sphere, parallel reasoning reaches a parallel conclusion. Both as an animal generically, and as a specifically human animal, man has certain biological needs, such as his need for the means of subsistence in order to survive, and his need for certain comforts and conveniences of life, which he needs to live humanly well. Economic goods are the goods that man by nature needs in order to survive and, beyond that, to live well—to engage successfully in the pursuit of happiness.**

**These include more than food and drink, clothing and shelter. They include schooling as instrumental to fulfilling man’s need for knowledge and skill; a healthful environment as instrumental to fulfilling man’s need for health; ample free time from toil or earning a living as instrumental to fulfilling man’s need to engage in play for the pleasure of it and in the pursuits of leisure for the improvement of his mind by engagement in all forms of learning and creative activity.**

**From these natural needs for the goods mentioned and for the goods that are instrumental to achieving them arises man’s natural right to the possession of that *sufficiency* of economic goods which *is enough* for living well—for making a good life. The existence of natural right leads us to the conclusion that every human being is entitled to whatever economic goods any human being needs to lead a good life.**

**Just as all human beings are entitled to a political equality in kind, so they are all entitled to an economic equality in kind.**

**All should be haves with respect to political liberty, none have-nots, none disfranchised persons totally deprived of the power of political participation that a political animal needs.**

**All should be haves with respect to wealth in the form of whatever economic goods a human being needs to live well, at least that sufficiency of such goods which is enough for the purpose. None can be have-nots in the sense of being totally deprived of such goods, for total deprivation means death. But none should be destitute—have-nots in the sense of being deprived of enough wealth to live well.**

**In both the political and economic sphere, justice requires only as much equality of conditions as human beings have a natural right to on the basis of their natural needs. The statement of the matter just made occupies a middle position between the two extremist views mentioned earlier.**

**At one extreme, the libertarian maintains that the only circumstantial equality to which all human beings are entitled is equality of opportunity. He argues for this view on the ground that such equality tends to maximize individual liberty of action, especially freedom of enterprise in the economic sphere.**

**The libertarian rightly thinks that attempts on the part of organized society to establish an equality of economic condition other than an equality of opportunity will inevitably result in government regulations and interferences in economic activities that restrict individual liberty of action and put curbs on freedom of enterprise. Where he is wrong is in failing to see that such curtailments of freedom, made in the interests of justice, are proper limitations of liberty. His error lies in asking for more liberty than justice allows.**

**At the opposite extreme, the egalitarian maintains that the circumstantial equality to which all human beings are entitled should not be merely an equality in kind that is accompanied by inequalities in degree. It should be more than that. It should be the extreme form of circumstantial equality, which is an equality of condition attended by no inequalities in degree. Stated in political terms, this would mean that all should**

**be haves in the sense of having political liberty and power, but no individual should have more, and none less, of the power that all should have because it is requisite for participation in political life.**

**Stated in economic terms, this would mean that all should be haves with respect to wealth in the form of the economic goods needed to live humanly well, but also that all should have the same amount of wealth. None should have more, and none less, of the wealth that everyone needs for the successful pursuit of happiness.**

**The middle position between these erroneous extremes, in both the political and the economic spheres, calls for a moderate, not an extreme, form of circumstantial equality. With regard to the possession of political or economic goods, real goods that every human being needs, it calls for no more than everyone is entitled to by natural right. It is willing to settle for no less.**

**A moderate or justly limited equality of conditions is an equality in kind, with respect to either political or economic goods, but one that is accompanied by inequalities in degree that justice also requires. Justice requires only that all shall be haves. It does not require that all shall be haves *to the same* *degree.* On the contrary, as the next chapter will attempt to make clear, some are entitled by justice to more, and some to**

**less, of the goods that everyone is entitled by justice to have.**

**Two additional reasons can be given for rejecting the wrong prescription concerning equality of conditions that the egalitarian recommends on the basis of man’s specific personal equality.**

**First of all, he appears to forget that the specific equality of all members of the human species is accompanied by individual inequalities of all sorts, both in endowments and attainments and in what use individuals make of their endowments and attainments.**

**Human individuals are not all equal in the way that so many precision-made ball bearings are alike—identical with one another in every respect except number, all having the same properties without any difference in degree. Unlike the ball bearings, which of course have no individuality at all, human**

**individuality consists of individual differences that result in one person’s having more or less of the same attributes that also belong to another.**

**To recommend the prescription that all human beings are entitled to a circumstantial equality of conditions, political and economic, that should involve no differences in degree is to neglect or overlook the existence of significant individual inequalities in degree among human beings. These personal inequalities in degree call for circumstantial inequalities in degree, just as our personal equality in kind calls for circumstantial**

**equality in kind.**

**The error being made by the egalitarian arises in the same way as the one made by the elitist who neglects or overlooks the personal equality in kind of all human beings. On the sole basis of personal inequalities in degree, the elitist recommends circumstantial inequality in degree with respect to political and economic goods. He rejects the recommendation of any circumstantial equality in kind, except perhaps equality of opportunity. The elitist makes that one exception because he believes that, in the race of life, the superior will win.**

**Elitism can be avoided without going to the opposite extreme of egalitarianism, simply by rendering what is in justice due human beings by reference to their personal equality without overlooking their individual inequalities and by reference to their individual inequalities without ignoring their personal equality. In recent history, the most glaring and egregious example of an egalitarian overreaction against elitism is provided by the cultural revolution to which China was subjected under the gang of four.**

**A second reason for rejecting the extremism of the egalitarian looks not to its injustice, but to its practical unfeasibility.**

**It is possible for miscarriages of justice to occur that would permit liberty to run rampant beyond limits and to become injurious license. The libertarian extreme is feasible, but not the egalitarian extreme. More liberty than justice allows is possible in society, but more equality than justice requires cannot be sustained.**

**To recommend that all should be haves with respect to political liberty and power, but that none should have more and none less, is to recommend a form of direct democracy so extreme that it would allow no distinction whatsoever between citizens in or out of public office—a democracy in which there are no magistrates, one in which everything is decided directly by a majority vote of the whole citizenry.**

**It is doubtful whether such extreme democracy ever existed, in Athens or in New England townships. It certainly would not be practically feasible in any state of considerable size; having a population so large that all its members could not deal with each other face to face, nor when confronted with the complexity of problems that states and governments must deal with in the contemporary world.**

**In the economic sphere, to recommend that all should be haves with respect to wealth in the form of whatever economic goods human beings need to live well, but that none should be richer and none poorer in their possession of wealth, is to recommend an equality of conditions that has never existed, except perhaps in monasteries where the monks, taking the vow of poverty, participate equally in what wealth is**

**available for the community as a whole.**

**If, under secular conditions, all individuals or all families were somehow to come into possession of the same amount of wealth, in whatever form, that absolute equality of economic condition would not last for long. A magic wand would be needed, not only to bring it into existence, but also to make it endure. No one has ever worked out a plan whereby, short of magic, this extreme form of economic equality might**

**become feasible.**

**The Inequalities That Justice Also Requires**

**WE ARE HERE CONCERNED with political and economic equalities that are equalities in kind to which differences in degree must be added. The resultant inequalities in degree occur among those who are already equal in kind. Those who are all haves, either politically or economically, will then include those who have more and those who have less, with no one having less than is needed for the purpose and no one having more than is compatible with everyone having enough.**

**Let me illustrate this with regard to political equality. That will help us to deal with the more difficult case of economic equality.**

**Entitled to have, through citizenship with suffrage, the minimal measure of political liberty and power attendant upon that status, some citizens deserve, in varying degrees, more power to participate in the affairs of government. The citizens in question happen for a time to hold one or another public office and are thereby charged with the responsibility t o perform functions constitutionally assigned to such offices. In proportion to their responsibilities, it is right and fit that they should have more political power and a greater voice in public affairs.**

**The minimal measure allotted ordinary citizens, those not in public office, suffices for participation through elections, having a voice in referendums or plebiscites, and engaging in party politics, local or national. That much at least is requisite for the exercise of suffrage. Those who have, in varying degrees, more than this are entitled to it by what they are called upon to do politically over and above discharging the duties of**

**ordinary citizens.**

**As Alexander Hamilton pointed out, unless political power is proportionate to political responsibility, the responsibility cannot be effectively discharged. Citizens in public office must, therefore, exercise more political power than when they are not in office.**

**Here, then, in a constitutional government with universal suffrage, all persons, except infants and the pathologically disabled, are politically equal as citizens with suffrage. All have the requisite minimal measure of power for participation in public affairs. Some of them, holding public office, have in varying degrees more power and a greater voice in public affairs. But none has too much, which would be the case only if the chief magistrate or head of state were to arrogate to himself unconstitutional powers that effectively nullified the suffrage of ordinary citizens.**

**The principle of justice that is operative here differs from the principle that we saw operative with regard to the political equality in kind to which all human beings are by right entitled.**

**There, the entitlement was based on the personal equality in kind of all human beings and on their endowment with the same natural rights based on needs inherent in human nature, among which is the need and right of a political animal t o have a voice in his political affairs.**

**Here, the justification of giving some citizens more political power and a greater voice in public affairs rests not on what they are as human beings, but upon what they are called upon to do by the offices they hold—on the political functions they have the responsibility of performing.**

**The justice of rendering to each what is his or hers by natural right is the justice that entitles all to political and economic equality—an equality in kind that puts all, in the first instance, on the base line of having enough of the political and economic goods that they need in order to live well.**

**The justice of treating equals equally and unequals unequally in proportion to their inequality is the justice that entitles some of the haves to have more and some to have less in varying degrees. Because it is a point of the greatest importance, let me repeat two qualifications:**

**(1) *none less than* *enough for the purpose and***

**(2) *none more than is compatible* *with everyone having enough.***

**Accordingly, all enfranchised citizens are equal in kind on the base line, on which they all share the same minimal degree of political power requisite for an effective discharge of their suffrage. Above the base line are some of those same citizens who, while in public office by election or appointment, have more political power in varying degrees.**

**Those above the base line have more political power *legitimately* (i.e., by just entitlement) only if they have it becauseof the power constitutionally vested in the office theyhold. They have it *illegitimately* if they have it through theundue influence they are able to exercise because of their massivewealth, their social standing in the community, their personalcharisma, or some other form of privilege or prestige.**

**The political picture we have just surveyed provides us with a model to adapt in dealing with economic equality and inequality.**

**The first principle of justice here as in the political sphere is the principle of rendering to each what belongs to all by natural right. All have a natural right to that sufficiency of economic goods which is enough to provide them with the wealth they need to lead decent human lives, lives not crippled by economic deprivation to a degree that amounts to destitution.**

**When this first principle of justice is operative in a society without any exceptions, for there are no justifiable exceptions here as there are in the political sphere, then all are haves economically—all are economically equal in kind on the base line, which is determined by that measure or degree of wealth sufficient for the purpose.**

**More than that is more than enough. Can it be justified? Are some human beings rightly entitled to more wealth than that possessed by those who remain on the base line? Why does justice require the economic inequality in degree that results when some haves have more than others?**

**The second principle of justice provides the answer to these questions, as it does in the political sphere. But the economic application of that principle is somewhat different.**

**Those who have more than the minimal measure of wealth that all require for their natural needs are not entitled to it by natural right. Their entitlement derives from what they do, not from what they are as human beings.**

**In the political sphere, what those entitled to more political power do is to discharge the functions of the political offices they hold, for the performance of which they are constitutionally responsible. In the economic sphere, what those entitled to more wealth do is to make a greater contribution to the production of wealth.**

**That is certainly the principal, if not the only, way in which they can come into legitimate possession of more wealth. They possess it illegitimately if they come by it through theft, or seizure, or through exercising any influence on the distribution of wealth other than the merit of their productive contribution.**

**The second principle of justice, as applied in the economic sphere, can be initially stated as follows: To each the wealth that he produces. This maxim makes sense only in the simple case in which each individual works by himself to produce wealth. In that case, the man who produces more is by right entitled to all that he produces.**

**When we pass from the simple to the more complex case in which men work together to produce wealth, under a variety of arrangements and by a variety of productive means, the maxim must be reworded as follows: To each in proportion t o his contribution to the total wealth that all engage cooperatively**

**in producing.**

**If all who are engaged cooperatively make equal contributions, which is unlikely in most instances of complex economic operations, then each is entitled to share equally in the distribution of the wealth produced. When, as is more likely, the contributions of those engaged cooperatively are unequal,**

**justice requires that the results shall also be unequal, unequal in proportion to the inequality of contribution.**

**Those who have made a greater contribution are justly entitled to more wealth than those who contribute less. Two qualifications must be immediately attached to this rule.**

**First, all, in one way or another, must be equal on the economic base line that is determined by that minimal measure of sufficient wealth to satisfy man’s economic needs. To this much everyone has a natural right.**

**Second, since the amount of wealth available for distribution is limited, no one should be in a position to earn by his productive contribution—to earn, not to steal or seize—so much wealth that not enough remains for distribution, in one way or another, to put all individuals or families on the base line of economic sufficiency.**

**None, in short, should be rendered destitute by the distribution of wealth in unequal amounts, even if that distribution can be justified by the inequality of individual contributions.**

**We must observe here a complication in the formulation of economic justice that does not occur in the political sphere. No conflict arises there between *(a)* the just entitlement of all to be political haves (all with that minimal measure of political power requisite for the effective exercise of suffrage), and (b) the justice of an unequal distribution of political power, above the base line where all are politically equal, according to the functions those in public office are called upon to perform and the unequal degrees of responsibility involved in the performance of these functions.**

**No one can have so much political power *legitimately* that the base line itself is destroyed, or that some are in effect disfranchised and dropped below the base line to a position of political subjection or slavery, deprived of all political liberty and power.**

**In the economic sphere, the situation is different. It is possible for some to acquire *legitimately* so much of the limited supply of wealth that not enough is left for a just distribution to all of the minimal measure—enough wealth to supply what everyone needs to lead a decent human life.**

**To acknowledge this is to recognize that, in the economic sphere, the first and second principles of justice come into conflict. The first principle, which requires that every individual or family shall have that minimal measure to which all are by natural right entitled, is nullified by the second principle, which awards more wealth to those who contribute more to its production, when some individuals or families are in a position**

**to make so great a contribution that their just award—their legitimate acquirement of a great amount of wealth—is so massive that not enough is left for distribution in accordance with economic needs, which are the same for all.**

**The conflict between these two principles of justice in the economic sphere can be resolved only by adding a restrictive qualification to the second. The amount of wealth that anyone can justly acquire must be limited so that enough of the finite supply is left for a just distribution in accordance with natural rights. This principle of limitation on an otherwise just acquisition of wealth was first enunciated by John Locke**

**in the chapter on property in his *Second Treatise on Civil Government.***

**That those who contribute unequally shall receive unequally in proportion to the inequality of their contribution is a principle of justice that must be made subservient to the principle of justice that calls for an equal distribution to all of that minimal measure of wealth everyone needs. Justice according to natural rights takes precedence in the economic sphere over justice according to the equality or inequality of the contributions made to the production of wealth.**

**The foregoing analysis of economic justice calls for brief comment on Marxist maxims with regard to the distribution of wealth.**

**In his *Critique of the Gotha Program,* Karl Marx modified the original Communist maxim for the distribution of wealth—the egalitarian precept “To all alike, an equality without any difference in degree”—by the statement “From each according to his ability; to each according to his needs.”**

**The context makes absolutely clear that Marx did not have in mind the natural needs that are common to all human beings, for then he would not have said “To each according to his needs,” but rather “To all alike according to their common human needs.” That statement would have introduced no modification of the original egalitarian precept.**

**What is clear from the context is that Marx had in mind not the natural needs, which are the same for everyone, but those contingent circumstantial needs that result from one worker’s being older or younger than another, having a larger family to support than another, or having to take care of some member of his family disabled by illness.**

**Insofar as these contingent circumstantial needs justify unequal compensation to different workers even if those workers perform the same functions and make equal contributions to the production of wealth, the original egalitarian precept would appear to be superseded by the addition of differences in degree to an equality in kind.**

**However, it can still be maintained that all are equal in kind, without the addition of differences in degree. The satisfaction of the differential contingent needs still leaves all families having just enough. Enough for one family with more dependents to support or with care of members disabled by illness is neither more nor less than enough for another family with fewer dependents and no illness.**

**The real modification of the original egalitarian precept was introduced later by Nikita Khrushchev when he added the precept “To each according to his contribution.” This did not displace but supplemented the maxim “To each according to his needs”—whether natural or circumstantial.**

**When the two maxims are combined and conflict between them is resolved by making the second subservient to the first, the result is an economic equality in kind (every individual or family being on the base line of the haves who have enough) modified by an economic inequality in degree (some individuals**

**or families rising above the base line and having more than enough, though never too much with the result that some are rendered destitute).**

**The maxims of justice with respect to the distribution of political power we all recognize to be the precepts of constitutional democracy. The parallel maxims of justice with respect to the distribution of wealth are the precepts of socialism. Those who shy away from that word, and may even be inclined to reject sound maxims of economic justice because the word “socialism” is attached to them, should realize that socialism**

**is not the same as communism.**

**The precepts of socialism can be fulfilled in a variety of ways, only one of which may be the communist way, which is the way of state capitalism—the abolition of private ownership of the means of production and the complete control of both the production and the distribution of wealth by the state.**

**The precepts of socialism can also be fulfilled in the socialized capitalism that is our own mixed economy, in which private ownership of the means of production remains, in which there is both a private and a public sector, in which there is freedom of enterprise regulated by justice, not totally unregulated laissez-faire.**

**The only kind of economy in which the precepts of socialism cannot be fulfilled is one in which freedom of enterprise is not regulated by justice, in which the private ownership of the means of production in the hands of very few families allows them to accumulate too much wealth, even when justly earned by their massive contribution to its production, so that many individuals and families are rendered destitute.**

**A just economy, whether achieved by *communism* (which is more accurately called state capitalism without freedom of enterprise) or by *socialized capitalism* (sometimes called the mixed economy because it retains private ownership of capital with some limitations upon it, and also freedom of enterprise with some government regulation of it), is one in which no one is destitute, in which all individuals or families participate in the general economic welfare, at least to the extent that all have the degree of wealth to which everyone is entitled on the earned by the greater contribution they make to its production.**

**That is why we apply the phrase “welfare state” to states that have adopted state capitalism as well as to states that have adopted socialized capitalism. Both alike try to fulfill the precepts of socialism, though only the first try to do so by measures associated with communism rather than with private property and free enterprise.**

**In presenting the precepts of socialism as maxims of justice in the economic sphere, establishing an equality of economic conditions at the base line, accompanied by an inequality in degree above the base line, I have so far omitted one other maxim of great importance. It is the maxim that both Marx and Khrushchev put first: “From each according to his ability.” That precept precedes “To each according to his needs” and “To each according to his contribution.”**

**This maxim calls for two comments. First, it must be pointed out that, in any population, some are not able to make any contribution to the production of wealth. This runs parallel to the fact that, in the political sphere, some are not able to participate by exercising political power—infants and the pathologically disabled. They must be taken care of by families, by private charities, or as wards of the state. Their**

**disfranchisement is just.**

**In the economic sphere, infants must also be taken care of, either by families or as wards of the state. In addition, there are individuals who suffer disabilities that render them unable to make any contribution to the production of wealth. They, too, must be taken care of, either by families, by private charities, or by the state.**

**Their basic economic needs are the same as those of their more fortunate fellows who are able to contribute to production and do so according to their abilities. Justice requires that their economic needs be satisfied by having enough wealth to live decent human lives, even if they cannot rise above the base line by earning more than that through the contribution they make.**

**This leaves us with a third group—those who have the ability requisite to engage in the production of wealth but cannot find employment in the economic sphere and, therefore, cannot earn by work either the minimal sufficiency that everyone needs or more than that. Justice requires that they be sustained by welfare payments, but *only* if their inability to find work is no fault of their own.**

**The welfare payments received by those who are both able and willing to earn a living, but cannot do so because they are unemployed through no fault of their own, make them dependents in the way that children are. This is an indignity that no adult human being should be forced to suffer. To avoid the**

**injustice thus suffered by individuals able and willing to work, economic arrangements are thoroughly just only when they make it possible for everyone who is able to earn a living by contributing to the production of wealth to do so either to a degree that earns the decent livelihood that is enough to satisfy economic needs or to a degree that earns more wealth than that, within the limitation specified earlier.**

**The second comment to be made on the maxim “From each according to his ability” concerns the degrees of ability that underlie the different degrees of contribution that individuals can make.**

**These differences come, first of all, from differences in native endowment. Some are born with talents or aptitudes that make them able to make a greater contribution than that which can be made by others with inferior endowments.**

**Another explanation of different degrees of ability looks to what use individuals make of their inborn talents and aptitudes—the degree to which, by their own efforts, they fulfill their innate capacities. Those who start equal in the degree of their endowments may end up unequal in the degree of their attainments. It is even possible for individuals with inferior endowments to attain a development of themselves that surpasses attainments achieved by individuals of superior endowments. The former do so by making more of their inborn gifts than the latter.**

**Still another explanation lies in the favorable or unfavorable circumstances under which individuals make the effort to develop themselves. Those deprived of adequate schooling, for example, may thereby be prevented from making good use of their inborn gifts. As a result, their ultimate attainments may be inferior to those achieved by others who, with inferior endowments, have the advantage of better schooling.**

**Schooling is only one instance of many circumstantial factors that can influence the degree of ability an individual attains. Favorable circumstances facilitate reaching greater attainments; unfavorable circumstances hinder individuals from achieving all they can.**

**Considerations of justice, therefore, recommend that “From each according to his ability” together with “To each according to his contribution” works out equitably only when the circumstances (under which unequally endowed individuals make equal efforts to reach attainments that fully realize their innate capacities) are equally favorable to the success of such efforts.**

**The point just made introduces equality of opportunity into the picture. For inequality in attainments to result justly from inequality of endowments, given equal effort on the part of the unequally endowed, individuals must have an equal opportunity to exercise their talents and aptitudes, and put them to good use.**

**For inequality in attainments justly achieved to result in an unequal earning of wealth according to the precepts of justice we have been considering, all must have an equal opportunity to employ their innate and acquired abilities in productive work.**

**In addition, equal opportunity for employment should operate in a manner that engages those of superior ability, whether innate or acquired, in tasks or functions that are more productive. When those of superior ability are forced by unfavorable circumstances to take inferior jobs, equality of opportunity is not working as it should.**

**Equality of opportunity does not come into conflict with equality of condition when the latter is given precedence, as it should be because it is based on the first principle of justice: To all equally according to their needs.**

**Nor does it come into conflict with the inequalities of condition that justice also requires when these result from the operation of the second principle of justice: To each in varying degrees according to the functions performed or to the contributions made.**

**On the contrary, equality of opportunity facilitates the just operation of that second principle by providing equally favorable circumstances for all to make the most of their unequal talents and aptitudes and to put their acquired virtues, moral and intellectual, to the best use in political activity and in the production of wealth.**

* Mortimer J. Adler, *Six Great Ideas*, Part Three, Ideas We Act On: Liberty, Equality and Justice