Egalitarianism, Properly Conceived

We ALL Are "Rawlsekians" Now!

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We may value equality for all sorts of reasons. It's cute when two runners, after a long race, cross the finish line holding hands and intentionally finishing together. But suppose that we see *inequality*. Are we allowed to "fix" things? Are we *obliged* to fix things, so that failing to act is actually a moral mistake? Is the impulse to decry inequality born of envy ("You have more than I do; you should share!") or charity ("I have more than you do; I should share!")?

For much of political philosophy, the most salient work on egalitarianism derives from the work of John Rawls. But Rawls was no simple egalitarian. He advocated contingent inequality, in fact, consistent with the "difference principle." Allowable inequalities must be "reasonably expected to be to everyone's advantage, and attached to positions and offices open to all" (Rawls 1971, 60).

The problem is that any Pareto improvement, or move that makes at least one person better off and no one strictly worse, might satisfy this restriction. How should society distribute the gains from one of these many *possible* Pareto improvements, compared to (admittedly inferior) equality? Must we make interpersonal utility comparisons to select the "best"? Rawls advocates "justice as fairness" as the criterion for choosing. Given that citizens (even reasonable citizens committed to reaching

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agreement) disagree about the good and the nature of the ideal society, the answer is to reach agreement on fair procedures.

The advantage of the difference principle, from this perspective, is that it narrows down the set of allowable Pareto improvements. By Pareto, everyone must be better off than in a state of pure equality, but according to the difference principle those *least* well-off must enjoy the *greatest* improvement. As Rawls put it, "[S]ocial and economic inequalities, for example inequalities of wealth and authority, are just only if they result in compensating benefits for everyone, and in particular for the least advantaged members of society" (1971, 14–15).

The power of Rawls's argument comes from finessing direct interpersonal comparisons and focusing instead on rules. In stating the difference principle, Rawls sets out these requirements: "Social and economic inequalities are to be arranged so that they are . . . (a) to the greatest benefit of the least advantaged; and (b) attached to offices and positions open to all under conditions of fair equality of opportunity" (1971, 302). Also, "an inequality of opportunity must enhance the opportunities of those with the lesser opportunity. . . . *General Conception*: All social primary goods—liberty and opportunity, income and wealth, and all the bases of self-respect—are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored" (303, italics in original).

In this essay, I want to investigate "egalitarianism" as a concept of social justice and to ask whether a synthesis of two apparently incompatible viewpoints, that argued by Rawls and that argued by F. A. Hayek, is possible (and possibly desirable). One might object that those who have objected to the very notion of social justice make the project doomed at the outset. But a number of authors (e.g., Will Wilkinson [2004]; Anthony Flew [2001]; Bruce Caldwell [2010]) have considered the possibility to be fruitful. As evidence, I can cite Hayek himself, from *Law, Legislation, and Liberty:*

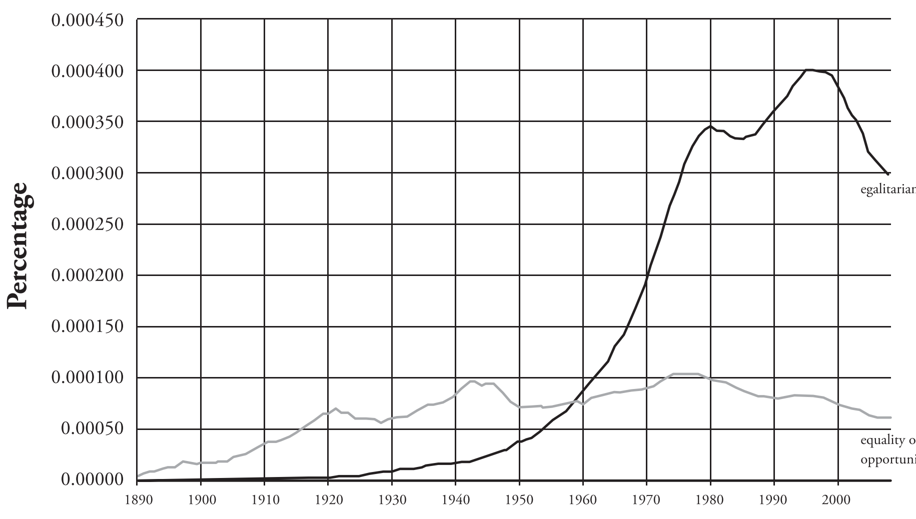
> Before leaving the subject [of "social" justice,] I want to point out once more that the recognition that in such combinations as "social," "economic," "distributive" or "retributive" justice[,] the term "justice" is wholly empty should not lead us to throw the baby out with the bath water. Not only as the basis of the legal rules of just conduct is the justice which the courts of justice administer exceedingly important; there unquestionably also exists a genuine problem of justice in connection with the deliberate design of political institutions, the problem to which Professor John Rawls has recently [this passage was published in 1976] devoted an important book. The fact that I regret and regard as confusing is merely that in this connection he employs the term "social justice." But I have no basic quarrel with an author who, before he proceeds to that problem, acknowledges that the task of selecting specific systems or distributions of desired things as just must be *"abandoned as mistaken in principle, and it is, in any case, not capable of a definite answer. Rather the principles of justice define the crucial constraints which institutions*

> *and joint activities must satisfy if persons engaging in them are to have no complaints about them. If these constraints are satisfied, the resulting distribution, whatever it is, may be accepted as just (or at least not unjust)."* This is more or less what I have been trying to argue in this chapter. (1976, 100, quoting Rawls 1963, italics added)

One problem is the definition of the term *egalitarianism* that I want to use—because the question is whether "social justice" allows or even requires concerns for egalitarianism to be central. One common distinction is between concern for strict "equality of outcomes" as distinguished from "equality of opportunity." To get an idea of the relative importance of these concepts over time, examine figure 1, an Ngram from Google's database. As the figure shows, "equality of opportunity" was the dominant concept from 1890 through the middle 1950s, after which "egalitarian" became much more common. By 1970, "egalitarian" had eclipsed the older concept; since then, the two ideas have diverged in importance, so that "egalitarian" has become the main concern, at least in Google's published sources.

In the remainder of this essay, I first consider problems of "fixed systems of justice" where egalitarianism is paramount and then consider the implications of truly voluntary exchange and profits for the welfare of "the least well-off."

Figure 1
Google Ngram: Frequency of Use of the Terms *Egalitarian* and *Equality of Opportunity*



Source: Google Ngrams

Insecurity, Inequality, and Fixed Systems of Justice

Can a capitalist system, with state actions yet to be determined, satisfy Rawls's "justice as fairness" conception? What transactions, activities, and wealth distributions would be allowed?

In a market system, profits result from redirecting resources toward producing things consumers want and need. *Large* profits are signals that before the entrepreneurial activity there were *substantial* resource misallocations, implying large costs and losses for consumers. We pay the cost of the profits as a way of grasping the far larger societal benefit of greater output, higher-quality products, and much lower prices. Confiscating profits, unless it can be done by surprise, eliminates the incentives for entrepreneurship and perpetuates resource waste and misuse.

However, it may be justified, as Hayek famously argued, to create a social safety net, redistributive taxation, social insurance, and assistance to ease the plight of workers in a declining industry, though never to trap them in that industry by protectionism or subsidies.

> There are two kinds of security: the certainty of a given minimum of sustenance for all and the security of a given standard of life, of the relative position which one person or group enjoys compared with others. *There is no reason why, in a society which has reached the general level of wealth ours has, the first kind of security should not be guaranteed to all without endangering general freedom; that is: some minimum of food, shelter and clothing, sufficient to preserve health. Nor is there any reason why the state should not help to organize a comprehensive system of social insurance in providing for those common hazards of life against which few can make adequate provision.* It is planning for security of the second kind which has such an insidious effect on liberty. It is planning designed to protect individuals or groups against diminutions of their incomes. (Hayek [1944] 2007, 126, emphasis added)

Hayek's point is, in a way, identical to Rawls's: social insurance and income security to ensure the welfare of the least well-off are the wealthy society's obligation because the wealth and prosperity result from a system—in this case, market capitalism—that allows gainers to gain enough that they can compensate the losers and still prosper.

So we might (with both Hayek and Rawls) endorse a move from a hypothetical starting point *(a)* (pure equality) to a realized institutional state *(b)* (market system with social safety net to protect the least well-off). And the extent of the social safety net would be a matter of public agreement, in a way to be made clear in a moment. If I am right, then it is possible to propose a "Rawlsekian Synthesis" that accepts both Rawls's and Hayek's principles and goals without compromising either thinker's claims.

What would be *impermissible* is to justify a coerced move to yet a third state of the world *(c),* where further redistribution and punitive tax policies are undertaken to "fix" the realized society of position *(b)*. The reason this is impermissible in the Rawlsian framework is self-evident: it is *only after we know our status in the realized society* that we wake up one morning and decide that position *(b)* is not what we (the least well-off) wanted after all.

The problem is that if voluntary transactions are to be allowed, income inequalities are inevitable. A continuous process of readjustment—not just *(c)* but then *(d)* and before long *(e)*—would be required, based on information no one could have behind the "veil of ignorance." And that is the reason that people who end up with below-average levels of income or wealth protest procedurally fair voluntary transactions: they don't actually care about procedural fairness; they just want more money.

Robert Nozick (1974) famously responded to Rawls by focusing on the justice of voluntary exchange and a different kind of (un)fairness. Nozick objected that institutions in the realized "just" state would not be just after all but would require further, perhaps continuous, redistribution of income. He was willing to accept, for the sake of argument, that Rawls's justification for redistributing wealth was that otherwise the realized distribution was *not fair*.

But Nozick responded that such redistributions could not be *just*. First, voluntary transactions would over time have cumulative effects of creating inequalities that Rawls would deem unfair. Paradoxically, each of the individual transactions that led away from a fair distribution was *by itself* just and beneficial to both parties. Why punish a middleman who had actually provided benefits to each partner in each transaction?[1]

Second, the possessors of wealth holdings have property rights in that wealth. These rights include the right to have and to use the property as well as the rights to transfer the property. Rawls would either violate the right to possess property by taking it or violate the right freely to transfer the property, taking the fruits—in other words, profits—of those transfers. I call such fruits "profits," as is common in the economics literature.

As an illustration, Nozick famously used a particular person: professional basketball star Wilt Chamberlain.[2] The example is well known, so I do not describe it at length here. But the point was that many people, even relatively poor people, might be

1. One might object if the transactions were coerced or fraudulent, of course. But the force of Nozick's objection is that Rawls would redistribute even if none of the transactions were coerced or fraudulent, which violates a certain kind of moral intuition most people have about fairness.

2. For readers younger than fifty and those who find basketball references obscure, an explanation is useful. The difference between Wilt Chamberlain and his average competitor was perhaps the largest in the history of all professional sports. In a game against the Detroit Pistons on February 2, 1968, Chamberlain recorded a "double triple double," putting up twenty-two points, twenty-five rebounds, and twenty-one assists. A "double double" is a good single game; over the course of his long career, Chamberlain averaged a "double double double," with thirty points per game and twenty-three rebounds per game. He was not the best team player (Oscar Robertson was a better team player), but Chamberlain was utterly dominant for more than a decade. The only comparable sports figures are Babe Ruth in baseball in the 1920s and Tiger Woods in golf in the 2000s. One might protest that Michael Jordan was a better all-around player. Indeed. My claim for Chamberlain's dominance is based on the *difference* between his performance and that of his peers at the same time. Basketball had gotten a lot better by the time Jordan played. So although Jordan was better overall, Chamberlain was more individually dominant in his era.

willing to pay the marvelous Chamberlain to see him play. They are happy to pay the money and are happy with the result.

The question is whether the "new" distribution, after allowing people to pay Chamberlain, is unjust. If one answers yes, then one must believe either that the citizens who paid extra are not competent judges of their own welfare or that the transactions themselves are unjust in ways the state must overrule. Either way, a state that would force redistribution to return to the initial fair distribution is "outlawing capitalist acts between consenting adults" (Nozick 1974, 163). That violates both Rawls's liberty principle and many people's moral intuition about an important side constraint on what government can regulate.

This point is important. It means that the internally coherent Rawlsian must outlaw transactions that would benefit both parties or else must reverse transactions after the fact, returning the money spent by the buyer after taking it by force from the seller. The argument is powerful, but I have always wondered that Nozick chose such an odd and narrow example. Wilt Chamberlain was nearly supernatural; using him as an example does not justify normal commerce.

A much more useful example, at least in my opinion, is the fable of the "Itinerant Padre" that R. A. Radford (1945) described. This example is not well known, so I cover it at a bit more length here (see also Munger 2011). The point, lest it be obscured, is that because voluntary exchanges make both parties better off, allowing those who are least well-off to have access to exchange improves their welfare. Access to voluntary exchange may well be, for the least well-off, the difference between death and survival. By that logic, access to markets improves the welfare of the least well-off by more, thus satisfying Rawls's principle. Now, the example.

During World War II, British economist R. A. Radford was captured and placed in a German prisoner-of-war camp. Radford noticed the universality of exchange in various camps, and, as an economist, he knew that voluntary exchange makes both parties to the exchange better off. The interesting thing about the prison camp setting was that each prisoner had precisely the same endowment, the contents of a Red Cross packet: tinned milk, jam, butter, biscuits, tinned beef, tinned carrots, chocolate, sugar, treacle, and cigarettes.

Now, if I like two carrots more than one milk, and you like one milk more than two carrots, we can trade. There is no increase in the *total amount of food* in the area, but the *total welfare of the group* and the welfare of each of the two individuals are improved. Any law or restriction requiring that we all have the same distribution would be quite harmful. And such a restriction would harm the most those who have the least because the first few trades yield the highest marginal utility. Because the least well-off start with such a low base of utility, even small increases represent a dramatic increase in their welfare.

Nevertheless, even if trade and exchange are good actions on one's own behalf, what about middlemen? Aren't *they* a problem? After all, in Nozick's example the exchange was direct: the fans paid, Chamberlain received, and both were better off.

Suppose someone specialized in such activities, profiting by creating exchanges without producing new value. Would that deviation from the "fair" distribution be defensible?

Radford describes a priest with a sharp eye for exchanges: "Stories circulated of a padre who started off round the camp with a tin of cheese and five cigarettes and returned to his bed with a complete [Red Cross] parcel in addition to his original cheese and cigarettes" (1945, 191).

Interestingly, the prisoners in Radford's camp thought that the resulting distribution (padre gets an extra Red Cross packet) was unjust. They had no quarrel with any of the individual transactions, only with the consequent wealth differences. This is the paradox Nozick was getting at: If we start at a just distribution but allow trade, how can an unjust *aggregate* result come from many *individually just* transactions? And if we don't allow trade, aren't we harming those who are least well-off?

Let's grant that every exchange makes both parties better off. That still doesn't establish how a third party, in this case the itinerant padre, can "earn" profits. It depends on what you think the alternative is. Truly voluntary transactions create value for buyers and sellers, and profits are the reward for facilitating transactions *that otherwise would not take place*. The padre might find Allan, who would pay six (or fewer) cigarettes for a tin of beef, and then look for someone such as Barry, who would sell a tin of beef for three (or more) cigarettes. Of course, if these two consumers had *happened* to meet each other, they would have exchanged directly. But finding just the right person to trade with is time-consuming at best and may not happen except by chance. The padre, by searching across trades, *arbitraged* the difference: he could sell the beef to Allan for five cigarettes after buying it from Barry for four. Thus, both Allan and Barry are better off by at least one cigarette, and the padre "profits" one cigarette. If there are many such trades, the padre would have large profits, but these profits are a sign of his having helped many of Rawls's "least well-off."

Truly Voluntary Exchange

The idea of "truly voluntary" exchange comes up often enough that in an earlier paper (Munger 2011) I tried to formalize both the concept and its definition. I used a neologism, coining the word *euvoluntary,* borrowing the Greek prefix *eu-*, meaning "well" or "truly." *Euvoluntary* exchange requires

1. Conventional ownership of items, services, or currency by both parties
2. Conventional capacity to transfer and assign this ownership to the other party
3. The absence of regret, for both parties, after the exchange, in the sense that both receive value at least as great as was anticipated at the time of the agreement to exchange

4. No large-scale or dangerous uncompensated externalities or costs imposed on third parties without their consent[3] (consent would have to be explicit and elicited under circumstances that otherwise approximate euvoluntary exchange)
5. The coercion of neither party in the sense of being forced to exchange by threat ("If you don't trade, I will shoot you!")
6. The coercion of neither party in the alternative sense of being harmed by failing to exchange ("If I don't trade, I will starve!")

Categories 1–4 are standard requirements for a valid contract in the common law (e.g., Black 1916). Likewise, categories 5 and 6 can be summarized as "no duress," also a requirement for valid contracts under the common law. The fifth requirement is a routine aspect of "voluntary" acts for political scientists. In the political world, "power" means a person (group) can impose his (its) will on others through the threat of violence.[4] That is the sense of the term *coercion* in category 5.

What, then, of profits and the income disparities associated with market processes? Is not the pursuit of profit the goal of capitalism?

Absolutely not, and to say that is to fundamentally misread the argument for capitalism. Capitalism is that system run by entrepreneurs for the benefit of consumers, using market prices as signals. Profits and income inequality are by-products of entrepreneurs' attempts to serve consumers. Wouldn't it be better to allow market processes to produce things but then later to equalize the results by taxing away profits?

It seems tempting to think the answer is "yes." John Stuart Mill certainly thought so.[5] Mill argued that something like a capitalist system is necessary for efficient

3. In a private-property regime with small numbers, this assumption is easily met by Coasian bargaining (Coase 1960). If property is common and numbers are large, however, state action may be required. However, this is more a problem with the property-rights regime than with the exchange itself.

4. Thomas Hobbes argued that coercion must be relegated to government, not to private bargaining, because "covenants being but words, and breath, have no force to oblige, contain, constrain, or protect any man, but what it has from the public sword" ([1651] 1991, part 2, chap. 18).

5. As Mill famously put it, there is a distinction between production decisions and distribution decisions:

> The laws and conditions of the Production of wealth partake of the character of physical truths. There is nothing optional or arbitrary in them. Whatever mankind produce, must be produced in the modes, and under the conditions, imposed by the constitution of external things, and by the inherent properties of their own bodily and mental structure. . . .
> II.1.2
> It is not so with the Distribution of wealth. That is a matter of human institution solely. *The things once there,* mankind, individually or collectively, can do with them as they like . . . . Further, in the social state, in every state except total solitude, any disposal whatever of them can only take place by the consent of society, or rather of those who dispose of its active force. Even what a person has produced by his individual toil, unaided by any one, he cannot keep, unless by the permission of society. Not only can society take it from him, but individuals could and would take it from him, if society only remained passive; if it did not either interfere *en masse,* or employ and pay people for the purpose of preventing him from being disturbed in the possession. ([1848] 2004, 199, emphasis added)

production of goods and services. But the *distribution* of wealth that results from leaving market processes to work without interference is still contingent on state action. Therefore, "free-market" distribution is just as arbitrary as any other distribution the state might select. The state *must* choose, so why not choose the best distribution from the perspective of the society as a whole?

Rawls likewise envisions a sphere where government action is focused primarily on *protecting* liberty (including property rights) and then a separate sphere where government action creates a just redistribution of income, as if these two arenas could be separated (1971, 61). The key problem with this formulation is visible clearly in Mill's formulation and is strongly implicit in Rawls. In Mill's words, "The things once there, mankind, individually or collectively, can do with them as they like" ([1848] 2004, book II, chap. 1).

"The things once there"? Really? We have no basis for assuming that "the things" will be there unless prices and profits can perform their directive functions. Without the promise of profit, *the things are not there*. In fact, the things are not even things but rather ideas that no one has ever thought about.

A Simple Experiment as an Example

To illustrate the problem of time and the original position as a lottery, I do a classroom experiment. I give each student one "scratch off" ticket from the North Carolina Education Lottery. I ask that the students not scratch off until we decide how we might divide the winnings.

The students are presented with two choices: each person can keep his or her own ticket and accept the profits, recognizing they were due to chance alone, or we can agree to pool all the winnings and divide them evenly among the fifty or so students in the class. After discussing this for a few minutes, we vote. Having done this in several classes, I can say for sure the result is always the same: a large majority favor keeping whatever each person's ticket gives him or her.

I then ask the students to scratch off their tickets. Before class, I enlisted the aid of a "confederate" with some acting experience, so, on cue, she jumps up and starts yelling (quite convincingly), "I won $10,000! I won $10,000!" and runs out of the room.

After a moment of silence, one of the students asks, "Can we vote again?" I nod, and almost all of the students vote this time to distribute the lottery winnings equally. Remember, most of these students had voted that each should keep his or her own winnings *before* the values of the lottery were revealed.

Then the confederate comes back in, and I explain what happened. The room gets very quiet. I'm not sure if the students are embarrassed. But I do know that behind the "veil of ignorance" they vote for equality of opportunity. In the world of realized institutions, they vote for equality of outcome.

It is time to consider the role of profits and the argument that entrepreneurs are "just lucky" and haven't earned the extra wealth that profits represent.

Profits

The advantage of markets is that they make each consumer the boss of his or her consumption decisions, with an ability to use subjective judgments to decide whether he or she is "better off." In a capitalist economy, resources are directed by prices toward their highest valued use. "Value" means the values voted on by consumers, aggregated through the system of supply and delivery. The self-interest of the owners of factors of production and of finished products leads them to direct these articles toward the highest price (value) activity they can discover.

This process of "discovery" operates imperfectly, but that is because the informational requirements of matching production and delivery to an enormously complex set of consumer demands, demands that are constantly changing and being updated, is difficult in the extreme. Much of this information is local or "impacted" in the sense that it is not generally known, or (as with the padre in the prisoner-of-war camp) the information is hiding in plain sight but available only to those who happen to be looking for it.

Profits are the ex post rewards to those who look hardest and most energetically or who perhaps out of sheer dumb luck happen onto the correct answer. Profits are the result of taking a resource out of one use and redirecting it toward an alternative use that consumers prefer.

Ludwig von Mises's statement on this subject is instructive:

> Profits are never normal. They appear only where there is a maladjustment, a divergence between actual production and production as it should be in order to utilize the available material and mental resources for the best possible satisfaction of the wishes of the public. They are the prize of those who remove this maladjustment; they disappear as soon as the maladjustment is entirely removed. In the imaginary construction of an evenly rotating economy there are no profits. There the sum of the prices of the complementary factors of production, due allowance being made for time preference, coincides with the price of the product. (1952, sec. 5)

But how much profit is necessary to allow entrepreneurs to carry out this function of directing resources to their higher values uses? Might profits be excessive? And won't the excessive profits improve the welfare of some arbitrarily selected (i.e., "chosen" by market forces) entrepreneurs who are illiterate, undeserving jerks? Mises goes on to make a distinction about what we might think of as "excessive": "The greater the preceding maladjustments, the greater the profit earned by their removal.

Maladjustments may sometimes be called excessive. But it is inappropriate to apply the epithet 'excessive' to profits" (sec. 5).

Profits accrue to redirecting resources in response to consumers' "orders." If resources are badly misdirected compared to what consumers want, then the profits can be quite large. But no one knew about the misdirected resources or the profit opportunity until the entrepreneur proved their existence by making profits. Anyone could have done it, perhaps, but that particular entrepreneur did do it.

The problem with this reasoning is that it stops short. The income differences are indeed *morally* arbitrary, but they are by no means *consequentially* arbitrary. And Rawls's central justification for income inequality is not moral but consequential. It is stated in terms of benefits to those who are least well-off. Capitalists may be lucky, at least in part. But even if they do not fully *deserve* the profits they reap, it does not follow that the state or "the people" deserve those gains instead. By creating a system where work and risk are rewarded handsomely but where the benefits in terms of lower prices and useful products for the least well-off are distributed across the entire population, capitalism advances the asserted goals of the Rawlsian project. No country that has adopted capitalism has failed to prosper; no country that has tried anything else has broken out of poverty. We all should be Rawlsekians now.

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