4

Rationality, Equal Status and Egalitarianism

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Some kind of equality of status among persons has been a mainstay of moral and political thought since at least the 16th century. The idea of such equality has played a central role in defeating the evils of slavery, racism, sexism, genocide and colonialism. But its foundations have been inadequately explored. And now that we are at a safe distance from those societies that endorsed basic inequality in thought and action, we have come to wonder about its basis. The difficulty is especially acute for ideas about justice that are grounded in the idea that justice is what is owed to persons. Once we determine what it is about persons in virtue of which something is owed to them qua persons, we encounter the difficulty that the features of persons that ground their status may come in degrees. This is particularly so for the standard ground of status: rationality. Indeed, the idea that the rationality of persons is what grounds what we owe to them threatens to undermine the very coherence of the idea of equality of status.

I will work primarily from within an egalitarian framework in assessing the coherence and soundness of the idea of equal status. This paper is an exploration. It will not end up with a conclusion that is fully justified against alternatives. I will argue that our conception of moral status is a complex one that has a number of different elements. I will try to show that a certain kind of egalitarianism that is grounded in the idea that persons are rational can withstand the challenge posed by unequal rationality. But the paper ends with a kind of dilemma between two very different routes one can take when one acknowledges differences in rational capacity among persons. One can say that this implies some differences in degree of moral status and adopt a view that allows for equality of status in one respect but inequality in another. Or one can adopt a view that treats differences in rational capacity above a certain threshold as akin to differences in natural talent. They do not imply differences in status but instead call for some kind of redistribution. I don’t regard either of these alternatives as entirely satisfactory though I lean a bit towards the second one.

In what follows, I will lay out the fundamental puzzle of equal status. I will discuss and criticize some ways of thinking about equality and inequality of status that are prominent in the literature and give my reasons for dissatisfaction. Then I will elaborate and defend a conception of status that I think provides a plausible reason for thinking that persons have a moral status that is quite different from that of other animals. There is, I think, real discontinuity between persons and other animals. This can ground an egalitarian principle that is grounded in the rationality of persons. But this leads to a fork in the road concerning how to deal with differences of rational capacity above the threshold. I will describe the two options and their strengths and weaknesses as I see them. I will close with a qualification to the conclusion of the argument.

*Equal Status*

First, what does it mean to say that persons are equals? In contemporary thought, the idea of moral status is generally used to refer to the qualification in virtue of which moral principles assign advantages and disadvantages to things. “Advantages” being attributions of rights, powers, deserts and goods, “disadvantages” are duties, liabilities and negative deserts. That something has a moral status implies that at a minimum moral principles in some way assert that it has a right to something, may be owed something, may deserve something, or that it ought to receive a certain good.

The notion of basic moral equality is meant to apply to persons perfectly generally because they are persons and it is prior to and independent of any action or character traits persons acquire through their actions in a way that is compatible with basic moral equality. Basic moral equality holds among persons even when they have done things that make morally relevant distinctions between them. When one person voluntarily acts wrongly, he may come to deserve harsh treatment. That this person deserves harsh treatment and others do not does not imply that he has a lesser basic moral status. Indeed the same basic moral status determines, through the general principles, that blameworthy action is followed by punishment and blameless action is not. Or when a person voluntarily acts in a way that lessens her subsequent stream of benefits relative to others, the difference in subsequent benefits does not imply a lesser basic moral status. Sameness in basic moral status is also compatible with partiality in the relationships persons have and special obligations. The fact that I care for my child much more than for other children is compatible with the thought that all the children have the same basic moral status. When I think of how to structure a system of education for many children, I do not accord my child special priority; he is one among many. The basic status of a person determines the distribution of the normative powers of persons and the limits on the exercise of those normative powers, permissible partiality and the grounds of that partiality. So differential deserts, benefits, and obligations can be compatible with basic equality as long as they arise in ways that are determined by and compatible with the perfectly general principles that arise out of basic equality.*A Contemporary Puzzle about Equal Status*

A vexing problem in contemporary moral and political philosophy concerns the nature and grounds of equality and inequality of basic moral status on the fundamental understanding of status. The idea that persons have a distinct and equal moral status is accepted by many different views in some form or other. And it seems necessary to many accounts of basic moral principles. But a problem arises with different conceptions of the ground of the moral status of personhood. The basic concern is that if status is grounded in certain valued traits that persons have, and these valued traits are present to different degrees in different persons, then it is hard to see how persons generally can have the same status. One might call this the “status trilemma.” One, the status of persons is grounded in the extent to which they have certain distinctive traits. Two, persons have the status conferring traits to relevantly different degrees. Three, persons have equal status.

The first proposition in the trilemma asserts that the status of persons is grounded in the degree to which they possess certain distinctive traits. Let me explain the elements of this proposition. First, the idea is that the status of persons is grounded in distinctive traits. This is necessary to ground the distinctive moral status of persons. The thought is that persons have a distinctive status, distinct from that of animals, that calls for distinctive moral norms. For instance, the status of persons is not thought by many to be grounded in the mere capacity to experience pain, because the experience of pain is common to many animals. Many have thought that the distinctive status of persons is grounded in some way in their rationality. Rationality is understood in different ways on these accounts. One may be just the capacity to make coherent choices on the basis of given ends, another the capacity to appreciate value and to act on that appreciation. Although there may be significant differences between these grounds, some are at least partly shared by animals. The capacity to make coherent choices, the capacity to make moral choices, and capacities for rational thought in relation to action and understanding are all to some extent characteristic of animals. So if these traits ground the distinctive status of persons then it must be the high degree to which they are present in persons that grounds the status of persons.

But just as humans may possess a higher degree of such characteristics than animals, some humans possess them in a higher degree than others. I am thinking here of basic capacities of persons. Though these are difficult to measure we have some sense that some persons are more capable of reason in relation to thought and action than others are. We have some sense that some persons are better capable of appreciating moral or aesthetic value than others. Of course it is very hard to pull apart the contributions of capacity from the contributions of environment but some differences of capacity are likely to be present.

From these two premises, it would appear to follow that persons do not all have equal moral status. The thought is that the status of persons is grounded in the possession of a certain capacity, because of the high value of the capacity. But if that capacity can come in degrees, and some persons have greater capacities than others in respect of the relevant features, then those persons have something of even greater value than those who have a lesser capacity. If we value the capacity then we must value the greater capacity even more. So those who have the capacity to a greater degree have higher status. In what follows, I will call this the “continuity argument.”

The standard way to defeat this inference is a move that denies either the first or the second premise. It says, abstractly speaking, that the differences of capacity beyond the threshold are negligible. But this can be true in two different ways.

The first way is to accept that there are differences but assert that they do not matter. The main effort has been to assert that extent of possession of the key traits determines status only in part. The thesis, asserted by Rawls and others, is that as long as a person possesses traits such as rationality and morality beyond a threshold level, then they possess the status of personhood. Beyond that threshold level persons can be different in extents to which they possess the traits but still have equal status. This move denies the first proposition of the trilemma.[[1]](#endnote-1)

The second move denies the second proposition in the trilemma by asserting that the differences between different persons above the threshold are very small or nonexistent. The difference between Einstein or Gandhi and most others is not very great, at least in comparison to the differences between normal human beings and other animals.

Conceptually these are neat resolutions of the problem. And they are intuitively attractive. But they do not provide a satisfying rationale. One problem is that no rationale is offered for thinking that there is a threshold or for determining where the threshold is. Normally, a threshold is thought to be present when some remarkable new properties appear at the threshold point. The threshold point must present some kind of very strong discontinuity in order to qualify as a genuine threshold. If we are thinking of a simple graph with degree of capacity on one axis and type of entity on the other, for example, the slope of the graph must change quite significantly around the threshold. The threshold idea has two parts: one, there is a huge difference between the capacities before the threshold is reached and the capacities at the threshold and two, there is a negligible difference between the capacity at the threshold and those significantly beyond the threshold. To be sure, the threshold can be quite vague so that we don’t know exactly when we have crossed it.

The trouble with the thresholds suggested by Rawls and others is that they do not have these properties, at least no such discontinuity is defended. Hence the idea that the status of personhood appears at a particular threshold and then remains unchanged after the threshold appears ad hoc. There just aren’t any reasons offered for why this should be thought of as threshold concept. This is not an argument against the view yet, it is a demand for further argument.

A second reason for doubt is that we have a clear idea, I think, of relevant increases in capacity beyond the threshold of personhood though we may know of no instances of this type. Presumably God and the angels would be of a higher status than human persons, and this would be because of their vastly greater rational capacities. Certainly this has been the traditional view of these entities’ moral statuses. But this defeats the simple claims that any difference of traits beyond the threshold makes no difference or that there are no such differences. Again, here it may be that there are two or more thresholds but we need further argument.

A second effort to reject the first proposition is to say that equal status is grounded in pragmatic considerations. Here the idea is grounded in a deeper idea that need not involve equal status of the sort in question. For instance, one might embrace utilitarianism and argue that because there is so much uncertainty about who is more rational and because the inclination to bias tends to distort judgment on these matters in counterproductive ways, and finally because people are likely to resent being treated as inferiors, it is better simply to treat all persons as basic equals. This, in effect, abandons the idea that equal moral status is a fundamental moral idea.[[2]](#endnote-2)

A third effort to resolve the problem is to argue from the thesis that we owe respect to rational beings to the idea that they have equal status. This argument proceeds through the premise that we owe rational beings a duty of epistemic abstinence, which asserts that we owe it to them not to measure their relative capacities. This is because we owe it to them not to look too deeply inside them. The idea is that one owes a duty of respect to all those who qualify minimally as rational beings, not to inquire further into their differential capacities.[[3]](#endnote-3)

The first worry about this approach is that it may seem to beg the question. The view allows us to inspect the capacities for the purpose of determining minimal qualifications but then disallows us from searching for further differences. But if a change of status could arise as a consequence of increased capacity, then one should be allowed to look to see whether that new threshold has been crossed. As long as we have a clear idea that there can be higher moral status (and I think the examples above do suggest this possibility), it is unclear why this view does not foreclose a morally important possibility and if we have the idea that there cannot be a higher moral status, then the case is made by defense of that assertion alone. The second worry is that it is not clear that the view answers the problem. For the consequence of the duty of “opacity respect” is not that persons are of equal moral status but that at most we must treat them as if they had equal moral standing or perhaps that we should ignore their relative moral status in our dealings with them. It does not actually answer the question of relative moral status, rather it merely makes relative moral status forbidden from view. I will suggest a case for this kind of stance later, but it requires the establishment of more premises.

A fourth way to answer this problem starts by distinguishing different possible kinds of grounds of status. One might broadly distinguish between two conceptions of the grounds of status. One conception asserts that the ground of the moral status of a being is a feature with a kind of impersonal worth that the being with the status has. Let us call this the impersonal worth ground. Another conception grounds status in the fact that the being realizes certain agent relative values because, say, it has interests or it has a point of view of its own. We can call this the subjectivity ground.

To be sure, these two different grounds need not be entirely extensionally exclusive. In particular, someone might think that consciousness or subjectivity itself has a kind of impersonal worth. But this is not how subjectivity theorists are thinking of the ground. Or at least, if the view is to be consistent, this is not how this kind of approach thinks of the ground of status. The idea, rather, is that the fact that a being possesses interests that it is aware of, is motivated by and takes as important, in some sense from its point of view, are reasons to attempt to appreciate that point of view, see things from that being’s point of view and advance the interests that manifest themselves from that point of view. As Williams puts it, “each man is owed an effort at identification… one should try to see the world … from his point of view.”[[4]](#endnote-4)

The impersonal worth idea is more closely identified with the late scholastic and Kantian traditions. Here the idea is that the possession of reason endows a person with a kind of impersonal worth. This worth makes its possessor worthy of respect and even awe. It is the basis of the idea that human beings have a dignity in virtue of which they are owed respect and in virtue of which we have duties towards them. Respect and duty are fitting responses to this kind of worth.

I describe these two ideas as ideas about the ground of the status of persons but it is not clear to me that both of these kinds of facts about persons can serve as the grounds of the moral status of persons. In my view the notion that persons have a kind of impersonal worth is really the only possible way of grounding the status of persons. The subjectivity approach does not provide a conception of a fact that can serve this role, unless it is meant to identify a kind of impersonal worth like the worth of consciousness or even self-consciousness. The subjectivity approach in the form in which we have it from Williams and George Sher really does not identify worth at all.[[5]](#endnote-5) Or it does not describe the feature that grounds status in terms of a notion of impersonal worth.

The subjectivity approach identifies the fact that a person has a point of view and experiences interests from that point of view as a ground of status. The possession of the point of view does the work in that it says that since a person has a point of view, we should try to see things from that point of view and hence identify with that point of view.

The trouble I have with this position is that it is hard to see where the normativity is coming in. From the fact that a entity has a point of view and I can identify with that point of view in the sense of see things from that point of view, it is hard to see why I ought to identify with it. And it is hard to see why having seen things from the other’s point of view by itself implies that that I should then be concerned to advance the concerns that manifest themselves from that point of view. A number of arguments confirm that there is a problem with this inference. One, some of the concerns that manifest themselves from this point of view may be ones that one ought to reject. Hatred of persons of another race or sexual preference may reveal itself when one attempts to see the world from the other’s point of view. Pathological emotion and attitudes may manifest themselves. Yet these do not provide reasons for advancing the concerns. Second, the mere fact of being able to identify with someone else’s point of view does not give us reason to value what is valued from that point of view. One may very well look at the identification of the point of view as having instrumental value in the sense that one is now more capable of manipulating the person because one can see how things look from his point of view. I do not say that this is appropriate but what I am saying is that the mere fact of being capable of seeing things from a point of view does not supply us with reason to advance the concerns that are manifest from that point of view.

I think the basic problem here is that one must have a reason for identifying with the point of view and one must have a reason for taking the point of view seriously. It seems to me that the only way that one can have such a reason is if the being that has the point of view has a worth that grounds one’s being required to acknowledge the point of view and grounds one’s taking seriously the goods that manifest themselves from that point of view. In other words the being must have impersonal worth.

Upon reflection, it seems to me that the possession of a point of view is not a ground of status, it is a particular feature of the good of a being that has the point of view. Some things have a good without having a point of view such as plants, ecosystems and animals without consciousness. But higher animals have points of view on the world in virtue of possessing consciousness and, in some cases, reason. What attribution of a point of view does is specify an essential feature of the good of the being that has it. So, one ought not to say that one advances the interests of a being because it has a point of view, one must say that the interests of that being are essentially characterized in terms of it having a point of view. Why one must advance those interests is a question that is not settled merely by the fact that they have a point of view.

I want lastly to defend the idea that a kind of worth of great weight must be the ground of moral status. Only if a being has great worth can the duties we have to it and rights it possesses be of great normative weight. Moral principles often impose heavy burdens on practical agents. It is hard to see how these sacrifices can be justified without a sense that the beings towards whom they are owed are themselves of great worth. One way to see this is to reflect on the different statuses that animals and plants have from persons. What is owed plants is far less than what is owed to animals and what is owed to these is less than what is owed to persons. These differences are consequences of their differing statuses. To be sure we could just say that it is fitting that we owe more to persons than to animals, but then we lack an explanation for why this is so. It seems to me that the only kind of explanation that can shoulder the burden of explaining the differences in what we owe these beings is a conception of their differing worths.

I want to describe two more formal ways of eluding the trilemma here. A fifth possible response to the difficulty might be to reject the idea that the moral status is a ground of the moral duties. One might think instead, with some interpreters of Kant’s doctrine of dignity, that the notion merely summarizes and stands for the duties we owe persons. [[6]](#endnote-6) This account says that equal status is a kind of global assertion of all or at least the most basic requirements of equal treatment.[[7]](#endnote-7) This deflationary account of dignity provides an answer but at a cost. The cost is that it deprives us of one very powerful kind of explanation of the duties we owe to others. And it seems simply to ignore the implications of the continuity argument, which would seem to still have some force.

A final way to elude the difficulty above would be to distinguish between derivative and fundamental conceptions of status. The derivative notion is employed by some (distribution insensitive) consequentialist theories. Because utilitarianism usually simply implies that certain goods ought to be brought about, the status of a thing is usually just the result of its having the capacity to have the good in question and does not explain any part of the moral principle. For example, hedonistic utilitarianism implies that any thing that can experience pleasure or pain thereby has moral status and, in a sense, an equal moral status. Some forms of utilitarianism can yield a distinction between persons and nonpersons to the extent that they sharply differentiate between different kinds of goods, which are had by different entities. For example, if rational activity is a superior kind of good over other kinds, as Mill thought, then personhood will in effect constitute a distinct moral status, albeit a derivative one.[[8]](#endnote-8) This derivative character of status enables utilitarianism to avoid the difficult problems of status that arise with more fundamental conceptions of status.

A fundamental conception takes moral status as a kind of ground of appropriate treatment and therefore of the moral principles regulating the treatment of the thing. By virtue of possessing certain morally salient features, an entity is due certain treatment. Fundamental conceptions of status imply both that some entities are to be accorded equal treatment whereas other entities are to receive different treatment because of their distinct statuses. For example, many think that persons are equals while animals and persons are unequals, though both have moral status. So, different general principles apply to these beings with different status.

I will not try to provide an argument against the derivative approach here. I do not have the space for it. I find the idea intuitively quite implausible but I will be content if this paper can help make the fundamental conception of equal status a coherent and plausible one.

*The Fundamental Principle of the Status of Persons: Non-Comparative and Comparative*

There do seem to be discontinuities among the statuses that we observe. If we think in terms of the traditional Aristotelian groupings of life, sentience and rationality, we might think that the special dignity of each rank requires a distinct response. Here is what I have in mind. We ought to say that life has a dignity in virtue of the intrinsic worth of life. The basic idea is that life has value that is owed respect and so it must not be destroyed gratuitously. That is the simplest way to characterize its worth and its dignity. With regard to sentient beings, we acknowledge the worth of these beings and their dignity by abstaining from causing unnecessary pain as well as abstaining from unnecessary destruction. We may even think that we ought to bring about pleasure and at least realize certain conditions for pleasure. In doing these things we acknowledge the momentous presence of consciousness and the simple evaluative character that consciousness has in animals.

But when it comes to rational beings, we see something new and this new feature is the basis of a distinctive type of worth that grounds the distinctive rank of rational beings. Rational beings are capable of understanding values (goods, right and worth) as values and rationally thinking about the nature of those values. They are capable of seeing those values in the world and rationally justifying ends in terms of those values. And they are capable of guiding their conduct and character self-consciously in accordance with the rationally grounded ends they justify. Hence they have the peculiar features of rationality and self-determination to a degree that is not seen in other sentient and living beings.

Living beings and sentient beings exhibit kinds of self-determination; living things grow and change on the basis of features they possess. They do not merely change as a result of external forces. The principle of growth is in significant part within them. Non-human animals also react to pain and pursue pleasure but they do so more or less instinctively. They do not act on the basis of an idea that these are good, an idea that is subjected to critical evaluation and modified sometimes as a result. Higher mammals seem to have significant pieces of morality and belief and thus a more complex inner life that determines their behavior. Their social lives are structured by something like norms of behavior. They are clearly engaged in anticipating the future and determining conduct on the basis of these anticipations as well as the norms they follow. But they are not, as far as we can tell, rational beings in the sense I have in mind.

Rational beings are capable of reflection on the norms that govern their behavior and the norms that govern the formation of belief and inference. They change the norms of belief formation and maintenance and the norms of behavior and even those norms that are meant to regulate the overall structure of societies, as we have seen over the course of human history. The transformation of ideas about morality and the good life as well as the development of science and philosophy suggest the presence of a higher order capacity that does not seem present in the case of other higher mammals. This has two related normatively relevant implications. One, persons are capable of seeing value in the world and they see it as value. They look back on the world and ask about its worth, what is good and what is right to do, as we are doing in the papers in this volume. They are thus capable of a kind of rationality that is distinct and that, I think, adds a distinctive kind of value to the world. That is, persons are parts of the world that can reflect on the value of the world. This rational capacity of recognition and appreciation of the value in the world contributes to the value of the world. Two, persons are capable of a kind of self-determination in a deeper way than other beings. They can stand back and question their impulses and the conceptions of value on which they act. They can revise these or limit their influence on action and character. And they can even revise their conception of the kind of society they ought to live in and make changes in social life accordingly.

These observations do seem to me to introduce normatively relevant discontinuities between the world of persons and the world of the other higher mammals. The discontinuity may have a certain fuzziness in application but it does seem an important one. What this may establish is one half of the threshold idea we have been looking for. It suggests that there is a large normatively relevant distinction between persons and the other living beings we are acquainted with. Though this discontinuity does seem to correspond to the difference between the vast majority of human beings and the other higher mammals, it is not a difference based in speciesism. It is a difference based on the possession of relevant capacities that the vast majority of humans have. This does imply that some biologically human beings are not persons to the extent that they do not have the reflexive rational capacities of persons. They do not have the same status as the vast majority of human beings.[[9]](#endnote-9)

It is important to note here that this discontinuity does not establish everything we need since it still allows differences of degrees above the threshold. So part of the continuity argument remains unanswered. And we shall see whether and to what extent that can be done later in the paper.

What might be the immediate normative implications of this observation? We can perhaps learn here from the tradition of late scholasticism, under whose influence Locke came. The scholastic idea is that inasmuch as human beings are rational beings, by which they mean that they are capable of running their own lives in accordance with values and principles they understand and can reach by means of reason, persons are not made merely for each other’s use.[[10]](#endnote-10) The idea here is that each person has a kind of original right against others. This right is initially a notion that is understood non-comparatively. Using the schema articulated above, the capacity of a person to run his own life makes it fitting that he not be used for others’ purposes. Locke says that individuals are not to be subordinated to others in the state of nature.[[11]](#endnote-11) And this tradition reaches its fullest expression in Kant’s principle of humanity and the innate right of persons to independence.[[12]](#endnote-12)

This idea does not require any strong thesis of equality between persons but only requires that each person taken separately can be seen as something that is not to be merely used for the purposes of others. They are to live in accordance with their own purposes.

What is interesting about this thesis is that the continuity argument does not have as much purchase here as it seemed to have above. The reason is that the principle merely moves from a trait of a person to the idea that a person is not to be used merely for another’s purposes. This latter injunction has a non-comparative character at least in its basic content. It does not admit of the idea that one may treat one person some of the time or in some respects as a means while others may never be treated as mere means. One simply looks at each rational being and because of its character as rational and self-determining, it is fitting that it not be used merely as a means.

This principle, however understood, can be thought of as a *pro tanto* principle and so it can be overridden in certain extreme circumstances.

The relation of fittingness between rationality and self-determination on the one hand and not using a person for another’s purposes is intuitively quite strong, though one must hope for more defense than this. But here I am only trying to show the coherence of a certain conception of status. And the idea that one ought not to treat persons as mere means is an intuitive idea though it is very vague. It has been variously interpreted as requiring that one receive the actual consent of a person to how one treats them, the hypothetical consent, or that one must take their interests into account or that one may not sacrifice one merely for the sake of others. I will attempt some further elaboration of the idea in the next section. For the moment I will follow Kant and characterize this as the “principle of humanity.”

The one effect of the continuity consideration on this kind of argument that I can see here is that it might affect the strengths of the reasons or obligation never to treat another as a mere means. This could become an issue if and when there is a conflict between such reasons. For example, in a lifeboat situation one can imagine that one must either toss one person off the side or the other. There is something to be said for the idea that pushing either one off the side is a kind of treating the person as a mere means. So if there is some difference in the strength of reasons for not treating a person as a mere means that derives from the difference in rational capacity then one may have reason to push the person with the least capacity. Of course, much will depend on how we interpret the prohibition on using another as a mere means.

*Egalitarianism*

Is there a further status that may be unequal? Egalitarianism in the sense of a doctrine requiring equal opportunity for well-being or equal access to advantage or equal resources is usually thought to require a stronger kind of equal status than this. This might be because each of these doctrines requires that one advance the well-being or advantage of each person equally. And this would appear to require that the well-being of each person is in some sense of equal worth. The idea of each person as self-determining and rational does not go that far. It merely states that one person may not be used merely for the sake of the well-being of another and that one person’s well-being may not be sacrificed for the sake of others and that it is a good in itself. But it does not say that one person’s well-being must be advanced as much as another’s. I will try to sketch such an argument in what follows, primarily with an eye to the question of equality of status.

I want to put aside a certain conception of egalitarianism at the start. It may be that on a certain conception of well-being, one could derive an entirely egalitarian account. This account would be an entirely subjectivist one. The idea is that if well-being consists in pleasure or in desire satisfaction and any pleasure or desire satisfaction is as good as any other, then it is hard to see why we should think that the pleasures or desires of one person should be advanced more than those of another. It is hard to see why this would follow from the idea that one person has a superior capacity for rationality and self-determination than another. The greater satisfaction of purely subjective preferences or pleasures does not seem like a fitting response to greater rationality or self-determination. We might think that these are things that one can deserve as a consequence of one’s proper exercise of these faculties, but it is hard to see how one can deserve more of one than another does merely because one is equipped with better faculties. A stronger connection between ground and consequent is needed here to establish a relation of fittingness between ground and consequent.

Of course, in part the trouble is that on a purely subjectivist account of well-being, it is hard to see why one should be so concerned with advancing it. It is not an unalloyed good. Mere wants and motivations that are not directed at something good seem like a problematic basis of the human good.

This last kind of observation is what leads many egalitarians to adopt more objective accounts of well-being.[[13]](#endnote-13) And this is potentially a source of difficulty for an egalitarian conception of justice. On the account that I have defended one’s well-being consists in taking pleasure in the appreciation of objective goods, very broadly conceived to include rightness, goodness and worth. It requires the appreciation of objective good, meaning a grasp of the good and an appreciation that it is good. It also involves the self-conscious effort to realize the good (again broadly conceived) in one’s life and in one’s relations with others, in society and in the world.[[14]](#endnote-14)

The goods here are objective in the sense that their goodness is independent of their being grasped by the knowing agent. Well-being requires more than mere self-conscious cognition. It also requires that one enjoy this cognition, that one has an appropriate positive affective state with respect to the good and its cognition.

Now well-being in this sense has an internal connection to rationality and self-determination. Rationality, as I understand it here, is the capacity to grasp objective goods and to relate them to one another appropriately. It is a capacity to figure out how to realize these goods in action, character and institutions. Self-determination is the capacity to realize these goods in one’s own action, character and in the institutions that one participates in constructing. To be self-determining is to act in accordance with a conception of these objective goods. To advance the well-being of a person is to advance the happy apprehension and realization of objective good. Another way to describe this is that well-being is the fullest realization of the nature of an embodied, rational and self-determining being. This is because a person that takes a kind of pleasure in apprehending and realizing goodness has more fully realized rationality in her self. A person who struggles emotionally with doing the right thing or appreciating the good, as most of us do at least some of the time, is imperfectly rational.

This conception of well-being makes it at least possible that there is a relation between rationality and self-determination on the one hand and the idea that it is fitting that one be concerned with the well-being of a rational and self-determining being on the other hand. Well-being, as I stated above, is the fullest realization of rationality and self-determination in embodied beings. To think that rationality and self-determination have a special worth seems quite strongly connected with the idea that it is important to advance the well-being of such a being.

I will start by providing an interpretation of the humanity principle discussed above. The interpretation is that to the extent that persons are rational beings, one must not be indifferent to the well-being of persons and one must promote that well-being, either by promoting it directly (as might be the case in children) or by promoting the conditions that enable people to achieve well-being. To fail to do this is to fail to grasp the worth of humanity and to treat a person as a mere thing. The expression “using merely as a means” is understood not merely in terms of making use of someone but treating them as if they don’t matter beyond their usefulness. Letting someone die is treating them as a mere means in the sense that one is thinking of them as worthwhile only if they are a means to one’s ends and not otherwise.

So far we have a kind of non-comparative equal status for rational beings. But now the question arises of what is to be done when there are conflicts of well-being among persons. The egalitarian response to this kind of situation is that persons are not to have unequal welfare unless there is some non-arbitrary basis for differentiating among persons that justifies inequality.

I want to say that there is room here for an egalitarian extension of the humanity principle because it says that the well-being of one person ought not to be sacrificed for the sake of the well-being of another on arbitrary grounds. To sacrifice a person’s well-being for the sake of another’s on arbitrary grounds is to use that person merely as a means for the other at least to some extent. The idea is that one treats another as a means in this sense if one allows them to not to flourish for no good reason or arbitrarily.

The idea of arbitrariness has to be understood in a distinctive way here because we are talking about justice. Justice is what is due each person and so when there is differential treatment, it must be justified in terms of relevant features of the person (possibly in comparison with other persons). Now since what is due to each person is what is a fitting response to each person’s worth, the idea is that when there is conflict between the well-being of one person and that of another, the basic principle here requires that the justification of inequality must be connected with the worth of each person. Only a difference in the worth of persons can be a non-arbitrary difference. A justification is non-arbitrary only when it is grounded in the worth of the persons.

Their rational and self-determining nature already implies that one ought to be concerned with their well-being, but it requires this only to the extent that the flourishing is compatible with that of others. It is their rational natures and the fact that their well-being is an expression of their rational natures that imposes the requirement that one not allow one person to do worse than another on grounds that are not based in the worth of each person.

Rational beings are such that conflicts among them must be resolved in non-arbitrary ways. I think this is why we take justice so seriously among persons and the absence of the level of rationality in animals is a reason why justice is not so prominent in our thinking about the moral treatment of animals. To treat persons in arbitrary ways is to fail to respond appropriately to their rational natures. It is a form of treating them in a way that is not fitting given their rational natures. To allow one person to be worse off than another without grounds in their respective worth is to treat them arbitrarily. Hence there is a kind of tendency to equality suggested by the principle of humanity.[[15]](#endnote-15)

The generation of equal opportunity for welfare may go as follows. The first non-arbitrary basis for inequality is that persons’ lives may go differently with respect to welfare to the extent that they have voluntarily chosen different paths against a background of equal opportunity. This is the opportunity part of the principle of equality of opportunity for welfare. It is justified by the idea that persons having opportunities to pursue their welfare or not and being responsible for their choices seems a fitting response on the part of others to the fundamental capacity for self-determination that each person has.[[16]](#endnote-16) An egalitarian may also allow for secondary differences in worth such as differences in desert due to unjust behavior and thus may allow for differences in treatment that are justified by the need for punishment of injustice.

*The Status/Talent Dilemma*

Let us suppose that we have established the discontinuity between persons and other animals. We still have to think about differences in degree of rational capacity above the threshold. I want to say in what follows that we face a dilemma in thinking about these differences in degree in rational capacity. On the one hand we can think that these differences in degree are grounds for differences in status so that status comes in degrees. This would justify some limited departures from equality of access to well-being, as we will see. It amounts to a limited denial of the third proposition of the trilemma. On the other hand we might think that these differences in degree of rational capacity are actually more like differences in natural talent, which are arbitrary grounds for differential life prospects. This might preserve the demand for equality, even though there may be no permissible way of rectifying the inequalities of rational capacity. This amounts to a denial of the second proposition of the trilemma.

*A Modest Inequality of Status*

Let us consider the first horn of the dilemma. If one person has a greater capacity for rationality and self-determination than another, and one thinks that advancing well-being or the opportunities for well-being are a fitting response to the rationality and self-determination of persons, one might think that it is fitting to give more weight to the well-being of the more rational than the well-being of the less rational. The principle of equal opportunity for well-being, the requirement of equal status and the inequality of the grounds of equal status seem to produce a trilemma again.

One possibility would be to weaken the equal opportunity for well-being principle. To see how to do this, recall the idea of fair equality of opportunity in Rawls. This notion is meant to allow for inequalities in outcome if those inequalities of outcome are the result of differential talents or differential efforts. The notion of fair equality of opportunity seems to permit inequality of outcome. And the reason for this, Rawls suggests, is that it is important for persons to realize their talents. To be sure, Rawls thinks that this kind of inequality ought only be one of social position and power.[[17]](#endnote-17) It is not meant to issue in differences in wealth and income. But on a welfarist view, if we have fair equality of opportunity, we allow some people to be better off than others on the basis of their greater talents. This seems like it is a potential injustice.

On the other hand, a principle of equal opportunity for well-being states that one must make it possible that the best alternative in terms of well-being for one person is as good as the best alternative for another and the second best is as good and so forth.[[18]](#endnote-18) Now if we suppose that there are differences in capacity for rationality and self-determination, which may well imply differences in capacity for well-being, then we may wonder whether the equal opportunity for welfare principle is a plausible one. If we think that it is fitting for the more rational to have greater welfare, then we have an incompatibility between the equality of opportunity principle and the fact of inequality of capacity.

But perhaps there is an intermediate principle between fair equality of opportunity and equality of opportunity for welfare. The basic idea is that persons ought to have equality of opportunity to realize their rational capacities and that those who have greater rational capacities should be able to have greater well-being as a consequence. This principle of equal opportunity neutralizes differences in social circumstances and in native talents except where these differences in talents are differences in rational capacity directly relevant to well-being. It is a kind of fair equality of opportunity for well-being that allows for differences in opportunity for well-being only when those differences result from differences in rational capacity.

This principle would attempt to neutralize the effects of differences in native physical strength, physical beauty and even IQ in many circumstances on differences in welfare. It would neutralize the effects of differences in productivity on differences of welfare, at least as a rule. But it would not neutralize the effects of differences in moral capacity or differences in aesthetic or intellectual capacity on differences in welfare at least to the extent that we are talking about the intrinsic exercise of these capacities. The basic distinction between those differences that are neutralized and those that are not are that the differences in capacities that are not neutralized in effect are those whose exercise have a direct impact on well-being in the sense that I have tried to sketch here. And the reason for thinking that differences in rational capacities ought not to be neutralized in terms of their effects on well-being is that we do think that a greater worth resides in such higher capacities and that it is fitting that such higher capacities can realize greater well-being, in the sense that I described above.

Hence one non-arbitrary basis for inequality that I am assaying here is that persons’ lives may go differently to the extent that some have superior rational capacities whose exercise may lead to greater welfare. So, there can be some inequalities that are not chosen or deserved and the justification of these inequalities is the differences in rational capacity. But they are not arbitrary because they are grounded in the differential worth of the different rational capacities. This is the key result of fact that persons do differ in rational capacity and the idea that those differences may be relevant to status. It is in this sense that the equality of status I am advocating here is a weak equality of status and not a complete equality of status.

This egalitarian principle seems to me to be reconciled with a kind of inequality of status because it allows and indeed encourages differences in well-being to the extent that these are the results of differences in rational capacity. The principle seems to allow for the idea that there is reason to think that it is fitting that the more rational have greater opportunities for welfare than the less rational. Yet it is still a highly demanding egalitarian principle. It is more egalitarian than fair equality of opportunity but it is less egalitarian than equal opportunity for welfare. Let us call this principle, “fair equality of opportunity for welfare.”

This is an especially interesting way of reconciling the principle of equality to the continuity argument. Instead of assigning different weights to the rights of different persons or assigning different principles to different persons with different rational capacities we have a single constructed principle that manages to bring together considerations of differences in status with other moral considerations in a theoretically satisfying way.

*Differences in Rational Capacity as Differences in Talent*

Let us consider the second horn of the dilemma I laid out above. The idea was that instead of thinking of differences of natural capacity as status conferring differences, we should think of them as differences in natural talent. There are two considerations that favor this way of thinking of the matter. The first is that a natural question to ask concerning the principle I elaborated above is whether it is unfair that some have more opportunity for well-being than others.[[19]](#endnote-19) The above approach suggests that this is not unfair or unjust because the differences in question are status conferring differences. But the question does not simply go away as a result of this theoretical maneuver. There may still be a lingering sense that greater opportunity for well-being for the more rational is “giving more to those who have more.” This suggests that when people are thinking about differences of rational capacity, they are thinking about differences in native talent, which seem generally to be unjust grounds for differences in access to well-being.

The second consideration is one that arises when we think in terms of the following intuitive example. Suppose that we have two people, who are otherwise the same, having very different appreciations when listening to a piece of music, say Beethoven’s first Razumovsky Quartet. One person really plums the depths of the piece while listening to it, the other does not though he does thoroughly enjoy it. And let us suppose that this difference is entirely the result of greater rational capacity. They have both had the same education and other opportunities and they both love the music and make efforts to listen to it and understand it. Now on the view that differences in rational capacity call for differences in opportunity for well-being, there is nothing to be regretted here. The greater well-being of one is simply the appropriate effect of their greater capacity. There is nothing more to be said.

But this is not entirely satisfying. Suppose we had some drug or other therapy that could enhance the capacity of the lesser listener, we might think that we ought to give it to that person and thus enhance his listening experience.[[20]](#endnote-20) We might even think that there was something unfair in not giving the capacity enhancing drug to the lesser listener. But the idea that this makes sense should give us pause about the above accommodation of inequality of status. If this intuition is sound then on the view that differences in rational capacity ground differences in status would suggest in this case that we want to increase the status of this person. But on what grounds? If the ultimate ground of treatment is status and the traits that ground it, then there is no possible ground for this change. If we hold to the fundamental conception of status, then we should not think of status as something that we have reason to promote or enhance. It is simply something we respond to appropriately. That is the role of status that I have been working with in the discussion.

This suggests that we look at differences in rational capacity in significant part as differences in natural talent in an egalitarian view. They are differences that call for some kind of egalitarian response. Now we might think that we have a complete solution to the issues raised by the continuity argument here. We can argue that there is a discontinuity between persons and other animals by pointing to the distinctive type of rational capacities that persons have and that other animals do not have. These rational capacities justify an entirely distinctive set of principles. I have tried to say a few things in favor of an egalitarian principle here. We then deal with differences of degree above the threshold not as grounding differences in status but rather as differences that are arbitrary bases of differential well-being. This is because the differences of degree in the distinctive rational capacities can justify efforts to enhance the capacities when that is possible.

Now in response to the worry that the above argument for enhancement might also lead to an argument for enhancing the capacities of non-rational beings so that they become rational (in the present sense of rational being), we can say that their status does not call for this kind of enhancement. Even if we could enhance the capacity of a dog so that it could become a rational being, we do not owe that to the dog. To enhance the capacities of the dog in this way would be to create a new kind of being. To enhance the capacities of the lesser listener would not be to create a new kind of being. It would in effect merely extend the capacities of the listener and presumably in a way that the listener would in fact rationally desire.

The fundamental principle of status on this view would be that all beings that have the rational capacities have an equal status. That equal status is grounded in the possession of a capacity that can be enhanced and ought to be enhanced if possible. Differences in degree above the threshold do not imply differences in status; they imply that some kind of remedy ought to be applied if possible. This solution in effect denies the second proposition of the status trilemma. It asserts that the differences in the possession of the rational capacities does not have relevance to determining moral status beyond the achievement of the threshold. The solution is different from the first one in that the first one denies the third proposition: that persons are equals.

I can think of at least two important difficulties for this idea, one is a counterintuitive implication and the other is a theoretical difficulty. The counterintuitive implication is that the view seems to suggest that if one person has greater capacity than another and one can somehow take from one person some of his capacity and give it to the other, then one ought to do this. The example above just involved enhancing the capacity of the lesser listener. But what happens if one could do this by diminishing the capacity of the better listener? I find myself resisting this implication.

To be sure, one reason for resisting this implication is that it seems to take something away from another person that is part of her self. And we might want to accept that there are constraints against doing this. Indeed these constraints may arise directly from the non-comparative status that enjoins us not to treat others merely as means. If this is the reason for our intuitive resistance then it may not pose a fundamental problem for the principle of equality. We may just be acknowledging that there are other principles in play that constrain our pursuit of equality.

But I am not sure that is all that is going on in this case. I find myself resisting the idea that it would be better in some important respect if the better listener had lesser capacities that were equal to the enhanced capacities of the lesser listener. I am not worried here about leveling down, I am supposing (fantastically) that we could enhance the capacity of the lesser listener by diminishing the capacity of the better listener. My sense is that even this action offends against our sense that the rational capacities of the better listener are worthy of a certain respect.

Perhaps this worry is mitigated when we recognize (as we must) that there is independent reason for advancing the human rational capacities that may sometimes conflict with the egalitarian concern. This independent reason is so strong as to defeat any claim that it would be better if the capacities of the better listener were less and the capacities of the lesser listener were greater. And the independent reason is strong enough to counteract significantly the justice based reason to transfer resources from the better listener to the lesser listener in compensation for the lesser listener’s lesser capacities. This is as far as I can take this worry here.

The second more theoretical worry is that though there is something intuitive in the solution proposed, both because it preserves equality in fundamental status and because the treatment of rational capacity above the threshold as a talent is intuitive, it is not fully theoretically explained. Why does difference in capacity suddenly become less normatively powerful above the threshold? I think it would be reasonable to say two things in response to this fundamental worry. First, a change from below the threshold to above the threshold involves some kind of substantial transformation of the nature of the being involved while changes above the threshold do not involve such substantial transformation. To give a chimpanzee the kinds of rational capacities that most humans have is fundamentally to transform the being into a new kind of being. It is not to improve the chimpanzee, it involves replacing the chimpanzee with a different kind of being. The change is not identity-preserving. Thus one cannot owe it to the chimpanzee to enhance the capacities in this way. In contrast, to enhance the rational capacities of an ordinary human being so that they are greater than they were is not to turn the ordinary human being into a new type of being. The nature of the being is preserved and thus the identity of the being is preserved. And thus it makes sense to think that this kind of being comes under the same kind of principle whether it has more or less rational capacity as long as it has the requisite kind of rational capacity. This strikes me as intuitive and plausible but it does invoke a difficult metaphysics of essences that may prove intractable.[[21]](#endnote-21)

Second, we can say it makes sense to enhance the rational capacities of rational beings even though it is not owed to non-rational beings that they being turned into rational beings. The basic argument is that it does seem fitting to enhance the rational capacities of a rational being. This must be the rational desire of any rational being and it seems to advance the fundamental concerns of rational beings. On the other hand, it does not seem a fitting response to a non-rational sentient being to transform it into a rational being. It is not within the realm of concerns of the sentient being to become rational. That is simply beyond its nature. This might be a good thing to do in some circumstances if it were possible, but this is not because it is a fitting response to the nature of the sentient being.

Though I have not provided decisive reason in favor of this last approach, I think that, with the qualifications I have stated, it is somewhat more plausible than the first horn of the dilemma.

*Conclusion and Qualifications*

This paper has been primarily devoted to the question of whether a broadly egalitarian solution to the status trilemma makes sense. The trilemma consists of the propositions: the moral status of persons is grounded in rational capacity; persons have rational capacities to different extents; persons have equal moral status. The first possible solution asserts a weak equality of status that underwrites a principle of fair equality of opportunity for welfare and which is compatible with a partial inequality of status that results from inequality in the possession of the rational capacities that ground our concern for justice. This inequality in the possession of the rational capacities may ground a difference in the extent to which we should be concerned with the welfares of the more rational relative to the less rational. But it is a difference that can be nevertheless expressed and contained within a demanding principle of equality. This first solution denies that the third proposition of equal status is completely true. The second possible solution proceeds from the intuitive observation that we seem to have reasons of fairness to enhance the rational capacities of those who have lesser rational capacities. This reason for enhancement does not seem compatible with the idea that there is a change in status that accompanies increase in rational capacities and so it suggests that we should treat differences in rational capacity above the threshold not as grounding differences in status but more like differences in talent. I think this latter approach is the more plausible, but much work needs to be done.

I want to express a qualification to this reasoning so far. Even if the first solution that I have articulated asserts a reasonable principle of justice, it does not follow that it can be a fully public principle.

A public principle is one which different persons can see to be treating persons as equals despite their differing conceptions of the good and their different interests and despite the cognitive limitations in their abilities to see and compare their welfares to each other. I think the basic principles of public equality are principles of democracy, basic liberal rights, equality of opportunity and a minimum material resource base. Principles of social justice are public principles because they are principles that persons can use to criticize and argue about the social institutions they live under. The basic reason for this is that a public principle of equality is a principle that must be embodied in the legal, political and conventional practices shared by persons. A society that failed to be guided by an egalitarian principle that was public would come across to many of its members as arbitrarily favoring the interests of some over others.

The principle of fair equality of opportunity for welfare that I have characterized may be the ground of these public principles and it may be a principle that persons can act on in their lives, but it is cognitively much too demanding a principle to serve as a public principle. It is too demanding cognitively speaking because it suggests that we can have public knowledge of who is a more rational being and who is less in way that allows for the application of the principle. Disagreement, fallibility, cognitive bias and conflict of interest suggest that it is hard to see how one could arrive at a public standard for clearly deciding who is more rational than whom. This is particularly so since we have such strong disagreements about the right conception of the good, on which agreement would be necessary to develop a public standard of rationality. As a consequence any society-wide determination of a standard of rationality, which guided the construction of its basic institutions, would have to be seen by many as arbitrarily reflecting and advancing the interests of a particular group in the society and thus not treating persons as equals. To be sure, as individuals, we make these kinds of discriminations all the time. We may need them to get on with our lives, but they are unlikely to receive public acceptance even if everyone were to accept the validity of the basic principle I have defended.[[22]](#endnote-22) And so they are not likely to rise to the level of public principles. Hence, they are not principles that are by themselves suited for the guidance of the design of social and political institutions.

We can be justified in thinking that a principle of equality of opportunity for welfare or fair equality of opportunity for welfare is the ultimately justified principle of justice without thinking that it can serve as a public principle. Thus I think we have reason to think that an egalitarian morality will necessarily have a kind of two level structure: at the base is a fundamental principle such as the principles I have discussed in this paper, but at the level of social justice we have public principles of justice that serve as shared grounds for argument and debate about how society must be structured. Even if we accept the partial inequality of status outlined in my first solution to the trilemma, we would most likely adhere to a public morality of equality among persons. We would reasonably reserve the use of judgments about more fine grained differences of rationality among individuals to considerations about how we live our lives and how to structure the more particular laws and policies within a broader framework of egalitarian institutions.

1. See John Rawls, *A Theory of Justice*, (Cambridge, MA: Harvard University Press,1971), p. 508. [↑](#endnote-ref-1)
2. See Richard Arneson “What, If Anything, Renders All Humans Morally Equal?” in Dale Jamieson, ed., *Singer and His Critics,* (Oxford: Blackwell Publishers 1999) for this solution. [↑](#endnote-ref-2)
3. See Ian Carter “Respect and the Basis of Equality,” *Ethics* 21, (2011) for this account. [↑](#endnote-ref-3)
4. See Bernard Williams “The Idea of Equality” in *Equality: Selected Readings* ed. Louis Pojman. (Oxford: Oxford University Press, 1997), pp. 94-95. [↑](#endnote-ref-4)
5. See George Sher (in this volume) for an account along these lines. [↑](#endnote-ref-5)
6. See Samuel Kerstein “Death, Dignity and Respect,” *Social Theory and Practice* October, vol. 35, n. 4 (2009). [↑](#endnote-ref-6)
7. See Ronald Dworkin *Justice for Hedgehogs*. (Cambridge, MA: Harvard University Press 2011), ch. 9. [↑](#endnote-ref-7)
8. See John Stuart Mill *Utilitarianism,* ed. George Sher, (Indianapolis, IN: Hackett Publishers,1979), ch. 2. [↑](#endnote-ref-8)
9. I agree with Jeff McMahan, in “Cognitive Disability, Misfortune and Justice,” *Philosophy and Public Affairs* (Winter, 1996), pp. 32-34, that this need not imply that we treat severely cognitively impaired human beings in the same way as animals. Affective relations of love towards one’s offspring may provide reason for different treatment of these persons and our respect for the relations among parents and offspring may imply that we ought to treat such being differently from animals. [↑](#endnote-ref-9)
10. See Francisco de Vitoria, “On the American Indians,” *Political Writings*, ed. Anthony Pagden and Jeremy Lawrence, (Cambridge: Cambridge University Press, 1991) for this account. [↑](#endnote-ref-10)
11. See John Locke *Two Treatises of Government,* ed. Peter Laslett, (Cambridge: Cambridge University Press 1988), section 4. [↑](#endnote-ref-11)
12. Immanuel Kant *Groundwork of the Metaphysics of Morals*, and *The Metaphysics of Morals* in *Practical Philosophy,* trans. Mary J. Gregor, (Cambridge: Cambridge University Press 1997), p. 81, and p. 393. [↑](#endnote-ref-12)
13. See Richard Arneson, “What, If Anything, Renders All Humans Morally Equal?” and Robert Adams *Finite and Infinite Goods* (Oxford: Oxford University Press, 2002). [↑](#endnote-ref-13)
14. See Thomas Christiano *The Constitution of Equality: Democratic Authority and Its Limits* (Oxford: Oxford University Press 2008), ch. 1, and Thomas Christiano “Two Conceptions of the Dignity of Persons,” *Annual Review of Legal and Moral Philosophy* (2009) ed. Sharon Byrd and Joachim Hrushka [↑](#endnote-ref-14)
15. To forestall two worries that will arise for many. It may appear that the principle I am defending is too demanding and it may appear that the principle allows for leveling down. I take both of these worries very seriously. The demandingness worry can, I think, be met in one of two ways. One is to say that the above principles come attached with a kind of personal prerogative that permits one to act in ways that do not always require that one acts in accordance with the principle. This idea is discussed by G. A. Cohen, *Rescuing Justice and Equality* (Cambridge, MA: Harvard University Press 2008). Another idea is to say that the duties to realize equality are first and foremost duties that are collectively held by human beings generally. Each must then do her fair share in discharging these duties. This idea is pursued in Liam Murphy, *Moral Demands in Non-Ideal Theory*, (Oxford: Oxford University Press, 2000). There are difficulties with this approach, but I think the answer lies in some version of it. The leveling down objection has been stated by Parfit “Equality or Priority?” Lindley Lecture: University of Kansas,1991). I think that the principle of equality is actually opposed to leveling down, which I have argued in Christiano and Braynen, “Inequality, Injustice and Levelling Down,” *Ratio* 21 (2008). [↑](#endnote-ref-15)
16. I don’t think that self-determination per se requires opportunities to do otherwise. It only requires that one wholeheartedly pursue one’s aims. But I am suggesting here that the appropriate response of others to one’s self-determination is to afford one opportunities. [↑](#endnote-ref-16)
17. See Rawls *A Theory of Justice*, p. 73 ff. [↑](#endnote-ref-17)
18. See Richard Arneson “Equality and Equal Opportunity for Welfare,” *Philosophical Studies* (1990) for the classic elaboration. [↑](#endnote-ref-18)
19. A question both George Sher and Andrew Williams pressed in discussion. [↑](#endnote-ref-19)
20. I thank Houston Smit for pressing this example. [↑](#endnote-ref-20)
21. I would reject Jeff McMahan’s view stated in “Cognitive Disability, Misfortune and Justice,” *Philosophy and Public Affairs* (Winter, 1996), p. 12, that there is no room for this notion of kinds that is distinct from biological kinds or species. There is no reason why our conceptions of the natural kinds of living beings must map on entirely to biological kinds. For a view like the one I am defending, see Martha Nussbaum, “Aristotle on Human Nature and the Foundations of Ethics,” in *World, Mind and Ethics* ed. J. E. J. Altham and Ross Harrison (Cambridge: Cambridge University Press, 1995), p. 117. [↑](#endnote-ref-21)
22. I have defended this kind of two level egalitarianism in my book Christiano *The Constitution of Equality: Democratic Authority and Its Limits* ch. 2. [↑](#endnote-ref-22)