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EQUALITY OF WHAT? WHY LIBERTY?

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Justice is about political ideals on how to accommodate differences that are natural among basically heterogeneous human beings. In many ways, justice is remarkably complicated because of the alleged conflict between the demands of equality and the concern that people should have as much liberty available. The author argues in this essay that the ideal of equality and liberty can be reconciled into the liberal ideal of fairness. This compromise view accounts as a justification for coercive institutions and obligations and a tenable basis for a practical definition of rights and justice in general. The author does this by going through the philosophical presuppositions of the different theories of justice. His examination focuses on rendering analytic clarity to the ideal of equality, liberty, and the value of community.

INTRODUCTION

Human beings are basically heterogeneous. We are thoroughly diverse that we differ from each other not only in external characteristics and circumstances (e.g., in inherited fortunes, in the natural and social environments in which we live). We also differ in our personal characteristics (e.g., age, sex, proneness to illness, physical and mental abilities).

We begin life with different endowments of inherited wealth and liabilities. We live in different environments, some more hostile than others. The societies and the communities to which we belong offer very different opportunities as to what we can or cannot do. The epidemiological factors in the region in which we live can profoundly affect our health and well-being.

Amartya Sen (1992, 1, 20), author of *Inequality reexamined*, argues that the evaluation of the demands of substantive equality and effective freedom should seriously take into account the fact of human diversity.

Despite their basal heterogeneity, mutual respect and community comes naturally to human beings. But from time to time, it degenerates into domination and oppression when individuals throw off the value of community for the pursuit of their own narrow self-interests.

Self-interest could easily transform community into conflict and turn individuals into factious and fanatical slaves of their intolerant passions. If no one will stop them, if they cannot find a way to calm themselves, then nothing less than the chains of despotism can restrain them from killing one another. This is the perverse, sometimes inhuman, fact of political life. It has been the project of philosophers to find reasonable principles of justice to guide politics. Thus, Steven Kautz (1995, chap. 5) concludes in *Liberalism and community* that "political life depends upon shared opinions about justice. In the absence of such agreement, human beings will quarrel, sometimes violently about first principles."

Iris Marion Young (1990, 10) observes in *Justice and the politics of difference*, that domination and oppression happens against women, children and youth, persons with disabilities, the mentally challenged, older persons, indigenous peoples, the urban and rural poor, farmers, fisher folks, workers (local and overseas, public or private, whether formally employed or not), displaced families and communities, and other valuable sectors because it has been the norm of political life that communities define rights and duties according to the interests of privileged groups that discriminate and prejudice them.

AUTHORITY

In *Four essays on liberty*, Isaiah Berlin (1969, 167-71) contends that because of the lack of harmony in men's prospects in their pursuit of self-interest, it is an imperative that sometimes liberty should be coerced. Otherwise, in the Hobbesian sense, political life in a community is short, cruel, and brutish. But coercion should be legitimate. Thus, authority is important in political life. Simply defined, *authority* is the rightful disposition to wield power. The concept of authority implies that the ruled will obey those who govern them.

James Sterba (1995, 1-9), author of *Contemporary social and political philosophy*, clarifies that "the central task of social and political philosophy is to provide a justification for coercive institutions." These institutions are those which essentially, at least, sometimes employ force or threat of force to control the behavior of their members to achieve either minimal or wide-ranging goals. Sterba claims that to justify such coercive institutions, we need to show that authorities within these institutions have the right to be obeyed and their members have the corresponding duty to obey them. In other words, we need to show that these institutions have legitimate authority over their members.

"Why should others refrain me from doing what I wish?" one may ask. Ironically, while an individual, as far as possible, seeks above all to free oneself from every sort of authority, in order for him or her to be free from the dominion of others, he or she must submit oneself in some measure to an authority. For analytic clarity, an individual's freedom can be a hindrance to another person's freedom. Therefore, if every individual is conferred with all the freedoms possible to frame, revise, and pursue his or her self-interest, each one of them may end up hindered from getting what they want.

This is the reason why laws are enacted. Laws are supposed to be hindrances to hindrances of freedom. They keep people from unduly interfering with the freedoms of others. As John Locke (1991, 85), in *Two treatises of government*, says, "... where there is no law, there is no freedom." However, the problem is that not all laws are just. Of course, all laws are legal. Laws presuppose that they emanated from legitimate authorities. They are enacted and ratified by people who are given the mandate to formulate laws. But the basis of some laws is suspect.

Normally, laws are based on social and political ideals. Socialists, libertarians, liberals, and communitarians defend the legitimate authority of laws and coercive institutions as a means to best promote their ideals. In fact, it is when these coercive institutions fail to realize these ideals that they lose their legitimate authority. For example, welfare liberals, like John Rawls, contend that the ultimate moral reason for acknowledging someone as a legitimate authority is justified in terms of "fairness," while libertarians, like John Hospers, insist that it is only justified in terms of "liberty." In contrast, socialists, like Karl Marx, argue that the ultimate justification for submitting to someone as a legitimate authority is provided by "equality," while communitarians, like Michael Sandel and Michael Walzer, propose that an authority is legitimate only if its coercive institutions are expedient to the "common good" (Sandel 1982, 150).

EQUALITY

"From each according to his ability, to each according to his needs," as Karl Marx (1875; 1966, 52) expresses in his *Critique of the Gotha program*, sums up the socialist political ideal of "equality" in terms of need-fulfillment.

Obviously, this is the urgent response of socialists to the widespread exploitation of workers by capitalists who extract unfair advantages from them for the pursuit of profit. In fact, capitalists threaten their workers to replace them with other workers if they disrupt the good return on their investment. Socialists claim that such exploitation is carried out because of the concentration of wealth and power in the hands of a few.

By appealing to the moral incentive to provide for the basic needs of all its members by redistributing wealth and power, socialists hope to be able to motivate people to do their best in contributing to society. As Marx points out, this can be done by restricting ownership of capital and other means of production. In other words, socializing the means of production would lead to the abolition of capitalism.

The socialists propose a strong government that would guarantee that workers have significant control over the features of their working conditions such as job descriptions; working hours; and, hiring, firing, and promotion policies. Such control extends not only to firms and factories. In order to achieve substantial equality, it is legitimate for a socialist government to interfere with the positive freedom of individuals to do what one wants with one's income. Thus, in a socialist community, a member loses the negative freedom not to be interfered with.

At the very least, the redistribution of wealth and power necessary to achieve a guaranteed social minimum justifies socialist coercive institutions as legitimate authorities. But this end has been highly criticized because of the failure of socialist constructions, which is largely attributed to the abuse of authority and loss of liberty.

LIBERTY

Unlike the socialists, libertarians reject any coercively supported social minimum as a violation of liberty. They argue that liberty always has priority over other social and political ideals.

Liberty is a universally accepted ideal. But it is differently understood. Libertarians, like Henry Spencer and John Locke, take liberty as the core requirement of justice. Some libertarians, following Herbert Spencer, have (1) taken the right to liberty as basic and (2) derived all other rights from this right to liberty. Other libertarians, following John Locke, have (a) taken a set of rights, including typically the right to life and the right to property, as basic and (b) defined *liberty* as the absence of constraints in the exercise of these rights.[1]

James Sterba (1995, 30) explains that for libertarians,

> . . . the right to life is not a right to receive from others the goods and resources necessary for preserving one's life. It is not a right to a social minimum. It is simply a right not to be killed unjustly. Correspondingly, the libertarian's right to property is not a right to secure a social minimum. Rather, it is a right to acquire goods and resources either by initial acquisitions or by voluntary agreements.

In conflict situations between the rich and the poor, the poor may argue that they have the freedom to not to be interfered with when taking from the surplus possessions of the rich what is necessary to satisfy their basic needs (see Hospers 1971, 21). Libertarians argue that there is no duty to provide for such needs. A duty, such as the provision of welfare to the needy, interferes with the freedom of the rich in using their resources to satisfy their luxury needs if they so wish. For this reason, libertarians are opposed to any coercively supported social minimum. Redistributive schemes, such as the provision of welfare to the needy, are requirements of charity rather than justice.

FAIRNESS

Both libertarians and liberals believe that human beings possess rights by nature. However, they have conflicting rights claims. While libertarians speak of right to property, liberals appeal to economic welfare rights. Libertarians condemn affirmative action as an infringement on individual rights, while the liberals praise affirmative action for vindicating the collective rights of disadvantaged minority groups.

Liberals argue that justice is not merely about liberty, but also about

fairness. In liberal terms, *fairness* is the priority of right over good. The right draws the limit of the good. It means that the principles of right impose limits on permissible ways of life (see Rawls 1971, 560; 1993, 174, 187; Kant 1797, 25).

Again, for analytic clarity, liberties are not necessarily rights. Loosely, rights are claims. But not all claims are rights. In liberal terms, a *right* is a legitimate claim. A claim is legitimate if it is a particular exercise of freedom that treats human beings, in any case, as persons, not as things or means to an end.

Therefore, justice as fairness, as a compromise view of socialist and libertarian ideals, is an idea of a mixed regime. A liberal community enables its members to lead a reasonable way of life, one that allows them the liberty to pursue their self-interests and requires them at the same time to respect the equal freedom of others. Generally, liberals oppose authoritarianism because it espouses a doctrine of consent.

Liberals have defended their ideal in basically two ways. Some liberals, following Immanuel Kant, propose that human beings should have all the freedoms possible to frame, revise, and pursue their own good, for as long as the exercise of these freedoms is consistent with the equal freedom of others. In other words, a person is free to do as one pleases only when one treats human beings as persons, not things or means to an end.

Kantian liberals believe that human beings are by nature free because they possess *reason*, or the capacity to set their own ends. It is in this sense that human beings are persons. A human being loses one's humanity when his or her freedom to set his own ends is hindered. This happens when he or she is treated merely as a thing, or means to an end. Thus, for Kantian liberals, there is only one human right, that is, the right to freedom of action.

Other liberals, following John Stuart Mill (1956, 19-20), value freedom as a means to maximize utility or aggregate happiness. Contemporary liberals, like Joseph Raz (1986, 18-19, 133; see Mulhall and Swift 1992, chap. 8), author of *The morality of freedom*, argue that while a liberal government is not entitled to approve or suppress a style of life, it should help its citizens live the life that they value by making available a range of valuable options.

COMMUNITY

While liberals believe that the right to freedom of action is prior to any good, communitarians believe the contrary. Communitarians insist that the *common good*, or the good of the community, should precede any right. According to Stephen Holmes (1993, 90-91), "...communitarians are above all 'anti-liberals' who seek to establish a politics of the common good and thereby to tame the prevailing liberal politics of rights." They contend that liberalism has diminished the value of community.

Michael Sandel (1982, 178) maintains in *Liberalism and its critics* that persons are constituted by their obligations to communities. Thus, the principles of right and so of justice are limited by the communities' concept of the good.

From a liberal perspective, the priority of the good over the right is problematic. Obviously, if principles of right and justice are to be limited by the

community's concept of the good, the principles of right and justice necessarily become local. Consequently, this will make the concepts of rights and of justice notoriously vague and indefinite. There will be a diversity of views on rights and justice as there are varied views on the good.

Michael Walzer (1983, 6, 312-14) opines in *Spheres of justice* that different communities have different understandings of social goods, which requires different procedures of distribution. Walzer claims that *social goods,* such as welfare, security, money, education, political power, and honor, should be distributed according to the community tradition or shared understanding of people's needs, which vary over time and between communities.

The politics of community, in any case, has not offered a principled way to end the disagreements regarding rights and justice. The irreducible pluralism of cultures within a community and between communities implies that there are no judges between them but the members of the community themselves and their own local prejudices.

Steven Kautz (1995, 25-26), author of *Liberalism and community*, argues that a definitive way to settle the disagreements on rights and justice is to recognize the fact that although communities have different ways of life, they are constituted by the participation of right-bearing persons. This is the liberal response to the communitarian criticism. This response makes it tenable to imagine a modern concept of community that endorses the universality of human rights and the impartiality of justice.

CONCLUSION

Equality, in socialist terms, is an end. It can never be achieved in any community without violation of basic liberties. Equality in the distribution of social goods is a social disaster because it requires that oppressive apparatuses of the state be installed to impose a preferred way of life that regularly interferes with the life choices of its citizens in order to achieve distributive equality. Such is the mistake of socialism that accounts for its failure as a theory of justice.

On the contrary, in liberal terms, equality is a means. It does not matter whether a group of people ends up getting more social goods than other groups for as long as the *means*, or the procedure involved in the distribution, is equal. That is, citizens are being treated as persons who have an equal amount of freedom to frame, revise, and pursue their own concepts of the good.

This is the ideal of justice as fairness. Justice requires a procedural equality, not distributive equality. No equal distribution of social goods is just if it is done at the expense of basic liberties.

Furthermore, justice demands a modern concept of community. Unlike the traditional concept of community whose unity is based on "common identity" and homogeneity, a modern community is a liberal community united as a "common humanity" of right-bearing persons.

The traditional concept of community is unjust, whether organized according to socialist or communitarian ideals. It is partisan and exclusive. It is the root cause of domination and oppression by depriving its citizens the freedom

to examine the existing coercive institutions, prevailing practices and authoritative prejudices of their own community. It has given rise to terrorism, blind patriotism, and intolerance of strangers at home and away from home.

A modern community is inclusive. It is to be administered by a weak government that interferes on the affairs of its citizens only to uphold and expand their freedoms. It is liberal because it is the product of reasonable choices of free and equal individuals. It is a community that accommodates the reasonable pluralism as the inevitable outcome of free institutions where citizens remain heterogeneous and profoundly divided by reasonable religious, political, and moral doctrines.

NOTE

1. According to Jeffrey Paul in James Sterba's *Contemporary social and political philosophy* (1995, 79), libertarians have defended their ideal in basically two ways.

REFERENCES

Berlin, Isaiah. 1969l. *Four essays on liberty.* New York: Oxford University Press.

Holmes, Stephen. 1993. *The anatomy of anti-liberalism.* Cambridge: Harvard University Press.

Kant, Immanuel. 1991. *Metaphysics of morals* (1797). Translated by Mary Gregor. Cambridge: Cambridge University Press.

Kautz, Steven. 1995. *Liberalism and community*. Ithaca: Cornell University Press.

Locke, John. 1991. *Two treatises of government.* Edited by Peter Laslett. Cambridge: Cambridge University Press.

Marx, Karl. 1966. *Critique of the Gotha program*. Edited by C. P. Dutt. London: International Publishers.

Mill, John Stuart. 1956. *On liberty*. Indianapolis: Bobbs-Merrill Co.

Mulhall, Stephen and Adam Swift. 1992. *Liberals and communitarians*. Oxford: Blackwell Publishers.

Rawls, John. 1993. *Political liberalism*. New York: Columbia University Press.

Raz, Joseph. 1986. *The morality of freedom.* Oxford: Oxford University Press.

Sandel, Michael. 1982. *Liberalism and the limits of justice*. Cambridge: Cambridge University Press.

Sen, Amartya. 1992. *Inequality reexamined.* Cambridge: Harvard University Press.

Sterba, James. 1995. *Contemporary social and political philosophy*. New York: Wadsworth Publishing Company.

Walzer, Michael. 1983. *Spheres of justice*. New York: Basic Books.

Young, Iris Marion. 1990. *Justice and the politics of difference*. Princeton: Princeton University Press.

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