

Inequity/iniquity: Card on balancing injustice and evil

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abstract: *Card argues that we should not give injustice priority over evil. I agree. But I think Card sets us up for some difficult balancings, for example of small evils against middle sized injustices. I suggest some ways of staying off the tightrope.*

Claudia Card, in chapter five of her rich and challenging *The Atrocity Paradigm* argues that we too often direct our moral and social energies to combating small or middle-sized injustices, when they could be directed at real evils, but evils that do not take the form of injustice. In her words:

Equality as an ethical and political value abstracts from particular levels of welfare. Its concern is the distribution of benefits and burdens among persons or groups, not with the quality or even quantity of what is distributed. For that reason, implementing equality is not directly about eliminating evils. Unjust inequalities are defects in a practice and grounds for complaint. They can cause needless envy and resentment and should often be removed. But inequality, even when unjust, is not itself an intolerable harm. It is not an evil. (Card 2002, page 96)

I agree with all of this. There are basic and important differences between different kinds of bad situations, which require basically different reactions from us. It is a big mistake to see all wrong as injustice. I suspect we tend not to see the point because many of the world's more serious injustices inflict serious harm on people, or allow some people to evade serious harms that befall others. So while the injustice itself is a bad thing in these cases, its importance can be

magnified by association with the harm. The kind of situation to which Card's principle, as I shall call it, applies most intuitively is one in which a small number of people suffer some serious harm, a harm which is not the result of any injustice. Then Card's principle tells us to give their situation a priority over injustices in which something of lesser importance, or whose lack is less awful, is badly distributed between a greater number of people. We should be more concerned with giving people refuges from and ways out of abusive relationships than with eliminating subtle gender differences in law school admissions.

I also subscribe to a principle that it is, as Derek Parfit puts it, a mistake in moral arithmetic, to ignore small harms which are individually not very significant but which applied to a large number of people amount to as large an overall harm as a more visible harm suffered by a smaller number of people (Parfit 1984). And there is an apparent conflict between this principle and Card's. The conflict arises when we assume that gross injustice does compete with the elimination of evils, so that the fighting issue is the competition between lesser injustices and the elimination of – say – middle sized evils. Then Card's principle suggests that we should prioritize the elimination of middle sized evils over injustices in which what is being distributed is not very important. But when the inequity applies to a very large number of people it's a very large amount that's being inequitably distributed, so we should call it a large injustice. But then we have a conflict with Card's principle.

One way out would be to read Card as a kind of negative utilitarian, not really concerned with justice, who will assess all moral priorities in terms of the reduction of various serious harms. This might remove the logical worry, but it would leave us with very little guidance in terms of how to approach real-life problems. In any case, it doesn't seem to me very close to the spirit of what she says. I take Card to accept that questions of justice have an important claim on

us, but not an exclusive claim, so that we have to think out questions of priority between them and questions about harm-minimization. Putting it in terms of priority gives the impression that we are looking for a kind of weighting, so that we can say how heavy an injustice is and weigh it on the same scales as an atrocity. How much crude suffering does the failure of so many thousand people to get into law school add up to? I can't prove that this is not a good way to approach the issues, but it does not feel at all right to me. I just don't believe that there is any such common scale, and I think that behind Card's principle there is the intuition that injustice and evil are very different things, which we ought to approach in different ways.

I shall try to describe some ways in which we can think through conflicts of priorities between injustice and atrocity, without making direct comparisons. I shall assume that both injustice and atrocity come in larger and smaller forms. The size of an injustice is itself a two-factor business: the importance of the good, opportunity, or burden that is unfairly distributed, and the degree of unfairness in the distribution. So too is the size of an atrocity: the number of people affected and the significance of the harm that is done to them. But in both cases there is a gradation between the trivial and the egregious. Let me describe some relatively trivial atrocities. The important claim is not that they are trivial but that they are atrocious, of a kind with really awful things, though making a much lesser claim on us.

Hungry children. Suppose that many children are slightly hungry because of parental carelessness. The parents are too involved with other things to feed them properly so sometimes they binge on junk food and sometimes they simply do not eat when they should. I take this to be an extremely minor atrocity, nothing in comparison with much of what goes on in our world, but still a matter of people suffering as a result of the actions of others. Suppose that this aspect

of childhood hunger is quite separate from any question of the distribution of wealth or education or opportunities. (It is a separate matter from hunger produced by poverty.) And suppose further that it would require quite delicate and expensive social intervention to deal with it. Given limited resources we'd have to neglect something else important in order to set up institutions to deal with it.

Leaving dogs outside in cold weather. Many people in this country leave their dogs in their yards when they go off to work, whatever the weather, and then often if they are delayed getting back from work the dogs are left often well into the night in cold and wet conditions. This is nothing like as serious as the practice of abandoning animals when people move house, have a budget crisis, find the animal a problem, or simply cease to care for it. But, still, it involves suffering and is not linked to an injustice and would be pretty hard to eradicate.

The existence of cases like these shows that we cannot give a simple priority to dealing with atrocities. Surely many injustices have a greater claim on us than these small atrocities. And we cannot deal with the issue by saying that these are not atrocities because the harms are too small. For many situations that surely are atrocities are still much less atrocious than others, given the full extent of horror on this wonderful planet. So we have to accept degrees of seriousness of evil, and temper the priority with justice to these degrees.

It may seem that I am misreading Card here. She characterizes evil in terms of what produces "intolerable harm" and "ruins lives", and surely the harms I am mentioning fall well below these thresholds. But there is a dilemma here. On the one hand people do tolerate what is morally intolerable – they put up with hideous abuse and endure awful suffering – and sometimes cannot tolerate very minor ills. So we have to understand intolerability in terms of what *ought* not to

be tolerated. But here the other side of the dilemma emerges. Injustice ought not to be tolerated either, if we can eliminate it without causing or allowing other more serious harm. So what makes a situation evil is that it is intolerable for the reasons characteristic of evil. These are atrociousness: pain, infringement of dignity, abuse of self-respect. These come in small as well as in large amounts. You can humiliate someone just a little, and you can inflict a tiny amount of gratuitous pain, just as you can perpetrate a very small injustice. So given that it is not relevant what people will in fact put up with, and that appeals to what they ought not to put up with are circular, we are left with the essentially distinguishing characteristics of atrocity, and they come in all sizes. And this is in fact what we should want to say, given Card's fundamental insight that not all wrongs are of a kind.

It is worth bringing into the picture examples of injustices which are major and serious but do not have as consequences serious evil. No doubt there are real instances of this, but I have not come up with good examples so here is an imaginary one. Suppose a society in which everyone has a decent basic life. No one goes hungry and no one is denied any of the basic necessities of life. But beyond this basic level there are enormous disparities of wealth and opportunity. Only the members of some elite have more than the basic necessities, and only the children of the elite get to university and obtain professional qualifications. And so on. (Conservative European politicians sometimes dream of such a stratified welfare state.) If you were a morally sensitive member of this society you could see it as enormously, unforgivably, unjust, even though no one suffered in any significant degree. (We can get a real version of something like this society by construing the elite as males and setting the time in the 1950s.) The point is that injustices like this are going to outweigh minor atrocities like the two I described, and indeed like other more serious ones.

So how do we deal with these priority questions without getting into a maze of specious comparisons? Here are three meta-policies which could engage with the problem.

1. *keep evils on the agenda* We know roughly which evils are greater and less, and which unjust distributions. And we should obviously deal with the greater evils first. So we could try to be clear and persuasive about the magnitude of the greater evils, and make sure that major social initiatives are directed to them as often as to injustices. (Parody: you have a list of each, and you deal with the top of the one list then the top of the other.) Of course much of the struggle is to get issues onto the stage of public awareness, so the higher-order effort is for acceptance of the idea that injustice does not always trump.

2. *obligatory consideration* At any point there is always a pool of issues competing for attention, both in the public domain and in the moral/political concern of each individual. There are many factors that determine which ones get to the shorter list of issues that we actually consider how to deal with and rank in terms of their demands on us. Political expedience and psychological appeal play a role here. Consider the effects of two guiding rules "always have the elimination of an evil among the pool of issues that are competing for serious consideration", "always make sure that the elimination of an evil gets to be among the issues that are given serious detailed consideration." The second of these is in a way stronger than the first, though under some conditions it would be ineffective unless we also had the first. Both may seem to impose something artificial on the actual deliberative processes, but both in fact can be enforced by a simple attitude: always keep suffering in mind.

3. *keeping both dimensions throughout* The first two meta-policies were framed as if we had atrocity issues and distribution issues, as two separate and competing sets of problems. But of course many (most?) unjust distributions cause suffering and many (how many?) evils have among their roots some inequitable distribution. (I think the questions in brackets are important: it makes a deep difference what the answers are.) So when we are considering competing issues of justice there is a question of how to weigh in the differing awfulness of the consequences of the injustices before us; and when we are considering competing atrocities there is a question of how to weigh in the differing unfairness of their distribution. As a result even if justice has completely trumped evil in the determination of what issues get to the stage of public debate, evil can be made into the dominating consideration at that later stage. And vice versa. (Again parodies: make the short-list with justice in mind and then choose from the list with evil in mind, or make the list with evil in mind and then choose with justice in mind.)

(These three meta-policies are distantly related to the strategies described in Morton 1990.)

I called these meta-policies because they are norms we could impose on the procedures we follow in public deliberation, not procedures themselves, let alone policies that issue from public debate and decision. They depend crucially on the recognition that justice and the reduction of evil are incomparable goods, both with very serious demands on us, but such that we cannot compare the greater and less scale of either to that of the other. I take Card to have gone a long way to establishing this incomparability. She puts it in terms of priority: but incomparability is a better prize, since priority puts the two on the same scale, and then there is always the possibility that someone will think that a B+ injustice outranks a B- atrocity. But that's not the way it is, and that's not the picture that anyone fighting for attention for all the miserable things that happen

to people should be working with. The essential emphasis should be just: look, these things are happening, don't let them get pushed out of our attention.

References

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