

An Argument for Equality of Condition

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I propose in this paper to give an argument for the principle of equality of condition. The argument attempts to establish the intrinsic justice of equality of condition at least for a limited range of cases. I think that the argument can be extended to a larger range of cases.

What I will do in this paper is give an account of equality of condition as I understand it. Then I will say why an argument for equality is desirable. I will lay out the principle of formal justice from which I proceed and a number of subsidiary principles. Then I will give the basic argument for equality of condition, along the way criticizing sufficiency theories. I will then go on to outline some ways in which equality can justly be abridged.

What is Equality of Condition?

We need to distinguish distinct conceptions of equality here. First, we might think of equality as a merely good making property of states of affairs say in the way that Larry Temkin conceives of it. Temkin seems to think of equality as a kind of intrinsic good along with other intrinsic goods such as well being and that we should try to bring about as much of it as possible.¹ We can think of equality in a purely formal sense as understood by Aristotle when he says that justice is equality. This is distinct from the principle of equality that I will defend but it is a premise that I will use in the defense of

¹ See Larry Temkin, *Inequality* (Oxford: Oxford University Press, 1993)

equality of condition. We can understand equality as fundamental equality in the sense that all human beings have the same fundamental moral status.

As I understand equality of condition, it is a principle of justice. It states that individual persons have rights to equal shares in some fundamental substantial good. This principle is a comparative principle of justice: it makes the share that each person has a right to a comparative function of what others have rights to. Social justice, as I understand it, is a condition among persons wherein each person's good is advanced in a way that is due to him. Saying that social justice is a condition among persons implies that it is not merely a property of actions. Actions are just to the extent that they conform with the institutions and practices necessary to maintain justice as a condition.

Social justice is a condition under which the advantages and disadvantages among persons are distributed in a way that is responsive to relevant inherent qualities of those persons. The distribution of advantages and disadvantages ought not to be arbitrary or based on considerations that do not reflect the relevant qualities of each person. As a principle of justice, the principle of equality states more than that equality is a good thing to bring about, it states a condition on how human beings ought to relate to one another and treat each other.

A fundamental substantial good is one whose value is not derivative from any other good. The good is substantial in that it is a good any rational being must pursue. Examples of such a fundamental substantial good are well-being and capability in the sense that Sen has characterized.² What is crucial about fundamental substantial goods is that they are indeterminate goods in the sense that though more of these goods are better

than less for any particular person, what each person ought to have is not settled merely by reference to the nature of the good. Another principle must come in to determine how much of the good a person ought to have or ought to pursue.

In this paper I will argue that the principles of equality in the formal and moral senses in conjunction with some principle of a good life imply a principle of equality of condition. This principle is not a principle for assessing the goodness of states of affairs simpliciter. It is meant to be a principle of justice.

Why Do We Need an Argument for Equality?

Some might say that we already have adequate reason for thinking that equality of condition is a principle of justice. They may say, for example, that the principle of equality is self-evident. Or they may say that some presumption in favor of equality is self-evident. But this seems to be false or in any case unjustified. It seems false because so many people have thought about the question and have rejected the idea that equality of condition in any form is a principle of justice. And contemporary opponents of equality have been exposed to the idea in its most desirable forms as presented by its most thoughtful and devoted exponents. At the very least, this suggests that the idea that equality of condition is self-evidently a principle of justice is as yet undefended.

A quite common way of defending equality in recent years has been to say that justice forbids that some people's lives should go worse than others through no fault of their own. These thinkers argue that departures from equality of condition can be justified only by pointing to facts that show that the worse off people are somehow

² See Amartya Sen, *Inequality Reexamined* (Cambridge, MA: Harvard University Press,

responsible for their situations. But this idea, while quite illuminating, does not give us an argument for equality. It presupposes the idea that we ought to start with equality and only allow departures from it when people are responsible for it. But the question we need to ask is, why ought we to think of equality as a starting point from which departures need to be justified? Surely most non-egalitarian thinkers would reject this starting point. Indeed, for most non-egalitarians, this starting point is precisely the principle that they reject. And it is this principle that I wish to defend in this paper.

In addition, an argument for equality as a principle of justice, can illuminate the nature of the value of equality. In the argument I give below I show how, and in what circumstances, equality can be intrinsically just. But the argument also shows that equality is a conditional good. It is not the right distribution under all circumstances. Indeed, one advantage that my argument and conception of equality has is that it allows for departures from equality when this works to everyone's advantage. Hence, the conception of equality defended here is not subject to the leveling down objection. In other words, when we see what reason there is for thinking that equality is just, we will have a clearer idea of the limits and qualifications on egalitarian justice.

The Formal Principle of Justice

I will start with a discussion of the commonly accepted principle that one ought to treat relevantly like cases alike. This principle, called the formal principle of justice, is sometimes taken as supporting a principle of equality of condition. Many authors infer a principle of equality of condition once they have shown that there are no relevant

differences between persons. I want to show that this inference, in the form that it usually takes, is mistaken but that there is a sound form of the inference.

The formal principle of justice is a principle of reason first and foremost. It assumes that reasons are general and so the same reasons can apply to many different situations. It merely requires that one act in accordance with the relevant reasons relating to a particular situation and it requires that one's treatments of different situations be consistent with the same set of reasons. In this respect it is merely a principle of rationality. It requires that one's treatment of situations be in accord with the reasons that apply and not with irrelevant considerations. And since the reasons are general, when two situations are relevantly alike, the reasons that apply are the same.

But as I shall understand it, it is a principle of justice. As a principle of justice the cases it deals with are persons. So it tells us to treat persons who are relevantly similar alike. Second, it deals with persons in a particular way. It requires that the relevant similarities and distinctions among persons that justify similar or different treatment be ones that are somehow inherent in the persons. The properties of persons in virtue of which they are to be treated similarly or differently from others may not be incidental relational properties of those persons.

Let me illustrate this by way of a contrast with utilitarian reasoning. Utilitarianism at least logically permits that one do something harmful to one person merely in order to advance the interests of others. One might suppose that there are circumstances where a harm to one person will benefit others while the very same harm to another who is similar in other respects will not benefit others. E. F. Carritt's example of a utilitarian judge who convicts an innocent person of a crime in order to stop a crowd

from rioting comes to mind here. Now the mere principle of reason that says treat like cases alike, with no restriction on the nature of the likeness, would require that one harm the one and not the other.

But this action would not be just, whatever else one might think of its justification.³ And the reason it would not be just is that it predicates the difference in treatment between the two people on the basis of something that is not an inherent difference between the two. It predicates the treatment of the one on the basis of something that somehow does not have to do with him. Justice, in contrast, requires that what we do to people should depend somehow on some morally relevant fact about them. And the formal principle requires that the differences and similarities among people that ground different or similar treatments ought to be based in facts about those people.

I do not intend in this paper to give a rigorous account of what an inherent as opposed to incidental feature of a person is. Suffice it to say for the moment that only those features of persons that make their lives better or worse whether morally or prudentially can be relevant features of persons to which justice must be responsive. A partial list of these things would be the moral goodness of a person, the moral quality of a person's actions, the capacity of a person for living a flourishing life, the interests a person has in life, liberty and property. Here the crucial idea is that there is something about that person in virtue of which one owes it to that person to treat them in a certain way.

³ This is not a criticism of utilitarianism. I take it that most utilitarians would accept the point and then go on to say that utilitarianism is the underlying principle behind the principle of justice and that it gives considerations that ought to override justice under some circumstances. See for instance, John Stuart Mill, *Utilitarianism* Chapter 5.

The formal principle is a second order principle. And in some cases the principle merely requires a second order equality. It functions in a merely second order way when determinate normative considerations already apply to the cases at hand. Determinate normative considerations are ones that yield determinate requirements on action in a way that is independent of context. An example of a determinate normative consideration is the consideration that one ought to comply with one's contractual obligations. Here, what one is required to do is specified exactly by the contract. And this requirement is not dependent on the context in which it is found (other than the promise made). Of course, determinate normative considerations are only *pro tanto* considerations so they may be overridden by other considerations.

The formal principle does have some bite even in the case of determinate normative considerations. For if one realizes that some of one's conception of what one ought to do is inconsistent with what one is planning on doing in the future, then one must either change one's conception or one must change one's plans. Furthermore, in the case of considerations of justice, the principle imposes a constraint of generalization on the agent's reasoning. For example if one believes that each person is owed the complete product of the things that they help produce, then one will not be able to satisfy everyone's claim and the principle is self-defeating. Or a principle of justice that required that each person have unlimited liberty would also be self-defeating. So the formal principle of justice imposes a constraint of generalization on determinate normative considerations.

The Principle of Equality of Condition

The principle of equality of condition is itself a first order principle. It says that how much one person ought to receive of some important good can only be ascertained relative to what others can receive. Equality of condition is not the only such comparative principle; some desert principles are comparative as well. I want to argue in what follows that equality of condition follows from the formal principle in conjunction with what I call the principle of well-being.

The principle of well being states that to the extent that it is feasible and other things being equal, it is better that individuals have more well being rather than less. The principle of well-being is an indeterminate requirement. What does it mean to say that the principle is indeterminate? It means that, at least under certain circumstances, the principle states that more well-being is better than less, but it does not specify a definite amount of well-being that the person ought to have. What the person ought to receive is to be determined partly by reference to the context the person is in and by some other principle.

In contrast, the principle of need states each person ought to have a definite amount of good. And some think that the principle of retribution requires that the commission of a crime be followed by a definite amount of hard treatment. Furthermore, some say that the activity of production implies that the producer ought to receive a definite amount of the good produced. And some say that a contract implies that each person ought to receive some definite amount of some good, that amount specified by the contract. In these cases, the principle specifies some particular quantity of good or evil

that is to be assigned to the individual by virtue of some action or character trait of the person and that quantity is specified independent of the contingent circumstances.

The indeterminacy of the principles of opportunity, political power and well-being implies that the principle must be supplemented by another principle in order to determine what a person ought to have. And for different kinds of questions, the indeterminacy might be resolved in different ways. For instance, a person might think that he ought to pursue as much well-being as possible. But we might also think that individuals ought to be equally well off. Some other theorists might think that well-being ought to be maximized as in utilitarianism.

The argument I want to lay out is that when applied to indeterminate principles, the formal principle of justice actually does generate a first order requirement that is not already present in the indeterminate principles. Indeed the idea is that the formal principle actually determines what justice requires regarding realization of indeterminate principles.

The Basic Argument

The basic argument requires three main premises. First, the argument requires the truth of the formal principle of justice elaborated above. Second, the argument requires that there are no relevant differences between human beings that can determine that one person ought to receive more well being than others. Third, it requires that well-being has fundamental value that gives reason for moral agents to promote it in other beings. Here the idea is that more well-being is better than less and that the worth of well being is

not derived from any other value. And this value of well-being gives each person a reason, albeit indeterminate to enhance other people's well-being.

One additional feature of the argument is that it occurs in different stages. In the first stage it is concerned only with a fixed stock of divisible goods. In the second stage of the argument we will give up this restriction.

No Relevant Differences

What kinds of differences are relevant reasons for treating people differently in particular with respect to their well being? In my view the relevant reasons are connected with considerations of desert, reciprocity, productivity and need. A relevant difference between two persons with regard to how they ought to be treated will include whether one person deserves more than another or one person is more productive than another or one person is needier than another. These are the traditional bases of differential treatment.

In order to establish no relevant differences, I propose to narrow the scope of the argument. The argument is to be applied to people before the age of adulthood. At this stage in life, it is normally thought that individuals are not deserving of greater fundamental goods than others nor are people's relative productivities thought to be such that they entitle them to greater shares of fundamental goods.

Well-Being

People are nevertheless capable of well being to some extent and this is the quality that is relevantly similar among them when the other considerations do not differentiate them.

That well-being is a fundamental good can be seen from the fact that societies are devoted to realizing the common good and that the common good is to be understood in terms of well-being.

I need to say a bit about what I take to be well-being. I understand by well-being that quality of a person's life that involves an appreciative and active engagement with intrinsic goods. Hence a person's well being is enhanced when that person is enjoying the experience of a work of art. Or a person's well-being is enhanced when that person happily acts morally. The account of well-being presupposed here is neither subjectivist nor objectivist strictly speaking. Includes an objective factor and the subjective appreciation of the objective good as it is realized in the person.

The more a person has well being, in general, the better. Each person has an overall good that is an unattainable maximum at least for practical purposes. But how much well-being ought we to try to ensure that a person has? This is not immediately determined by the fact that more well-being is better than less for each person. That is why well-being is an indeterminate principle. The well-being does imply is that person ought to have his or her well-being advanced. But the principle of well-being does not specify exactly how much.

Maximization

We would say that if a person's well being is the one and only moral basis for treating a person and that person is the only person under consideration, that person ought to be made as well off as possible. If more well being is better than less and well being is the

only consideration that ought to inform our moral duty to a particular person, then we ought, other things being equal, to make that person as well off as possible.

This is where the formal principle of justice comes in. Once we take into account the fact that there are many individuals, we can see that if one person ought to be made as well off as possible, then every other like situated person ought to be made as well off as possible. If we apply the principle of maximum well-being to one person then we must apply it to everyone.

But here the application of the formal principle to the maximization of well-being leads to a problem. The idea that one ought to maximize each person's well-being cannot be satisfied even in principle. This principle cannot be satisfied since it requires maximization of more than one independent variable. Hence, when we apply the formal principle to the principle of the maximization of well-being we run into a problem. The problem is a kind of generalization problem. When generalized, the maximization of one person's well-being implies that we ought to maximize each and every person's well-being separately. But this is impossible.

Notice that maximization of the total well-being of all persons is not a way of maximizing the well-being of each and every person independently. Total maximization cannot maximize the well-being of each and every person because the latter is impossible. Furthermore, the formal principle of justice is one that requires us to take each person separately and maximize his well-being separately, but that cannot be done by total maximization.

Another possibility is a kind of sequential maximization of each person's well-being. Here what we do is maximize the well-being of one person and then, given what

is left over, maximize the well-being of another and we apply this procedure over again until we have gotten to every person. The consequence of this in many cases will be that the persons at the end of the procedure will get very little or nothing. But is this a conceivable application of the formal principle with no relevant differences to the principle of maximization of well-being?

This proposal suffers from violating the formal principle itself. It does not treat each relevantly like person alike. First of all, one must choose a sequence of persons as recipients of the maximization procedure. The first are likely to do very well and the later are likely to do very badly. Are there reasons, grounded in the persons themselves, why some should come first and others should come later? By hypothesis, there are none. The sequential maximization procedure seems to be an arbitrary procedure if any is.

This conclusion is interesting since it displays the way in which the formal principle can have some bite. The requirement to maximize a person's well-being cannot be conjoined with the formal principle of justice if one thinks that each person's well being is important. To treat everyone alike in the way specified by the principle of maximization is impossible. But this implies that there is injustice when one maximizes the well-being of any arbitrary person.

The conclusion shows us that we ought to pursue for each person some level below what is the best for each in order to satisfy the principle of formal justice while advancing the well-being of persons. This is what leads to the interesting result in the subsequent stretch of argument. It enjoins us to find a level that is consistent with the formal principle.

Sufficiency

One level of well being that would be consistent with the formal principle is sufficiency. We might think that there is a level of well being that we can bring about for people that is enough for each person. This is in other words an adequate level of well being. And to the extent that this is not a maximum of well being, we might think that this principle can be made consistent with the formal principle at least under certain circumstances. There may be circumstances in which everyone has enough and then the formal principle conjoined with the principle of sufficiency can yield a determinate and plausible answer.

Sufficiency is a complex notion and it is important to be clear about it. It is generally thought to be above the level of mere subsistence but it is also thought to be beneath the level that would make a person as well off as possible. The idea is that there is some adequate level of well-being that can be improved upon but that does not really matter morally.⁴

There are problems with the standard of sufficiency itself. If we accept the importance of sufficiency as part of a conception of justice, does justice have nothing to say when there are conflicts of interests above the level of sufficiency? Surely this cannot be right. An example of this might be the division of office space in an academic building. Let us suppose that each person thinks that a single office is quite enough for performing their tasks of doing work, receiving students, relaxing by listening to music or reading a novel etc. Surely no one will quarrel with this. Now suppose that there are four separable and similar rooms to be divided between two people. The chairman gives

one to one of them and gives three to another. He does not ground this difference on differential need or on greater merit. He reasons that one is sufficient for the one and three is more than sufficient for the other and there is no reason to be concerned about the inequality. The person with three offices will now have separate offices in which to receive students, work and relax or read. Let us suppose that both can get along with only one office but that they also both like the idea of having separate rooms for separate activities. Is there no injustice here? Surely there is and one of these people will complain loudly about the unequal treatment over and above the adequate. Indeed, short of arguments connected with the common good or perhaps of greater need or merit, the idea is that a less than equal division is unjust.

Finally, since the level of sufficiency is greater than the level of biological need satisfaction, it is important to know what one must do when there are conflicts of interests between those who do not reach the level of sufficiency. The solutions to such conflicts require that one invoke a principle in addition to that of sufficiency. And this is a very large set of cases. Human beings tend to have capacities for well-being that far outstretch what they have available to them. It is hard to see how, for most people the level of sufficiency can be met.

In general, then, the idea that there is a level of sufficiency above which moral concern does not extend is implausible. And the idea that distributive concerns ought actually to be limited to a principle of sufficiency is also quite implausible. For the moment, let us put aside this answer.

⁴ Harry Frankfurt, "Equality as a Moral Ideal," in *Equality* ed. Louis Pojman (Oxford:

Equality

Once we put aside the sufficiency principle of justice, we are not left with any suitable alternative principle that can be used to assign well-being to each individual on his or her own. But this need not mean that there is no principle. The only principle that can help us is the formal principle of justice.

The key idea is that if there is a reason for any person to be brought to a certain level of well being, then the same reason holds for every person to be brought to that level of well being. The formal principle itself can serve as a constraint on what reasons we act on, as we saw earlier, because it establishes a criterion of generalization that must be met by the reasons. This is what ruled out maximization of everyone's well being. The question is, does the formal principle determine the level we ought to bring about when we are dealing with the principle of well-being or any analogous principle?

What we need to do is select levels of well-being until we come to the point that is consistent with the formal principle of justice and the only such point is equality of well being. Hence, there is a reason for a person to be made as well off as possible consistent with everyone else being that well off. Any other distribution of well-being would violate either the formal principle of justice or the fundamental value of well-being.

Therefore, only equality of well-being is compatible with the fundamental value of well being, the formal principle of justice and the absence of relevant differences between persons.

Here is a way of making this argument intuitive. If there are two people and we believe that one person ought to be better off than the other, it follows that we think that

there is a reason for the better off person to be better off than the other. But, by hypothesis, there is no relevant difference, so it follows that the same reason holds for the other person to be that well off. If the other person is not so well off, then that person is being treated in violation of the formal principle of justice. Hence, either the better off person does not have reason to be treated that way or there is a relevant difference or the formal principle is false. By hypothesis there is no relevant difference, and the formal principle of justice is true. Therefore, the better off person does not have reason to be treated as well as he is. There is only one level of well-being that can satisfy the formal principle of justice, the fundamental value of well being and the fact of no relevant difference and that is the level at which there is equality of well-being.

Here we have derived the principle of equality of condition from the formal principle of justice and the fundamental value of well-being.

An Argument for the Least Unequal Pareto Optimal Inequalities

The first important extension of the argument for equality of condition generates an account of justice in the cases of Pareto improvements over equality of condition. I have in mind strong cases of Pareto improvement, i.e. where everyone would be better off if there were some inequality. A weak Pareto improvement is one in which less than everyone is better off under inequality than under equality and no one is worse off. Let us consider cases of strong Pareto improvements where everyone is better off under inequality than under equality. There are a number of cases of this sort. In one sort of case, some goods are lumpy, so we cannot achieve a completely egalitarian distribution. The second case involves production. In such a case, the complexities and uncertainties

of production require that incentives be offered to those who are most suited to the tasks to be performed. In this kind of case, inequalities arise as a kind of by product of the process of production.⁵ My thesis is that if every person can be made better off than under efficient equality, then each person ought to be made better off than under efficient equality.

In the case I shall consider here, I shall consider whether it is just to bring about a strong Pareto improvement over equality given the argument I have just made above. I will discuss a case of lumpy goods where if one insisted on equality one would have to throw away some of the lumpy goods in order to achieve equality. And I shall just consider this for two persons: A and B. This is a narrow idealization but it is hard enough to grasp it properly. The argument proceeds by comparing two states: S1 in which A and B are equally well off and S2 in which both are better off than in S1 but A is better off than B.

Let us suppose that A and B are both made better off under an unequal distribution of well being than under an egalitarian distribution. Hence it looks like the Pareto improvement in S2 pushes us beyond the equality of S1. It pushes us in a direction that does not allow us fully to satisfy the constraint on reasons stated by formal equality. Someone is not being treated fully in accordance with the reasons that apply to him. Either someone is being treated better than the reasons applying to him allow or someone is being treated worse than the reasons applying to him allow or both of these are true. So there is some kind of failure of justice in cases of unequal distribution. In

⁵ See my “Cohen on Incentives and Inequality,” in *Ethics and Economics* ed. Christi Favor, Gerald Gaus and Julian Lamont (Buffalo: Humanities Press, 2000).

our example, either A is being treated better than the reasons allow in his case or B is being treated worse than the reasons allow in his case.

If we compare S1 (equality) and S2 (Pareto improvement) the formal principle of justice says that there is something wrong in S2 because it is not equal. But I want to say that there is something even worse in S1 with regard to justice. And so we have reason to prefer S2 to S1, from the point of view of justice. What is my reason for this?

The argument starts from the observation that in S2 either A is better off than he ought to be or B is worse off than he ought to be. But if we look at S1, we notice that both B and A are worse off in S1 than they are in S2. Both B and A are worse off in S1 than B is in S2. At the very least, the principle of well-being and the formal principle pick out the level of well-being of B in S2 as the one that everyone ought to have. At least this is a level of well-being which everyone can be at or better. So ideal justice seems to require that everyone be at the level B is at in S2. The egalitarian level in S1 is worse for both A and B. So to the extent that A and B ought to be at the level of B in S2, there are two failures from the point of view of justice in S1. Two people are worse off than justice says they ought to be. It seems to me then that we can see that from the point of view of justice, S1 is worse than S2 even though S1 is egalitarian and S2 is not.

This seems to me to give exactly the right result. The idea is that there is injustice in an unequal condition when there are no relevant differences between the persons between whom the inequality holds. But, there is less injustice in such an unequal condition than in an equal condition that is strongly Pareto inferior to the unequal condition. So though there is something wrong with the Pareto improving inequality it is less problematic than the Pareto unimproved equality.

But this shows how one can think that though there is something lost and problematic in efficient inequality, it does not follow that egalitarians are committed to the proposition attributed to them in the leveling down objection. For that objection to work against an egalitarian principle of justice it is not enough that the egalitarian is committed to the injustice of inequality. The leveling down objection applies to equality only if the egalitarian is also committed to the claim that inequality is worse from the point of view of justice than a Pareto inferior equality. But it is this last claim that the egalitarian need not be committed to, as I have argued.

Equality, Productivity and Desert

Does this principle extend beyond birth and childhood? It would appear that at least it extends to the point where considerations of desert and productivity arise. But does it extend to them as well? Here is a way in which it might. Each person's well-being matters equally and so conditions for well-being ought to be equal. Productivity and desert, if they are legitimate concerns of justice, are principles that require the modification of the well-being of each person. Therefore, each ought to have equal conditions for being productive and deserving if productivity and desert are legitimate principles by which the society ought to be organized.

Is this an arbitrary claim about productivity and desert? I don't think so. Each of these principles requires that prior conditions be in place in order for them to be legitimate. In order for a person to be productive, a person must have those things that are necessary tools for productivity. The right to these tools cannot itself be given by the principle of productivity itself. The right must be given by a prior principle. To the

extent that we have argued for the great and universal importance of equality of well-being, a right in each person to the conditions of productivity is implied by the principle of equal conditions for well being. Should the right to the conditions of well being also determine the shape of the principle of productivity as well? It is hard to see why not in the light of the previous considerations.

The same kind of consideration goes for comparative positive desert claims but for different reasons. Comparative positive desert claims can only be justified when there is a prior baseline that specifies that each person had some chance to engage in the deserving action. One person cannot deserve more than another for an action he performed and the other did not, in the comparative sense if the other person did not have the opportunity to engage in the action. That itself is not sufficient to show that equality is the necessary baseline. But desert does require a baseline and the principle of equality of conditions determines justice in the absence of considerations of desert. It would appear that complete justice would require that at least at the start each have a chance to engage in deserving actions that is consistent with equal conditions for well being.

Conclusion

So far I have argued that equality of condition is the principle of justice that ought to regulate the distributions of goods during the pre-adult phase of life. I have also argued that equality of condition is the basis for a kind of equality of opportunity for well-being at the onset of adulthood. And this equality of condition can only be suspended if there are defensible principles of desert or productivity that can justify inequalities. I have also argued that equality of condition can be abridged (in a way that is consistent with its

underlying rationale) when all can be made better off as a consequence. So we avoid the leveling down objection.

I think that there are other contexts in which equality of condition ought to hold sway. In particular, I think that there are good grounds for saying that equality of condition ought to hold for the political sphere since this is a sphere of activity wherein principles of justice are debated and called into question.⁶ But I cannot go into that here.

One last remark, this paper only defends a very abstract principle of justice. I do not claim that this principle is the only principle of justice or even that it is the only component of justice. Indeed, I think that justice is something that must be seen to be done in addition to being done. So justice requires publicity as well as fair distribution. A full account of just institutions would require therefore, a much fuller treatment than the one I have given here.

⁶ I argue for this in part in my paper “Knowledge and Power in the Justification of Democracy,” *Australasian Journal of Philosophy* June 2001.