

CHAPTER TWO

Liberty and Equality—
A Question of Balance?

Jan Narveson

THE QUESTION

Liberty and equality have been discussed over and over, by countless writers, and those discussions have been generally inconclusive. That is not too surprising, really. For one thing, the discussants are rarely very clear about what exactly their subject is, and so confusion is virtually inevitable. For another, the discussion tends to proceed by simply proclaiming principles rather than by trying to find a fundamental basis for them; consequently, the incompatible conclusions reached by different discussants are immune to rational rebuttal or qualification, again making disagreement unsurprising. Finally, discussants typically have special interests, axes to grind, which also impedes sober analysis and responsible, objective reasoning. Perhaps it is too much to hope that the treatment undertaken here will succeed where others have failed, but it is certainly worth a try.

Actually, the verdict that failure is general is, in a way, too pessimistic. The conclusions of this chapter are certainly not new, though it is hoped that they will emerge more clearly from this

treatment. Their lack of novelty is, for that matter, something of a recommendation, but still we must never accept a view only because it is of long standing. When a general, fundamental principle of society is widely acknowledged in practice by ordinary people over a very long period, I take that to suggest that it probably has something going for it; but it is not, itself, proof. Rather, that fact suggests that there are real underlying reasons for it, and its durability is due to those reasons, not the other way around.

Our subject is the proper “balance” between liberty and equality, a formulation of the question that suggests, without strictly entailing, that both have their claims and that what is needed is a fine-tuned proportion of the one and the other. But that is misleading, as we shall see. Indeed, it is so misleading that insofar as there is anything clear in it, I will, in fact, be denying it, arguing instead that in its proper domain, we do have a general right to liberty and consequently do not have a fundamental right to equality, of any interesting kind. A popular contemporary philosopher has proclaimed that if there really were a conflict between equality and liberty, equality would have to win.¹ What I suggest is that just the opposite is closer to the truth, once one looks carefully at these ideas.

This conclusion implies, of course, that the two are rivals, a view that has been frequently and fervently denied by various recent writers, including the author of the foregoing dictum.² We cer-

1. Ronald Dworkin, “The Place of Liberty,” in *Sovereign Virtue* (Cambridge: Harvard University Press, 2000), pp. 120–183.

2. Other authors who claim to reconcile the two are Kai Nielsen, *Equality and Liberty: A Defense of Radical Egalitarianism* (Totowa, N.J.: Rowman and Allanheld, 1985); and Richard Norman, *Free and Equal* (Oxford: Oxford University Press, 1987). For a set of essays expressing many shades of opinion on the subject, see *Equality and Plurality*, ed. by Larry May, Christine Sistare, and Jonathan Schonsheck (Lawrence: University Press of Kansas, 1997). (One of the essays is mine: “Liberty, Equality, and Distributive Justice,” pp. 15–37.)

Liberty and Equality—A Question of Balance? / 37

tainly need to clear that up. There are different issues to be distinguished here, and so the question whether the two are rivals or not cannot be answered, straight off, with a flat “Yes” or “No.” However, when the dust is settled, what we will see is that the answer, in the main and most perspicuous sense of the question, is: yes, they are incompatible—and that between them, we should prefer liberty to equality.

DEFINITIONS AND CLARIFICATIONS

Let us start, then, by making some of the needed distinctions and clarifications. To begin with, our question has to do with the constitution or basic organization of society, the underlying principles that make it work. Thus, the liberty we are discussing is that between human and human, rather than between human and mosquito, or human and volcano. Doubtless there are many things we would like to be free from: cancer, debt, fear of toads, and, for that matter, mosquitoes and volcanoes. But in moral and political contexts, the subject of liberty concerns interference by some people with some other people’s intended actions and plans of action. People are at liberty in this regard when other people do not so interfere, whatever the germs or the faultlines may have to do with it; they are not at liberty, of the kind we are talking about here, insofar as other people interfere.

We can and should be a bit more precise here. We can interfere with liberty in two ways. One is by making it simply impossible for the other person to do what he or she wanted, as when we tie someone to a tree. The other is by making it costlier to the other. We do that when we threaten: “Hand it over, or I’ll shoot!” Your not handing it over then becomes much more costly to you than it was before. That is coercion, which interferes with liberty just as

outright use of force does. Indeed, we may generally define liberty, as a recent author has done, as the absence of imposed costs.³

Should we hold that liberty is, somehow, desirable? And for whom? The questions are, again, misleading. Liberty is the absence of hindrances from doing what the hindered person thinks is desirable on its own, or some other account. Liberty is not like that: it is not like chocolate or Chopin. If we did not care about anything, then the liberty to do it would not be of any value whatever. The liberty to do what we might care about, though we do not at this very moment want to, is indeed valuable, but it is valuable because it may enable us to realize some other value or because we may perhaps change our minds about the one in question. This being so, we cannot sensibly discuss the value of liberty, simply as such: it is by definition valuable if anything that we might be able to accomplish by action is, but not in the same way as those things themselves. It is valuable because it is indispensable to those pursuits, which in turn are what make life worth living. Liberty is not just another good, then, like a new suit. In the sense in which liberty is the absence of disabling obstacles to action, it is a precondition of anyone's doing anything whatever, and so of anyone's doing any good thing. In the sense in which it is the absence of other imposed costs, liberty is a precondition for doing precisely what you wanted, rather than doing what you wanted plus various other things (such as paying sales tax) that you do not want. So liberty in general is a precondition for all efficient action.

Another way in which the question is misleading is that in a sense we are not mainly discussing whether liberty is desirable, but instead whether we should think that people have a right to it, and that is not the same thing. Now, it is plausible to suppose that whether we have rights to this or that is a question that can be

3. Jan Lester, *Escape from Leviathan* (New York: St. Martin's Press, 2000). See especially pp. 58–61.

Liberty and Equality—A Question of Balance? / 39

pursued only by inquiring whether it would, in turn, be valuable, desirable, worthwhile, to attribute rights of that kind to people and to proclaim and defend those rights on all our behalfs. Even so, the question whether it is valuable to award a right of this or that kind to someone is quite different from that of the value of the things someone might have if he or she does have that right. Chocolate, the symphonies of Mahler, and a walk in the woods on a fine day are all good things, and for that very reason, we want to be free to have an occasional chocolate, attend performances of Mahler, and take a walk in the woods if we are so inclined. But it is not clear what it would even mean to say that the liberty to take a walk in the woods, as distinct from the walk itself, is intrinsically good.

It is, however, quite clear what it means to say, or to deny, that we have a right to do those things; or at any rate, if there are any respects in which it is not clear, we can make it clear enough by providing context. For example, I do not have a right to walk in *your* woods without your permission, to attend the symphony performance without buying a ticket, or to help myself to the chocolate on the counter at your shop. Yet for all that, a government that forbade, across the board, eating chocolate, listening to Mahler, or walking in the woods would be acting wrongly and violating the rights of its citizens, whereas the organizers of the symphony concert and the producers of the chocolate act rightly and violate no rights when they charge for their services.

Put in those terms, the answer to whether there is a right to liberty is easy: yes. And the question of who has this general right is also easily answered: we all do. There are, indeed, important questions concerning the reach of everyone: are infants in arms also to be thought to have a right to liberty or something of the sort? We will not be able to devote attention to that very interesting subject; getting straight about what grownups do and do not owe other grownups is the first order of business and the only one we will pursue in this short inquiry.

LIBERTY LIMITED BY LIBERTY

Much more important and more difficult is the question of the scope of liberty. The liberty to do anything whatever that we might conceivably want to do is valuable to the would-be doer, no doubt, be he or she a philanthropist, a ditch-digger, or an assassin. But it is inherently impossible for everyone to have the right to do all those things: many things that someone might want to do will have the effect of denying some liberty to someone else, and unless a fairly clear formula can be found for picking out who must give way in such cases, the idea of general liberty will be useless.

But, fortunately, there is a tolerably clear formula, implicit perhaps in what has already been said: the principle of liberty says that those whose actions do not adversely affect others are entitled, have a right, to noninterference insofar as that is so, whereas those actions that do interfere with innocent others are, again *prima facie*, in the wrong, and not to be permitted. Only via such a distinction is the idea of a universal right to general liberty possible.

RIGHTS

Having mentioned rights, we move now to defining that notion. First, and centrally, a right is a status entailing that certain other persons lie under a duty toward the rightholder, in regard to the matters over which he or she has that right. This duty is, at a minimum, the duty to refrain from what would impose costs or obstacles to the doing of what he or she has a right to: those on whom that duty follows are not to worsen the situation of the rightholder in those respects. Rights that entail only duties to refrain are called “negative rights.” Another sort of rights, called “positive rights,” imposes the duty not only to refrain, but also to do something by way of enabling the rightholder to do what he or

Liberty and Equality—A Question of Balance? / 41

she is being said to have the right to do. More will be said about that later.

It is often said that rights entail responsibilities, but that is an indirect point. So far as a right is a right, and no more, it does not entail responsibilities, but rather, freedom on the part of the rightholder and responsibilities and duties on the part of other people. It is their rights that, in turn, impose duties and responsibilities on the rightholder himself or herself.

On which others do these duties fall? That must be specified and explained by the claimant. Is it everybody? Or just Jim Doakes? Or the people of South Dakota? It could be any of those, or indefinitely many other possible sets of persons. The person making the claim that someone has a right will have to explain this. However, when we are discussing the *basic* rights of people in general, then the duties they impose are imposed on everybody. When rights are general, that is, held by all, then my rights impose duties on you and your rights impose duties on me.

Second, rights are advantageous to the rightholder; he or she must expect to be better off with it than without it and better off if others respect it than if they do not. You cannot have the right to be tortured, just like that, but you could have the right to have your sadomasochistic partner whip you if, for some odd reason, that is what you want. But then you are (oddly) viewing this as a benefit, rather than a detriment. (Of course, it is possible to misuse one's liberty, ending up a drunk, for example. But that possibility is not sufficient reason for depriving people of liberty in the first place.)

Third, rights are enforceable. So, although rights are advantageous to the people who have them, they are, on the face of it, a disadvantage to the people who are required to respect them. We must emphasize the word *required*: a right is something the others must respect so that if they do not, then force may be brought into play, if necessary, to see to it that they comply. So rights are differ-

ent from mere recommendations, or statements of ideals. The mountain climber determined to get to the top is ready to strain every nerve, exert himself to the utmost, to get there; yet nobody may force him to do this. But he may not get there by trampling on others on the way up, or stealing their equipment—that would violate those people’s rights. Rights are constraints on other people, and their rights, in turn, are constraints on us; they prevent us from doing certain things.

We may add that there has to be some reason, some basis for attributing the right in question to the individual in question: what is it about him or her that grounds or supports the claim that he or she has this duty? That subject must be explained by the theorist of rights, who needs to explain why this fact about the proposed right-holder is such as to impose a duty on those over, or against, whom he or she has this right. And, if he or she is to have a plausible theory, he or she had better explain why these other people, who are imposed on by it, should put up with this.

Now, interference with others is itself an action, and the worrying prospect arises, when we contemplate the idea of a perfectly general right to liberty, that it involves a contradiction. For a general right to liberty would seem to imply a right of everyone to the liberty to interfere with others, and indeed, any or all others; yet interference is precisely what a right to liberty forbids. Resolving this is obviously an important matter, and a very thorny one.

NEGATIVE AND POSITIVE RIGHTS

This right not to interfere is called a “negative right,” so called because the duty of noninterference is a duty to refrain from doing something—a duty not to do something, rather than a duty to do something. We may also formulate the concept of a “positive right.” That would be a right giving others the duty not only to refrain from interfering but also to assist Alice in doing what she is

Liberty and Equality—A Question of Balance? / 43

being said to have a right to do, at least if Alice is not able to do X herself.⁴ Negative rights are rights entailing duties to refrain; positive rights are rights entailing duties to do, to take positive action to benefit the rightholder.

Now recall that rights are invoked with a view to enforcement. If you have a right to do something, then others must desist, or must assist, and we, society (or the legal system as the case may be) may, and perhaps should, compel the reluctant dutyholder to get with it. Rights then, curtail, and indeed that is their point: they are designed to curtail certain freedoms, namely, the freedom to do what someone else's right decrees may not be done. The principle of liberty is a self-limiting one: it limits liberty for the sake of liberty.

This being so, it is obviously of crucial importance whether the issue designated by this chapter's title concerns rights or something else. It is easy to say, heedlessly, that equal this or equal that would be a good thing—the nation should be ashamed if it has not provided it—and so forth. But that is a much different question from the question of rights, which is where we came in. It does not matter how good something is if bringing it about involves violating somebody's rights. This thought is one that advocates of ideals have a tendency not to think, so intent are they about their ideals. But they should.

LIBERTY AND EQUALITY

If it concerns rights, then the discussion is narrowed to the issue of whether we have rights to liberty or to equality. But this would not

4. The reader is recommended not to turn to the celebrated writings of Sir Isaiah Berlin on this distinction. I defy anyone to get a clear idea of the distinction Sir Isaiah urged between what he called positive and negative liberty, which should be a parallel distinction. See his oft-republished "Two Concepts of Liberty," in *Four Essays on Liberty* (London and New York: Oxford University Press, 1969)

even be interesting if what was in question was merely a negative right to it. For of course you are welcome to try to make yourself equal to your neighbor, or somebody in Australia, or whomever, as long as your neighbor does not have to go along with it. And if the right is merely negative, then, of course, he or she does not have to go along with it.

But that is obviously not what egalitarians have in mind. They proclaim a right to equality such that others must give them this equality. The egalitarian will divide whatever he or she thinks should be equal and see to it that nobody gets more or less. If, of course, what the egalitarian wants to distribute equally is money or various other things (such as opportunity, which we will discuss shortly), then this will involve cutting down to size those with more, in order to shore up the position of those with less, something not usually welcomed by those with more.

And so the sense of opposition becomes clear. Rights to equality that are in fact proposed are positive rights, which entail that some people may be compelled to become equal or more nearly equal with others in the respect in which equality is proclaimed. And whatever the sort of equality in question is (with one supposed exception, to be discussed next), it will conflict with a right to liberty, because liberty is doing what one pleases, and if people do not please to be made more equal in the respect in question, then asserting a right to equality is incompatible with asserting a right to the liberty in question. If you have a positive right to equality from K and J, then K and J do not have the right to refrain from giving it to you. In one and the same matter, as Thomas Hobbes observes, liberty and obligation are inconsistent: if you are at liberty to do something or not, as you please, then you are not obliged to do one or the other, and if you are obliged to do one or the other, then you are not at liberty to do whichever you like.

Liberty and Equality—A Question of Balance? / 45

EQUAL LIBERTY?

Now for the aforementioned supposed exception to my finding of incompatibility: some have insisted that the political and moral outlook known as libertarianism is, after all, a form of egalitarianism, namely, one that specifies that what is to be equal is liberty. Is this an interesting truth about that view, or is it essentially a dodge—or a reduction of the issue to triviality?

Whether it is interesting, I shall now point out, depends on two things. First, it depends on whether a negative or a positive right to liberty is what is in question. A positive right to liberty would entail on all of us the duty to promote liberty, not merely the duty to respect it. The promotion of liberty goes far beyond merely allowing people to be at liberty. My duty if I believe that everyone has a general right to negative liberty is to refrain from interfering with others' doing as they please, living the way they wish. But if I believe that I have a duty to promote liberty, then I believe that I have the duty to do something, perhaps as much as I can, to bring it about that others not previously at liberty now are so. The difference that makes could, and probably would, be enormous. For in all likelihood, at any given time plenty of people would find themselves with their right to general liberty infringed or violated by somebody or other. And perhaps I could, with a great deal of trouble, help some of those people, by exerting myself to loosen the grip of their oppressors on them. But if we have only a negative right of liberty, then I will not be obligated to help anybody else, nor they me. People who oppress me are in the wrong, and I can complain and take action to undo their oppression, but I also have the right to sit back and be my oppressors' willing slaves, come to that; likewise to sit back while they oppress *you*. So, as I say, it does make a great difference which view one is proposing.

So much difference does it make that many discussions of the subject are vitiated when we invoke the distinction at the appropriate point. Those, for example, who insist that the distinction of negative and positive rights is illusory or otherwise mistaken do so on the ground that the enforcement of either sort of right can take positive action. That is true, but it does not establish the point, because if what we have is a pure negative right, then nobody has, so far as that goes, the duty to enforce it, or to rectify the actions of those who violate it. We do not show that there is no difference between a positive right and a negative right by adding to the negative right a positive right to its enforcement. All we do is muddy the waters.

Let us be perfectly explicit about it. Recall that a right is a status such that some set of other people lie under a duty toward the rightholder in regard to the matters to which the rightholder has that right. But a duty to do what? One sort of duty is a duty not to do various things, such as to assault the rightholder or put land mines in his or her path as he or she sets about doing what he or she has the right to do. A quite different sort is the duty to render some kind of assistance to the rightholder. The first kind—the negative duty—does not entail the second. I can refrain from helping you even as I also refrain from harming you—no problem.

Now, with this in mind, let us note that in regard to negative rights, the notion of equality is fairly uninteresting. To say that one thing is equal to another is to say that the two are variable in degree, somehow measurable, and such that the degree in each case is the same. But how are we to apply such a notion to a non-doing? Of course, we can say that the right of all to the nonviolence of others is equal in the sense that the amount of violence anyone is allowed to do is the same as the amount that anyone else is allowed to do, namely, none. But there is no question here of equalizing anything. Violence (against the innocent) is to be eliminated, not to bring it about that we all engage in the same amount of it, but because

Liberty and Equality—A Question of Balance? / 47

violence against innocents is wrong—wrong no matter how much of it anybody else does. My murder does not become justified by the fact that I am only murdering the same number of victims as the others; we are *all* in the wrong. Communism in the twentieth century, we are told, was responsible for almost one hundred million deaths. Well, each and every one of those deaths was wrongful. The Stalinist secret policeman murdering his hundredth victim was doing a wrong, even though the person he was murdering is getting the same treatment as the other ninety-nine.

EQUAL TREATMENT

When do we have a right to equal treatment? All of us always have the general right that others not kill, torture, maim, hobble, or otherwise damage us; nobody has this right any more than anyone else, and indeed it scarcely makes sense, as we have seen, to claim that this is a matter of degree. What could be a matter of degree is the amount of police protection you get, for example. And indeed it is a problem just how much police protection one or another person is entitled to, if we think they are entitled to any. If we give everyone equal protection in the sense that each gets fifteen minutes' worth of police attention per week, then are those for whom that is not nearly enough, because they will soon be dead in that case, really getting an equal right to liberty the same as those living in Lake Park, Minnesota, who would have no idea what to do with all that attention?

In any case, here again the waters are easily muddied by begging the question. Do we have a positive right to any protection at all? We have the right that others not murder us. If some people insist on trying to violate that right, it behooves their intended victims—us, perhaps—to protect themselves and probably to enlist others to help out. But it is not clear that there is any right to any particular amount of protection. It depends on the arrangement and the cir-

cumstances. Neither you nor I have a duty to join the nearest police force to protect people's rights. (Mind you, all of us pay taxes to maintain the police. Is it right that we be compelled to do so? That is certainly a question of great interest, but not one we can address here, unfortunately.)

For talk of equality to be significant in the present context, we need to be clear about four things. First, exactly what is it that is to be equally distributed? Second, among which set of persons is it to be so? Third, are we claiming a right to this sort of equality, or only that we think it would be a nice thing? And if it is a right, then, fourth, is it a negative right or a positive right? These questions make all the difference, which is why I said at the outset that one could not simply answer the topic's question with a simple "Yes" or "No."

If the claim to a right to equality is not being made, then there is no problem. We are all entitled to our views about what the "ideal society" would look like, but we are not entitled to do whatever we think necessary to bring it about. Indeed, we are entitled to do only those things that enlist the voluntary cooperation of others, not only the others in one's gang of terrorists, but all others.

But suppose the proponent is serious about this, and thinks that people generally have a right to equality of something, something real and nontrivial, not merely "equal concern and respect," as one modern writer has put it,⁵ but, say, equal income, or equal time on the radio, or equal numbers of hours of medical care. Here we need to ask two questions: First, why that? And second, simply, why?

The question why here is a serious one. It is not answered adequately by jumping up and down, waving brightly colored banners, and shouting "Vive l'égalité!" Instead, the proponent must explain, in some quite convincing way, why we and everybody should be on that bandwagon. And if he cannot do that, then he is saying that

5. Dworkin, "The Place of Liberty."

Liberty and Equality—A Question of Balance? / 49

a bunch of armed men get to come to our doors at 4:00 A.M. and march us down to the local prison if we do not surrender whatever it is that we have a supposedly unfairly unequal amount of, no questions asked or answered. But that is the sort of thing that needs justifying. Having the Grand Commissar of the Drug Laws stand up and proclaim that drugs are bad for you is not enough. It is grotesquely not enough to justify the incarceration of four hundred thousand people every year. Indeed, it is not enough to justify the incarceration of *anybody*. In like manner, the fact that I or you or somebody has a bit more of some desirable thing than someone else has is no justification for official bullies coming to extract it from us and hand it over to somebody else who happens to have less of it.

Well, when do we have a right to equal treatment, to equality? Never? Quite the contrary. There are often quite good reasons for insisting that somebody has the right to be treated equally, in some quite determinate way, with someone else.

First, if Smith has a justified claim to X, and Jones a justified claim to a like amount of X, then the two have an equal right to X. But how much X do they have a right to, and why? On occasion, there is a good answer. If you and I and Olson have all signed the same contract, with the same terms, then we may be each entitled to \$X, the same for each. Positive rights founded on agreements to just the terms in question have satisfactory, indeed, impeccable, credentials. But clearly, you and I have not signed anything to the effect that we all owe a certain amount for Social Security, a certain amount for everybody's schooling, and so on. If you are going to assert a general positive right, a right of all, to the same amount of something, we would have to look elsewhere for its basis.

So where will we look? Can we look to some law, some act of government? Governments are composed of people, and people are fallible; they may be right, they may be wrong. For a bunch of people in some big impressive building to get together and decide to gouge us all to support some presumably worthy cause is tanta-

mount to R. Hood & Co. deciding whom to rob so as to contribute wealth to the poor. The fact that he was able to round up enough bowmen to do the job hardly shows that it was right.

On the other hand, if we are (as we all are these days) under the thumb of government, then the laws will say who is supposed to get what, and then we can find that often they call for an equal amount of dollars, or something, for all of certain sorts of people. Insofar as we are subject to those rulings, we can often claim that someone was inequitably treated—given the law, he or she should have had as much as so-and-so and he or she did not get it.

But as I say, the prior question is what the government should be doing, and often the answer is nothing. It is at this most basic level that we want to pursue the subject, and so appeal to the existing law is of limited use here.

What about the rewards of labor and other virtuous activities? Do we not owe people equity in wages, for example? Not very much, as it will turn out on close inspection. The slogan “Equal Pay for Equal Work!” is still trotted out often enough in contexts of pay equity. But on closer inspection, this slogan comes to very little. To see this, first ask, how do you measure work? We do not measure work in hours: one worker’s hour of work maybe worth many times another’s. Nor is work measured in calories; the executive at his desk may be doing far more of value than an incredibly active lumberjack who requires six steaks a day to keep his strength up. Worse yet, exactly the same duration of exactly the same labor may be worth virtually nothing at some times and places and a great deal at others. A skilled mechanic in Calcutta makes perhaps a twentieth the salary of a similarly skilled mechanic in Santa Monica, California, and rightly so. Everything is wrong with the idea that people have a right to equal pay for equal work, as that slogan would be realized in any kind of law you could dream up. The slogan is not even a truism; it is, more precisely, a falsism. We negotiate with employers and employees, we strike the best deal

Liberty and Equality—A Question of Balance? / 51

we can, and we then owe what we have agreed to: employees owe their employers certain services, and the employers in turn owe them what was agreed on.

Consider us consumers. Do we have a right to equal prices from the various businesses that supply us with food or household wares? We do not. All we can say is that if someone can produce X for less money than someone else, that someone else had better do something about it or he or she will not long be in business. But is there a duty to price equally, a right on our part to such equal prices? Far from being a basic moral truth of some sort, it is an absurdity.

What is true, only, is this: from the point of view of the employer, an equal contribution to the profitability of the firm should, and likely will, earn its contributor an approximately equal level of pay. That entails nothing that can reasonably find its way into legislation, though it tells the worker a lot about what he or she should do to command a higher wage.

In short, you are entitled to what your employer has signed on the dotted line for your case, whatever it is, provided only that the print wasn't too small. Accordingly, you are well advised to make the best deal you can. No sort of claim on anyone else's money, advanced in absence of a plain agreement with that person, has a leg to stand on by comparison with the agreement itself, and that means that we have no interesting and fundamental principle of equality underlying pay rates, except the principle of keeping our agreements. It's the other way around, rather: market forces push the wages for recognizably similar kinds of labor toward recognizably similar levels, though almost always without ever actually reaching an equilibrium.

FAIRNESS, INCOME, AND WEALTH

There is a familiar attitude, written into many learned treatises of the day, to the effect that disparities of wealth are unfair. Is there

anything to this? When are we being unfair to someone? And even when we are, is that necessarily unjust? For that matter, do we owe everyone the duty of fairness?

Fairness presupposes that we have a number of people who qualify for the distribution of a certain type of good and are therefore entitled to some share of it. But does being fair require that we should give everyone an equal share? Certainly not; indeed, it does not require that even among those who are entitled to some of it. Suppose a number of people work together on some project, voluntarily, and everyone contributes to it. Should everyone have an equal share of the resulting product? Not likely; some people will contribute more than others. When making a movie, everyone involved should not get the same amount: the stars who make movies successful by their very presence as well as their dramatic gifts, should (and do) make more than the technicians, gaffers, gofers, and others involved. The general formula for dividing the product is that each person receives his or her marginal product: all other things constant, how much difference does this person contribute to the total product? People who are not members of the team are not entitled to any of its product, and among those who are, the ones who contribute more deserve to get more, and usually do. They get it because if they do not, they are quite likely to go elsewhere where their contributions are better appreciated.

Those who preach the gospel of general equality seem positively determined to ignore the question of where the good things they want to distribute came from in the first place. They speak, remarkably often, as though wealth and services just grow on trees. But of course, they do not. Almost everything we have is made by someone; even things not made are made available to us by the efforts of other people, including, for that matter, the very things that do grow on trees, because somebody has to cultivate and harvest and ship the products. Those productive efforts are highly variable among people, but many people invest a great deal of effort in

Liberty and Equality—A Question of Balance? / 53

making what they do. To claim an equal share irrespective of contribution is to claim the right to exploit, and at the extreme to enslave, one's fellows.

This is not to deny that some fortunes have been made by theft, fraud, connivery, and the like. The point is not that all disparities of wealth are justified, but that many are. What justifies them is that the people with more have earned it by honest means, basically, by performing useful services for other people, services those other people have found it worthwhile to pay for at prices that led to high incomes for those who supplied those services. This is as it should be and has little to do with how one person's income compares with another.

EQUAL OPPORTUNITY

This brings up the subject of equal opportunity, a slogan with a wide following in this day and age. But again, a modest amount of reflection casts doubt on arguments of distributive justice along this line. The basic problem is, once again, that opportunities do not grow on trees but are created by particular people. Current political rhetoric suggests that some people are denying others certain opportunities—blacks and women are frequent examples—and that this is unfair. But opportunities exist only because of the efforts of the people who create those opportunities: inventors invent, entrepreneurs spot opportunities, investors fund them, and so on. Once Ms. A has gone to the trouble to create a situation in which someone else can usefully fill a job, there is no reason why A must give it to just anyone. Those who create the opportunity are the ones entitled to choose whom to give that opportunity to—whom to employ, for example. The entrepreneur does not owe anyone else a job. So the claim that there is a right to equal opportunity begs a question and confuses an issue. As so often, the case for equality turns on confusion; everyone has the same right to a given oppor-

tunity as anyone else only in the sense that none of us has any (positive) right to it at all—no one has a duty to extend opportunities equally to everyone or anyone. But that is hardly what those who embrace the slogan have in mind, though it is the only sense in which it is true. We do not, for example, have an obligation to prepare people equally for life, say, by educating them. We ought to do that for our children, yes, but for everybody?

For one thing, preparing people for opportunities is difficult, and the preparation is quite specific to the sort of opportunities envisaged. The goatherd on the slopes of Grecian mountainsides will, quite properly, teach his children very differently from what a professor at Stanford might teach her children; and likely, very soon, she in turn will teach each of her children quite differently, depending on their abilities, inclinations, and circumstances. We cannot really tell people very well how to raise their children, and we certainly cannot claim to know how to bring up every person. People are so different, in skills, physical and psychological capacities, interests, and life circumstances that it would be generally pointless even to try.

The point is worth taking a little further. The most vocal proponents of equal opportunity are generally educators and, as we may say, intelligentsia. That is not too surprising, really, because even though the intelligent are the very people who are in the best position to know how different people are, what different pieces of knowledge those different people might need or want, and how impossible it is even to compare one person's opportunities with another's, yet they are also the people who will benefit if huge amounts of money extracted from unwary taxpayers are devoted to this worthy-sounding cause. The training they have in mind is mostly of the sort that they themselves try to provide; never mind that different academics provide such different fare that a typical academic is almost totally ignorant of what almost all of his or her colleagues, especially those on the far reaches of campus, might be

Liberty and Equality—A Question of Balance? / 55

able to teach—we each know a dollar when we see one. But that is not a credible basis for proclaiming a right to the taxpayer's money. The cause for which it is to be spent is basically absurd; equal opportunity, to put it bluntly, is either indefinable or impossible, and usually both.

THE RIGHT TO TAKE ADVANTAGE
OF OPPORTUNITIES

The only reasonable meaning for the equal opportunity principle is that no one may intervene to prevent people from taking legitimate opportunities they are freely offered. Yet in general, it is government action billed as promotive of equal opportunity that undercuts precisely that. If in the interests of equal opportunity some government forbids Jones to take a voluntarily made offer from Smith, then that government has denied Jones an opportunity, and denied Smith the opportunity to extend someone else an opportunity. Governments often intervene in this way, particularly in offices such as immigration: foreigners will be denied the chance to work in a Canadian job, simply because they are foreigners, even when Canadian employers want to offer them those jobs. And these denials are indeed wrong. But they are wrong not because of a vague principle of a right to equal opportunity, but because of a specific principle that we have no business preventing people from peaceably seeking to better their lives.

The problem with equal opportunity as a slogan is the usual thing: it sounds good until you realize what it means. No one denies that opportunity is a good thing, and it is wonderful when opportunities are widely available, and perhaps, on occasion, even equally available in some meaningful sense: let's take the whole class to the zoo, say. But there is everything wrong with introducing compulsion into the equation, and when you scratch it, that is what the slogan really means. Equal opportunity, as it is brandished

in political contexts, says, “Let’s force A, who wants to offer an opportunity to B, to offer it to C, D, and E as well.” Never mind whether these other persons are relevant, or interested, or whether A has any particular reason to extend the offer to them. And who pays the bill for making all those extra offers, vetting all those applications, and so on? Why, A, of course! This means that if he manages to survive in business, his customers, or, of course, taxpayers, must foot the bill. People who brandish slogans such as these are all ready to put hobbles on any number of people in order to realize their political ends, which, in the end, consist mainly of expanding their own political power. But they are realized at the expense of individual people trying to live their own lives, as best they can. Yet individual people doing the best they can is what the whole political system is *for*.

RANK AND STATUS: SOCIAL EQUALITY

Many of the immigrants who came to the United States and Canada were motivated, in considerable part, by a desire to get out from under the oppressive atmosphere of social classes. In Europe, there were aristocrats of many levels, and they looked down on the middle class people who in turn looked down on working class people and servants. If you were in any but the top class, you were likely to resent these attitudes. But along with the attitudes, subtly or otherwise, went many other things too. Aristocrats often had not only social status but also power. Those beneath them toed the line because of what the aristocrats could do to them if they did not.

I think it generally true to say that in North America we have little sense of class. The aesthetic leaders would agree, and deplore it: they think we lack discernment, taste, and discrimination between what is good and what is bad in the arts, especially. But in America, people need not pay any attention. And in any case, the

Liberty and Equality—A Question of Balance? / 57

aesthetic upper class does not correlate well with wealth or any of the other familiar measures of class. The upper classes in America are for the most part creatures of fad, the newspapers, the entertainment industry, and social custom that is not taken very seriously. What Americans especially think, I believe, is that nobody has the right to treat others as social inferiors, that those who actually try to treat other people thus are being silly or offensive. And they are right, of course. Very wealthy people in America often make a point of being just plain folks like the rest of us, only with more expensive cars, houses, and vacations.

The phenomenon of class, once it is detached from the sort of political system typified by the *ancien régime*, is an intriguing and rather puzzling thing. It is also something readily avoided by most of us. It tends to go with wealth, but it does not go very far. You are entitled to become extremely wealthy, but you are not entitled to think it gives you the right to order the rest of us around, because it does not. Many of us look up to some people for their accomplishments—baseball players, violinists, Nobel Prize winners—and we admire others for their looks, their wit, their sense of style, and any number of other things. It would be absurd to insist that in so doing we violate some kind of basic rights. Joshua Bell is a better violinist than you or I, almost no matter who you are; I could not beat Michael Schumacher around a racetrack no matter how hard I tried—he is simply a better driver than you or I. But in the United States (and Canada, where I live) we have a sense of proportion about these distinctions. We do not need to grovel before the stars and the billionaires. If this is what is meant by egalitarianism, then I trust that all of us are egalitarians, and we would not want it any other way. Yet that is compatible with practically any degree and kind of real inequality that you can imagine. Some people are brilliant, most are not; some are beautiful, most are not; some are swift, most are not; and so on, without end. We can, and we should, acknowledge this without resentment.

If it bothers you that somebody is better than you are at something, you can either try to improve yourself, or try to bring down the person in question. The general right of liberty forbids doing the latter: if that is how you feel, too bad for you—you will just have to live it. Nature provides people with a vast array of differences, many of which do not matter and some of which do. But it is no fault of the people on the perceived upper end of any of these comparisons that they are there, and in many cases it is a virtue, for they often get there by dint of tremendously hard work, concentration, and discipline, in addition to inborn talent.

Some egalitarians talk as though this should be a matter of terrible concern—as though the gods have done an awful thing there, and we humans must do our best to level out the differences. True, most egalitarians do not explicitly say that, though it is not entirely clear why not; they largely avoid or talk around these things. But to them, I think we should say, “Get real!” For in truth, people who are terrific at all sorts of different things are a benefit to us all, not a cause for resentment, hand-wringing, or affirmative action programs. The better any of our fellows are at anything useful to anyone and harmful to no one, the better. But the idea that in order to bring it about that this person is better at something we should actually force other people to contribute their help simply does not go. Those who like to help are welcome to help; those who do not are welcome not to.

Let’s start with the rich, who are so widely deplored by so many theorists. The rich who have got rich in business or sports or the arts, which comprises almost all of them, have got there by doing us all favors. You get rich in business only if a lot of people buy your products, and they will only do that if they find them worth buying—worth buying again and again, for that matter. Well, how can this be bad? All those customers think themselves better off for those purchases, and they are usually right. It is business people

Liberty and Equality—A Question of Balance? / 59

who have enabled them to be so. That is a good thing, not a bad one.

Again, consider the Beautiful People. Most of us are so-so, though many do their best to be better than that. But is not the sight of a beautiful woman (I'm a man, so I list them first!) or a handsome man a pleasure to the eye? Or someone dressed in a fabulous gown? In any case, do we really want everyone to look the same? Am I not better off living in a society in which there are many people who are more attractive than I, richer than I, better at all sorts of things than I? Indeed I am. I am grateful to all these people for being around, and of course for all the nice things—great musical or athletic performances, pleasant sights in restaurants, streets, or on the TV screen—that they provide us. Surely the attitude that condemns all this richness is one to deplore. Indeed, it can only be antihuman, at bottom, to condemn such things, for what are humans if not, above all, different from each other? To deplore this can only be to demean humanity.

CONCLUSION

At the outset, I suggested that the question of proportions between liberty and equality sounded somewhat biased against extreme answers. But in the end, we are left with what some will no doubt claim to be an extreme answer. The primary question we are concerned with is, concerning liberty and equality, how much of each do we get to enforce? And to that question, my answer is, we get to enforce liberty, as a general right, but insofar as the equality of anything else is in question, as such, it has no claims whatever. Once we see the distinction between universal rights and egalitarian rights, we will, I think, see the wisdom of accepting universal rights to liberty and rejecting universal rights to enforced equalities. Comparing liberty and equality, liberty wins.