Inequality

The IFS Deaton Review

Unjust inequalities. Is maximin the answer?

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ESRC
CENTRE FOR THE
MICROECONOMIC
ANALYSIS OF
PUBLIC POLICY

Unjust inequalities. Is maximin the answer?

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When are inequalities unjust? My own simple answer is: if and only if they reflect a departure from distributive justice as real freedom for all. Or, somewhat less elliptically: if and only if they are the product of an institutional framework that tends to distribute real freedom among people in such a way that the real freedom of those with least real freedom is less than it could sustainably be under some alternative institutional framework.[2] In this short contribution, I shall reflect on challenges to this answer that claim either that it is too egalitarian or that it is not egalitarian enough. Most of these challenges apply equally to other conceptions of distributive justice that rely, like this one, on a maximin criterion. Reflecting on these challenges will lead me to address, from this particular angle, many of the issues discussed by Debra Satz and Stuart White in their illuminating and comprehensive survey and by Eric Posner in his lucid complementary note.

Metric

A principle of distributive justice is characterised by its metric, its criterion and its scale. As the challenges to be considered here target the criterion – is it too close to strict equality or too far from it? – I shall not address all that may be found problematic about the metric I propose. Let me just say that a concern for the distribution of real freedom – for the real capacity, as opposed to the sheer right, to do whatever one might wish to do – induces a presumption in favour of the highest sustainable unconditional income. Focusing on the level of an unconditional income is quite different from being interested in the distribution of income in general. It is guided by a conception of distributive justice that seeks to equalise possibilities rather than outcomes and thereby makes room for personal responsibility. For an unconditional income is more like wealth than like income: it constitutes, for those entitled to it for their entire lives, an asset safer than equivalent amounts in cash, shares, real estate or means of production.[3] Contrary to income, it can claim to capture the importance of leisure as well as of consumption. Because of its being 'obligation-free' – i.e. its not being conditional on work or willingness to work – it yields bargaining power as well as purchasing power. At the same time, because of its being 'universal' – i.e. its being combinable with income from other sources – it offers the possibility of pricing oneself into remunerated activities sufficiently attractive in themselves.

In order to best realise justice as real freedom for all, the unconditional income does not need to be distributed uniformly over people's lifetime. There are good reasons for universal child benefits to be lower, for a universal basic pension to be higher and perhaps for a modest basic endowment to top up the basic income of young adults. More importantly, there are decisive arguments for allocating a significant portion of the unconditional basic income in kind rather than in cash: in the form of universal access to healthcare, to lifelong education or to safe and enjoyable public spaces. How to arbitrate between these various modalities I shall not discuss here. I shall focus instead on the underlying criterion for the just distribution of this real freedom.

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[2] See Van Parijs (1995) and, more succinctly, Van Parijs and Vanderborght (2017, ch. 5).

[3] Dietsch (2021) points out how the impact of inequalities of wealth on the distribution of real freedom is amplified by the access to credit associated with the availability of a collateral, especially when interest rates are low. Even if an unconditional basic income covering basic needs is not mortgageable and hence not usable as such as a collateral, it also contributes, by virtue of being a (particular secure) form of wealth, to the neutralisation of this additional source of inequality in real freedom.

Criterion

Because of the way the market works, the bulk of most people's incomes can be regarded as a gift they are in a position to appropriate thanks to circumstances, both individual and collective, which they did nothing to bring about, rather than to their own choices and efforts.[4] By sustainably maximising a universal basic income funded by taxing income and wealth (directly or indirectly) in predictable fashion, one guarantees – as much as is possible in the presence of option luck – that all receive a gift at least equal to the basic income.[5] Those who choose to work, train, save or invest receive a basic income as an unconditional gift, like everyone else, and on top of that they receive not only an additional income but, as part of it, an additional gift. When the unconditional basic income is pitched at its maximum sustainable level, real freedom, as captured by the value of these gifts, is not equalised across individuals, nor equalised as much as possible. Rather, it is maximinned: the institutional arrangement is such that the real freedom of those with least of it is as great as it can sustainably be.[6]

The use of a maximin criterion makes the principle of distributive justice I propose a variant of Rawls's Difference Principle, with a different metric and without a prior principle of fair equality of opportunity. Whatever the metric, a maximin criterion provides an appealing compromise between distributive considerations and efficiency considerations, between the equalisation of the shares and the maximisation of the sum.[7] While involving a concession to efficiency, this criterion remains recognisably egalitarian, significantly more, for example, than the criterion put forward by so-called sufficientarians, who reckon that, once some threshold is reached by all along one or more dimensions, inequalities are unproblematic.[8] In an elliptical version, a maximin

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[4] Perhaps the most effective way of making this picture plausible, at least among economists, consists in starting from the extreme case of a perfectly competitive labour market with identical workers and identical jobs. As Joseph Stiglitz, George Akerlof, Samuel Bowles and other efficiency-wage theorists have shown, the resulting non-Walrasian equilibrium is one in which unemployment persists and employment rents are appropriated by the employed workers. With a diversity of locations, of jobs and of workers and with constraints on entry, exit, information, etc. generating all sorts of departures from perfect competition, unequal rents are ubiquitous – and not only among workers, needless to say. See Van Parijs (1995, ch. 4).

[5] The taxation of bequests and donations is an important instrument for this purpose, but by no means a privileged one. The taxation of current income or consumption is no less appropriate for the sake of capturing rents and distributing them more fairly.

[6] As a result of such an arrangement being in place, social mobility can safely be expected to be much higher. However, it is important not to conflate real freedom and social mobility. Perfect social mobility – the absence of correlation between the economic status of parents and that of their children – is neither sufficient nor necessary for the equalisation of real freedom. It is not sufficient because the latter requires addressing inequalities that stem from other sources than family background. And it is not necessary because real freedom must be understood as the possibility to pursue the realisation of many conceptions of the good life, not only the most lucrative one, and how much importance one attaches to economic success is bound to be affected by family background. Equating the equalisation of real freedom and perfect social mobility could only make sense against the background of an unjustifiably narrow view of what life is about. How just an arrangement is is not defined by how little the parents' material situation influences their children's material situation, but by how much real freedom is granted to those with least real freedom to pursue the realisation of their conception of the good life, whether or not material success plays an important role in it.

[7] This maximisation of the minimum must here be understood as abstracting from considerations of political feasibility. Our conception of what demarcates just from unjust inequalities must help shape political feasibility, not be shaped by our beliefs of what is politically feasible. I return to this point in the conclusion.

[8] Whether expressed in terms of 'basic needs', 'basic capabilities', 'poverty threshold' or anything else, how can anyone decide that the worst-off have 'enough'? And even if they are deemed to have 'enough', why is this sufficient to justify that others are given more even if giving them less would make it possible to sustainably give more to the worst-off? I have not seen any answer to these questions that would tempt me to give up the more egalitarian maximin. In any case, the distinction may not matter that much in real life. Even in our wealthy countries and even more obviously on a global scale, we are very far from a situation in which anyone would dare to claim that all have enough. And if this is the case, what sufficientarians will recommend is unlikely to differ greatly from what would follow from a maximin

criterion can arguably be found in Anatole France's 1907 novel, *L'Ile des Pingouins*, where the leader of the rich farmers pleads 'that little should be asked from those who possess a lot; for otherwise the rich would be less rich and the poor would be poorer'. But it is surprising that it was not articulated as part of an explicit conception of justice before it appeared in an article first published in 1958 by John Rawls: 'inequalities are arbitrary unless it is reasonable to expect that they will work out for everyone's advantage'.[9]

Whether using the metric of real freedom or Rawls's index of social and economic advantages or any other metric, the sustainable maximin criterion can diverge from strict equality for two reasons, both efficiency-related: an unequal distribution can provide greater incentives to contribute to the production of whatever there is to be distributed and it can increase the capacity to do so. To illustrate the distinction, consider the following anecdotal example (that struck me in my student days!). If you want the rowing team of your college to perform well for the benefit of the whole college community, you may allow rowers to be fed better than others both after the race as a reward – so as to motivate them to perform well – and before the race as a strengthener – so as to enable them to do so.

Analogously, inequalities may reflect the use of material incentives to make people work, train, save and invest for the benefit of the economy as a whole. But they may also conceivably reflect the provision of managers and innovators with the psychic capacity to cope with the stress associated with their activities, or perhaps the allocation of the means to invest further to those who proved best at investing in promising sectors. Whether inequalities contribute a lot or hardly at all to overall economic efficiency, it is important to see that they could in principle do so through these two distinct channels. It is equally important to note that there are also strong efficiency-based arguments in favour of more equality, several of them persuasively discussed in Satz and White's survey: by generating mistrust, anxiety, ill health or conflict, some inequalities can badly damage an economy's overall performance. The stronger these effects, the narrower the gap between what strict egalitarianism would imply and what follows from the lax egalitarianism articulated in a maximin conception of justice.

Scale

In addition to its criterion and its metric, a principle of justice is characterised by its scale: is the principle meant to apply to individual states or nations or peoples, taken one by one, to mankind as a whole, or perhaps to intermediate entities such as the European Union? And is it meant to apply to the current generation only, or also across generations? Real freedom for all, in my conception, must apply worldwide and across generations. This means that the universal basic income at the highest possible level that follows from it must be really universal and indefinitely sustainable. That a global basic income or approximations of it are not technically, administratively, institutionally or politically feasible at the present time should not prevent us from viewing them as demands of justice nor from recommending that every opportunity should be used to move in that direction, albeit very gradually, indirectly or locally. For anyone holding such a view, moves towards more just institutions on a more local scale in wealthy countries can be justified, for example as demonstrations of the sustainability of what should be made feasible elsewhere and on a more global scale, or as part of the political conditions for successful moves towards greater global justice. However, as long as one believes that a sharing of the resources

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conception, unless their approach misleads them into endeavouring to minimise some 'poverty count' index and hence into (perversely) prioritising the least-poor over the poorest among the poor.

[9]   Rawls, 1958, p. 48. The Difference Principle is further explained and defended in Rawls (1967; 1971, §13; 1974; 2001, §§18–21). See Van Parijs (2002) for an overview of the discussion it triggered.

held by the populations of wealthier countries can improve the situation of the populations of poorer countries, there will be no end of difficult ethical dilemmas, not least as regards migration policies.

Needless to say, the view that an egalitarian conception of distributive justice should apply globally is far from uncontroversial. Such a view will be found far too egalitarian, for example, by those who, like the Rawls of *The Law of Peoples*, believe that egalitarian distributive justice, whether or not in a maximin version, only applies within the confines of a particular 'people'.[10] An equally fundamental reproach of being too egalitarian can be raised by those who do not believe in intergenerational justice. For them, even if there is no plausible hope of technological advances ever compensating the exhaustion of natural resources, no injustice can be inflicted to future generations. Such a position may be held, for example, on the ground that only existing people can be wronged, or that future generations are indebted to the present generation for their very existence. I shall here leave these objections and the associated big issues aside and focus instead on egalitarian and anti-egalitarian objections to maximin conceptions of distributive justice, and in particular to the conception of justice as real freedom for all, as conceptions of intra-generational domestic justice.

Maximin: three interpretations

Before doing so, it is useful to take a moment to discuss a distinction between three interpretations of the maximin criterion which, at least at first sight, should matter greatly to the relationship between maximin and equality. Consider, first, the simple case in which there are only two social categories, and suppose that there is a choice between only two institutional arrangements. Under arrangement A, both categories get the same level 1. Under arrangement B, the better-off get 2 and the worse-off 1. According to the most straightforward interpretation of the maximin principle, all that matters is the situation of the worse-off. Hence, both arrangements are equivalent. Under the more egalitarian interpretation suggested in Rawls's first formulation of his Difference Principle quoted above, arrangement A is superior to B: inequalities are just only if they improve the situation of the worse-off – which is not the case here since the worse-off are not better off under B than under A. Under the less egalitarian interpretation of maximin, instead, arrangement B is superior to A: inequalities are unjust only if they worsen the situation of the worse-off – which is not the case in our example, since the worse-off are not better off under A, assumed to be the only other feasible option, than under B.

This example shows how the choice between different arrangements can be affected by which interpretation is adopted. However, the distinction only matters if there are inequalities that both fail to improve the situation of the worst-off and fail to worsen it. This is the case in our example: relative to the only other feasible arrangement, the inequality present in B neither improves nor worsens the situation of the worse-off. But this can only be the case because of an implausible limitation of the set of possible arrangements. With a more realistic feasible set, any degree of inequality that fails to improve the level of the worse-off relative to some feasible more egalitarian alternatives is bound to worsen it relative to at least one of them. If 1/1 and 2/1 are possible, as assumed in our example, why not 1.9/1.1 or perhaps at least 1.2/1.1. If the set is expanded in this way, the 2/1 arrangement can be said not only to fail to improve the situation of the worse-off, but

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[10] Rawls, 1999. My own conception of social justice as global justice is presented and defended in Van Parijs (2007; 2011a, ch. 1; 2019). Chancel (2021) argues that egalitarian policies should be more intra-national than inter-national because the intra-national inequality now accounts for a greater share of global inequality than inter-national inequality. Whether or not the factual premise and the policy conclusion are correct, this is a challenge of a very different nature that takes for granted what is questioned by *Law-of-Peoples*-type challenges, namely that the demands of egalitarian justice are global.

also to worsen it. In this more realistic context, all three variants will converge on preferring an intermediate level of inequality to both 1/1 and 2/1.

What if we move from the simple case with two categories to the general case? Could we not be confronted with a choice between different levels of inequality among relatively high-up categories that do not affect the level of the worst-off? To make this more concrete, consider Eeckhout's (2021) recent plea for addressing inequality by using antitrust policies rather than by redistributive measures. Suppose that the immediate effect of such antitrust policies is a redistribution among the top 5% as a result of a war on talents triggered by fiercer competition that spreads among highly paid employees the monopoly rents that the antitrust policies managed to erode. Inequality, as measured for example by the share of the top 0.1% or by the Gini coefficient, would go down but the situation of the worst-off would be unchanged. Under the straightforward interpretation of the maximin, the old and the new institutional arrangements are therefore equivalent. Under the more egalitarian interpretation, the new arrangement is better, because an inequality that does not improve the situation of the worst-off has been reduced. Under the less egalitarian interpretation, instead, getting rid of that inequality was not justified since its suppression did not benefit the worst-off.[11] In the general case with several categories, as illustrated by our example, it would therefore seem that the distinction matters after all, in particular as regards the vulnerability of each interpretation to the objection of being either too egalitarian or not egalitarian enough.

However, one should not stop at the immediate effects. More indirect effects are bound to affect the prospects of the worst-off. For example, the monopoly rents appropriated by the owners of multinationals may be more immune to effective taxation than the earnings of the admittedly mobile yet more easily traceable best-paid workforce of less concentrated enterprises. Or perhaps governments' redistributive capacity may be reduced by their needing to recruit, as stressed by Eeckhout, many thousands of highly skilled public servants in order to elaborate, refine and relentlessly enforce effective antitrust policies. To the extent that credible conjectures can be made about these indirect effects, the possible discrepancy between what would follow from the three interpretations will quickly shrink: any significant inequality that cannot be expected to benefit the worst-off can be expected to harm them. Hence, any objection to the maximin criterion on the ground that it is too egalitarian or not egalitarian enough should be regarded as applying in practice with equal force to all three theoretically distinct variants.

Discrimination, political impotence, race to the bottom

This being clarified, let us first consider three challenges that raise important issues but that can, I believe, easily be accommodated by advocates of a maximin conception of distributive justice, or at least my version of it.

Firstly, what if the inequalities 'higher up' are gender or ethnic inequalities? Is it not problematic to say that they only matter to the extent that they affect, albeit indirectly, the situation of the worst-off? If real freedom is adopted as the appropriate metric and a universal basic income as the best way to operationalise it, inequalities that stem from discrimination are problematic for a reason not reducible to the impact on the situation of the worst-off. The real-freedom-based presumption in favour of an unconditional basic income only holds if there is no discrimination, i.e.

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[11] Note that in the case of two social categories, the verdict of the less egalitarian interpretation (inequality is justified as long as it does not harm the worst-off) coincides with that of the leximin or lexical maximin (first maximise the situation of the worst-off, in case of tie that of the worst-off-but-one, etc.). But if there are more than two categories, the two criteria stop converging. The leximin does not regard all inequalities that do not affect the situation of the worst-off as justified but ranks them in view of their impact on categories better off than the worst-off.

no influence of irrelevant features on access to employment, housing, goods or services. There is discrimination, for example, when you are turned down for a job because of the colour of your skin, not if it is because of the quality of your skills, even if how skilled you managed to become has something to do with the colour of your skin. Using an unconditional income as a proxy for real freedom is defensible only if discrimination in this sense is sufficiently eradicated.[12] But not all inequalities correlated with gender or ethnicity are due to discrimination. From the standpoint of real freedom for all and of any other maximin conception of distributive justice, these other gender-related or ethnicity-related inequalities are only relevant if they affect the situation of the worst-off category. However, to the extent that women and some ethnic groups are systematically over-represented in this category, this should not stand in the way of designing policies specifically directed at women or some ethnic groups in their entirety as part of the temporary or permanent arsenal best suited to boost the real freedom of the worst-off category as much as is sustainable.

Secondly, consider the possibility that the inequalities tolerated by a maximin principle of distributive justice affect the political capacity of achieving justice as characterised by this very principle. There are at least two mechanisms, both discussed by Satz and White and by Posner, that could play an important role here. Firstly, the wealthy could back candidates and policies that favour their interests through the funding of electoral campaigns or through personal favours to policymakers. Secondly, significant inequality may lead to schools, hospitals or public spaces being segregated to such an extent that the sense of community required by broad and lasting political support for redistributive policies is close to totally absent. If there are such effects, they must be taken into account in determining how much inequality is consistent with the maximin criterion. A degree of inequality that would be beneficial to the worst-off and therefore justified because of the articulation of economic incentives and effective redistributive arrangements would need to be regarded as unjust if it hinders the development or the working of such arrangements.[13]

Thirdly, one major argument commonly used, at least in European countries, to justify both existing inequalities and proposals to increase them appeals to the incentives for more advantaged citizens and for firms, not to work, train, save or invest in general, but to do so within the borders of a particular fiscal entity. If maximin is the criterion, this seems to open the door for the justification of huge inequalities, as tax competition forces national redistributive systems into a race to the bottom. This possibility is further amplified as the spreading of a lingua franca and the generalisation of telework facilitates the transnational mobility of both human capital and firms. However, even if the focus is exclusively on domestic distributive justice, the international institutional framework – including the existence of tax havens – must not be taken as a fixed parameter. Nor must the dispositions of individual and corporate taxpayers – to the extent that institutions can influence them. Shaping the institutional framework so as to reduce the inegalitarian impact of tax competition, whether by strengthening international cooperation or

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[12] When discussing justice as equal dignity, I shall return below to a more general reason for regarding discrimination as unjust.

[13] Note the paradoxical role played here by the political influence of the better-off. The argument is not that a higher level of inequality needs to be deemed justifiable on maximin grounds because a lower level, which would benefit the worst-off, is not politically feasible. (This view, rejected in an earlier footnote, will be evoked again in the conclusion.) It is rather that only a lower level of inequality can be justified because a greater inequality would pervert the political process so as to prevent the worst-off from reaping the sustainable benefits of this higher inequality. A higher level of inequality (for the benefit of both the better-off and the worst-off) could be justified if the political process was more immunised against its corruption by the beneficiaries of economic inequality – an option abundantly (and often desperately) explored in the United States and further discussed in both Satz and White's and Posner's contributions.

by fostering some sort of solidaristic patriotism among economic agents, is part of what a sustainable domestic maximin requires.

Fraternity

So far so good. Let me now turn to three sets of objections that have been bothering me over the years and to which I am less sure I can provide a satisfactory answer: they relate to fraternity, dignity and reciprocity.

In his *Theory of Justice*, Rawls (1971, §17) explained how his Difference Principle could be viewed as an expression of the third component of the French revolutionary triad: fraternity. Some can have more than others only if this is of benefit to all. Cohen (1992, 1999) challenged this benign interpretation. To the extent that material incentives are used to justify inequalities, the latter should rather be viewed as the consequence of something very unfraternal: the more talented are blackmailing society by requiring high payments for their services. Here again, dispositions do not need to be taken as given. An ethos of service to the community, which can be fostered by appropriate institutions, might lead highly talented people to contribute just as productively despite being highly taxed. The challenge, explored long ago by Carens (1981), consists in combining the signalling function of market rewards and a motivation shaped by a work ethic, or an egalitarian ethos, or a wish to serve the community, rather than by material greed. Fine-tuning the institutions – including in a way that aims to affect individual motivation – so as to narrow down the inequalities without damaging the prospects of the worst-off is part of the job of the maximin-guided institutional engineer. Even with the most astute fine-tuning, some inequalities will remain required to satisfy the maximin because of the incentives they provide (rather than because of the capacities they create). Regarding them as a ransom extorted by the more talented may be excessive. But calling them 'just' is arguably also excessive. 'Justifiable' would seem more appropriate.

Thus, taking fraternity seriously should not force us to reject a maximin approach to distributive justice as being too inegalitarian, but it must invite us to some modesty about it. At the same time, a concern for fraternity in a different interpretation may make us want to limit instead the claims of egalitarian justice, whether or not in the laxer maximin version discussed here. For fraternity can also be understood as a quality of personal human relations that manifests itself in the spontaneous enactment of solidarity between human beings, typically far more heart-warming than the cold operation of distributively just institutions. The meticulous pursuit of distributive justice may spoil fraternity so understood. Assuming that there is such a trade-off, surely the nurturing of fraternal relationships should not be entirely sacrificed to the concern for getting the distribution exactly right. This should be conceded. But however impressive, moving and indispensable the improvised expressions of warm solidarity often are, especially in the face of collective disasters, they cannot constitute adequate substitutes for reliable institutions. Moreover, we should probably not worry too much about sharp trade-offs. Significant unjustifiable inequalities are more likely to jeopardise fraternal relations than overzealous attempts to eradicate them.

Dignity

Couldn't inequalities that can be justified as improving the situation of the worst-off be regarded as endangering a valuable aspect of our living together that is sometimes labelled justice as relational equality, or equality of status, or equality of dignity? This aspect is also emphasised by Rawls (1971, §67) when he presents the 'social bases of self-respect' as perhaps the most

important of all the social primary goods the fair distribution of which is determined by his principles of justice. This is a concern which I agree needs to be integrated in a full conception of justice and is not entirely reducible to the concern for real freedom. It provides, for example, a justification for a ban on discrimination less contingent than the one sketched above.

How significant a tension there can be between this concern and maximin considerations is bound to depend heavily on framing and attitudes. This tension, if there is one, will be kept low if the public discourse manages to credibly assert that the only reason why some people get more than others is that it is in the general interest that they should be attracted into the positions they occupy and that no lower level of inequality could achieve this. It can also be kept low if those who enjoy these privileges are induced to behave in a spirit of service, not of arrogance, and refrain from conspicuous consumption. With appropriate framing and attitudes, it seems that equal dignity will not have to be bought at the cost of the real freedom of the worst-off. Note that this concern for relational equality only makes sense in a context in which unequally wealthy people interact to some significant extent with one another: at the level of a local or at most national community rather than on a world scale. Those who care about justice as equal dignity will therefore tend to recommend more than those who do not that wealthy countries should look primarily after their own poor even if these are far better off than the world's poorest. Therefore, while conceivably finding a maximin approach not egalitarian enough when applied at the level of a particular country taken in isolation, they will certainly find it too egalitarian when applied at a global scale.

This is not the only reason why a concern for equal dignity might recommend settling for *more* inequality than maximin principles would recommend. This possibility also arises, for example, if one tries to seriously address linguistic justice understood as 'parity of esteem' between languages and language communities in a context in which languages of unequal prestige interact intensively with each other, as they do in multilingual countries such as Belgium, Canada, India or South Africa and in the European Union. Left unchecked, this interaction generates the slow 'kindness-driven agony' of the weaker languages and feeds understandable resentment against the 'colonial attitude' of those who settle in some area without bothering to learn and speak the local language. The only effective way of avoiding this, and thereby honouring, as much as one can, the 'parity of esteem' between languages and their native speakers, is by enforcing what is sometimes called a 'linguistic territoriality principle', i.e. a coercive regime for the use of languages in public education and public communication within the borders of the relevant territory.[14] By preserving linguistic difference between the members of the same polity, such a regime weakens mutual identification and spontaneous solidarity at the level of the whole polity and makes the working of the deliberative public space at that level more laborious. As a result, it can be expected to undermine the political feasibility at that level of a more egalitarian maximin arrangement. How much inequality this could lead to countenancing is impossible to say in general. Much depends again on local circumstances, framing and attitudes, in particular on how strong a sense of inclusive citizenship can be sustained. However, in principle, a concern for equal dignity or parity of esteem so conceived could justifiably prevent the adoption of institutions that would reduce inequality as much as an unconstrained maximin would command.

Reciprocity

Among other anti-egalitarian challenges to justice as real freedom for all, the one that I find most serious is linked to a concern for reciprocity. Very schematically, one could say that there have been two intellectual trajectories away from Gracchus Babeuf's radical project of equality of

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14   So at least I argue in Van Parijs (2011a, ch. 5).

outcomes at the time of the French Revolution. One has been to shift from the equalisation of outcomes to the equalisation of possibilities, whether or not in a maximin version. Rawls's second principle of justice – not only Fair Equality of Opportunities, but also the Difference Principle, contrary to some common interpretations – exemplifies this trajectory.[15] So do Dworkin's equality of resources and many other conceptions of distributive justice, including justice as real freedom for all. The other trajectory has consisted in replacing equality by proportionality, typically proportionality of income (or other material advantages) to work, investment, effort, desert, etc. This tends to lead to a notion of fair cooperation, which, if adopted as a conception of distributive justice, is most likely to justify more inequality, in at least some relevant dimensions, than maximin possibility principles.

No one could deny the existence of an intuitive connection between justice and reciprocity. But this intuition is more consistently captured, it seems to me, in the following two ways. Firstly, some notion of cooperative justice can and must apply to cooperative ventures operating against a background of entitlements the distribution of which is to be governed by some possibility-egalitarian principle of justice. Secondly, anyone whose moral sense has not been too badly corrupted by a misunderstanding of the status of the *homo economicus* assumption will find it proper that those who devote time and energy, whether or not in their professional capacities, to the service of others should be rewarded with recognition, esteem and admiration, while those who think only of themselves should incur the negative sanctions of opprobrium or contempt. These social sanctions can be very unequally distributed, but it is not the business of social institutions to regulate their distribution.

I cannot think of anything better than this twofold strategy to accommodate my reciprocity-linked considered judgements. But I must admit that neither the distinction between cooperative ventures and the social institutions that determine people's basic entitlements nor the distinction between formal institutions and social sanctions is as tight as I would like them to be.

Conclusion

At the end of this brief exploration of possible difficulties, how much is left of the simple answer I gave at the start of this contribution? First of all, I have to concede that, to the extent that incentives play a role, it would be better to call inequalities that satisfy a maximin principle 'justified' rather than 'just'. Secondly, I cannot rule out that an irreducible concern for justice as equal dignity could make us regard as unjust some inequalities that would satisfy the maximin test. But not knowing how large these inequalities would be, it is hard to speculate about how great a threat to equal dignity they could form. Moreover, this threat, if there is one, would have more to do with how these inequalities are credibly framed and perceived than with their size.

What about the objections of those who find a maximin approach too egalitarian? These critics include those who object to the maximin being applied on a global scale and also those who are willing to adopt a global approach to justice but attach special importance to equal dignity among the members of the same society and therefore give more weight to internal than to international equality. Even as regards a particular polity – which was our main focus throughout – a concern for equal dignity in the presence of distinct linguistic communities may lead to the adoption of institutions that would make the degree of equalisation required by maximin justice more difficult to achieve politically. Next, the place that deserves to be given to some notion of reciprocity, even if it can be construed as consisting of top-ups over and above people's basic entitlements, may lead us to countenance economic inequalities inconsistent with the maximin. Finally, too

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[15]   As explained in Van Parijs (2002, §II).

obsessive an implementation of egalitarian justice, albeit in maximin form, might conceivably damage the fraternal character of human relations, which should not be too lightly sacrificed to the achievement of as much distributive justice as possible.

All in all, this leaves me with the conclusion that a sustainable maximin principle, applied to something like real freedom and somewhat constrained at the margin by the considerations I just listed, remains a reliable guide for the identification of unjustifiable inequalities and the designing of institutions and policies aiming to reduce them. But is there not something profoundly undemocratic about this complacent conclusion? If there is a systematic tendency in democratic politics – assuming it can be protected from the corrupting impact of wealth inequality – it must be towards the maximisation of the interests of the median citizen, not of the worst-off citizen. Is it not this less egalitarian line that a true democrat should follow rather than some maximin principle? Or, less simplistically perhaps, opinion surveys can reveal the 'preference for equality' of particular electorates, i.e. the degree of inequality of income or wealth that the 'representative citizen' of a country regards as desirable. Is this not a good indication of the conception of distributive justice – in all likelihood far less egalitarian than any maximin principle – which, as good democrats, we should respect and pursue?

No, it is not. Democracy is just a tool in the service of justice independently defined.[16] Especially if justice is meant to treat fairly the relevant interests of people who, being foreigners or not yet born, are absent from the electorate, the democratic verdict cannot provide the ultimate criterion. But this verdict can and must be influenced by arguments that could be accepted by all those affected – nearby or far away, born or unborn – when regarding themselves and each other as free and equal. It is the formulation and dissemination of such arguments that will enable us slowly, often indirectly, laboriously, chaotically, to design and adopt institutions and policies inspired by a maximin conception of distributive justice applied to something like real freedom, even globally and trans-generationally. So at least I hope – and dare to believe.

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[16]   The essays collected in Van Parijs (2011b) defend and illustrate this instrumental conception of democracy.

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