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Responsibility for past injustice: How to shift the burden

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Equality and diversity

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abstract The foundations of human inequality lie in the fact of human diversity, or in the human tendency to differentiate from some while associating with others to form groups. The diversity which results from association and differentiation makes equality unattainable. Diversity and equality are incompatible, and attempts to promote one can only be made at the expense of the other. In these circumstances, we should abandon the ideal of equality as incapable of offering us an adequate understanding of the nature of the good society.

keywords diversity, equality, property, Rousseau, culture

> Equality in the most general sense means a condition of being the same, in terms of possessing quantitatively assessable attributes. Inequality, on the other hand, suggests a want of equality and a diversity among comparable entities.
>
> V. Kubálková and A.A. Cruickshank[1]

> In a world that has become proximate and more intimate, and which is characterized by a massive political awakening, inequality is becoming less tolerable.
>
> Z. Brzezinski[2]

Prologue

> The first men who, having enclosed themselves within a staked boundary, bethought themselves of saying 'We are one', and found people simple enough to believe them, were the real founders of political society. From how many crimes, wars, and murders, from how many horrors and misfortunes might not any one have saved mankind by pulling up the stakes and crying to his fellows: 'Beware of listening to these impostors; you are undone if you once forget that we differ hardly at all, and the earth itself recognizes differences among nobody'.

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But there is great probability that things had then already come to such a pitch, that they could no longer continue as they were; for the idea of difference depends on many prior ideas, which could only be acquired successively, and cannot have been formed all at once in the human mind. Mankind must have made very considerable progress, and acquired considerable knowledge and industry which it must also have transmitted and increased from age to age, before it arrived at this last point. Let us then go deeper, and endeavour to unify under a single point of view that slow succession of events and discoveries in the most natural order.

I

According to Rousseau, the inequality which now prevails in human society owes its strength and growth to the development of human faculties, and became permanent and legitimate with the establishment of property and laws.[3] It is the argument of this essay, however, that the foundations of inequality lie less in property than in human diversity, or in the human tendency to differentiate from some while associating with others to form groups.[4] The diversity which results from association and differentiation makes equality unattainable. Diversity and equality are incompatible, and attempts to promote one can only be made at the expense of the other. In these circumstances, we should abandon the ideal of equality as incapable of offering us an adequate understanding of the nature of the good society.

The essay is organized in the following way. In section II, which follows, I try to show why diversity poses a problem for equality, and why the pursuit of equality can only come at the cost of the suppression of diversity. I shall further argue that we should abandon equality as an aim because the suppression of diversity brings with it problems of its own, and, in the end, does not bring about equality, but simply creates different inequalities.

Section III then turns to consider an objection to this argument. This is the objection that not all forms of equality are susceptible to this critique. More particularly, the desirable and attainable form of equality is equality between diverse groups, rather than equality among all individuals within and across different groups. Indeed, this objection goes, equality requires the strengthening of groups by granting them special rights. Against this view I argue that it not only constitutes a weakening of the egalitarian ambition, but also a more serious assault on diversity than is recognized.

Section IV considers a different objection. This is the argument that, while equality might compromise diversity, this is not a serious concern. At worst, there may be a small reduction in diversity; but this is more than compensated for by the securing of equality. Against this view I argue that equality requires a more serious compromising of diversity than this objection suggests.

Section V concludes with some remarks about the moral significance of diver-

sity, and why equality is of lesser importance. It ends with some speculations about the prospects for diversity at a time when inequality is becoming less tolerable.

II

Any effort to deal with the issue of equality must begin by asking the question: 'Equality of what?' Human beings can be equal or unequal in a myriad of ways; but egalitarians, while they have defended different kinds (or bundles) of equality (or equalities), have been attracted to a much smaller number. They have not, typically, been interested in equalizing beauty,[5] or in equalizing happiness (or misery).[6] But they have been interested in other equalities: in equality before the law; in equality of status; in equality of wealth or of income or resources or capabilities; in equality of welfare or of opportunity for welfare; and in political equality. Some egalitarians have argued that simple equality does not capture their commitments, and have offered theories of 'complex equality'. Michael Walzer, for example, has argued for a pluralist conception of equality in which different principles of distribution apply in different 'spheres of justice',[7] while John Baker, in maintaining that equality is 'a complicated idea', has defended principles of equality which include principles of satisfaction of basic needs, equal respect, economic equality, political equality, and sexual, racial, ethnic, and religious equality.[8]

But there is another question which is no less important than 'Equality of what?', and that is the question: 'Equality of whom?' This question is important because the scope of any principle(s) of equality is not self-evident. Principles of equality might be held to apply to all of humanity; or they might be thought applicable only to those members of a particular political society; or they might be restricted further still to apply only to free, adult, citizen males in a society (and not to cover those who are slaves, children, foreigners or women).[9] Egalitarians differ on this issue: some think equality should be pursued primarily within one's own society (though many argue that this would also provide the basis for moving toward greater global equality); others, however, think that there is a more immediate and direct obligation to include all of humanity in the pursuit of certain forms of equality.

This question of the scope of equality is important not only when egalitarians are faced with the challenge to extend their principles beyond national boundaries. It is also important within a single political community. The reason for this is that political societies are frequently made up of many different groups or communities. So the question of the scope of equality is a question about who is equal not only because individuals can be equal or unequal, but also because groups can be equal or unequal. A society which upholds equality might thus be equal in many different ways. It may be that the different groups in the society are equal because they are equally wealthy, or equally powerful; or it may be that

all individuals in the society are equally wealthy, even though there are inequalities of status and political power among the different groups; or it may be that the groups in society are equally wealthy and powerful, but there are significant variations between groups inasmuch as some distribute wealth and power among their members much more equally than others.

In view of the variations which are possible (as indicated in the matrix in Figure 1) in any society marked by a diversity of groups, it is important to ask what is the scope of any proposed principle of equality. The pursuit of equality between groups but not individuals would yield a regime of equality of inegalitarian groups (cell 2); while the pursuit of equality among individuals but not between groups would yield a regime of inequality of egalitarian groups (cell 3). The successful pursuit of equality among individuals and between groups would yield complete equality (cell 1); but indifference to equality would most likely yield general inequality (cell 4), though not complete inequality, since there may be some egalitarian groups within the society.

	Individual equality	**Individual inequality**
	1	**2**
Intergroup equality	Complete equality	Equality of inegalitarian groups
	3	**4**
Intergroup inequality	Inequality of egalitarian groups	General inequalities

Figure 1

Given these alternatives, the first thing that has to be said is that complete equality is almost unattainable in any society marked by diversity. This is not because perfect equality is unattainable; egalitarians have seldom, if ever, argued for perfect equality, since they have readily conceded that, even if it could be established, it would quickly be ended by people's behaviour. If there were perfect equality of wealth, this would change the moment some decided to consume their portion, others to save, and yet others to engage in trade — not to mention those who decide to die, or chance to be born. (Perfect equality of status would end as soon as someone was admired; and perfect equality of power would end as soon as someone was given responsibility.) Nor is the argument here that complete equality is strictly unattainable for sociological reasons: because hierarchies are inevitable, and dominant powers will defend their privileges (though there is much truth in this). Egalitarians readily reply that this is an aspect of the inequality they are combating, but maintain that the fight is worth fighting, even though the odds are against the elimination of all privilege.[10]

The reason complete equality is almost unattainable in a society marked by diversity is that people in such a society come attached to groups. Complete equality is attained only if there is equality among individuals in society and equality between groups. Yet if there are even small differences between groups, it becomes difficult to maintain both individual equality and group equality. Imagine, for example, a society made up of two groups, one of which has 100 members (the Minnows) and the other of which has 1000 members (the Pikes). If the equality in question is equality of wealth, and the desirable distribution is individual equality, the Minnows should have 100 units of wealth and the Pikes 1000. If, however, the desideratum is group equality, each group should receive 550 units of the available 1100 units of wealth — though this would make each Minnow 10 times wealthier than any Pike. Simple numerical diversity is enough to cause this problem in principle. In the complexity of the real world, however, it is even easier to find instances of this problem.[11]

For example, the use of preferential policies to address inequalities of opportunity between groups may work to increase equalities between the general level of benefits enjoyed by particular groups as wholes, but at the expense of equality between individuals in society. Favoured individuals in poor groups may thus grow wealthy, making for wider differences not only between them and the poor of the richer groups, but also differences between them and the poor of their own, poor group. Thus, the richest Aborigines in Australia are richer than most Australians, and richer still when compared with most Aborigines, even though Aborigines as a group are among the poorest communities in the country. Similarly, in Malaysia, the preferential policies which benefit the Malays have raised the general level of Malay wealth, but have also helped to make some Malays millionaires — and many times wealthier than fellow citizens of Malay, as well as of Indian and Chinese, descent.

The impact of difference on equality emerges as even greater when the extent of diversity in society is brought into focus. Leaving aside differences stemming from attachments to institutions or professions or neighbourhoods, a society such as the USA includes Mormons, Hutterites, African Americans, Pueblo Indians, Amish, Hasidim, Muslims, and Californians, to name just a handful of the distinctive groups to be found in that country. Even without taking into account the divisions within many of these groups, the problem facing anyone looking to bring about greater equality is that these groups are not all equally well disposed toward or interested in equality. Many of these groups exist as separate communities with their own particular cultural standards and moral concerns.

Some groups are highly egalitarian. The Kung San people of southern Africa (according to John Baker) live in highly egalitarian communities, not only because inequalities of wealth are small,[12] but also because there is greater equality of status than is common elsewhere.[13] Hutterite society is similarly egalitarian, in large part because individual private property is not a feature of their social structure. Among other groups, however, there may be significant

inequalities of wealth and income, but no correlation of income with status. A Brahmin, particularly in rural India, may be poor (indeed, much poorer than a wealthy man of lower caste) but have much higher status.

In a society in which this kind of diversity prevails, general equality (whether of status, or income, or wealth) becomes problematic. There are several reasons for this. For one thing, some of these groups may simply be uninterested in equality (or, perhaps, be uninterested in some inequalities) within their communities. Mormon societies, for example, may be quite indifferent to inequalities of wealth, but very conscious of equality when it comes to community service. Other groups, however, may be quite conscious of intra-group inequalities, but indifferent to the disparities between the wealth or status of their members and that of outsiders. The Amish, for example, who reject the pursuit of material wealth and are wary of its corrupting effects, are undismayed by the affluence of other Americans. Nor are they much concerned by political inequality, since they want no part of life outside of their own communities. Yet other groups may be uninterested in equality because they are ignorant of ways of life beyond the community. The Indians of Brazil or the Orang Asli (or aboriginal people) of Malaysia, lacking any conception of life in the modern world, have no desire to embrace it, and are often the unwilling victims of attempts to bring them into it.[14] Even if they were interested in equality, however, some groups might prefer (or have no choice but) to endure inequality because they are not prepared to pay the price of equality, since that choice may require a compromise of a particular way of life. The Aborigines of North Queensland who rejected the proposal for the establishment of a mine by the Century Zinc company did so, not because the A$60 million compensation was inadequate, but because they decided that they would rather forgo the money than have their cultural environment disrupted, even though their condition was one of considerable poverty by most standards.[15] (On the other hand, people from some groups are prepared to put up with great inequality in order to leave the community. Immigrants, typically, suffer a dramatic drop in living standards, particularly when they move to very different societies, since human capital is not always readily transportable. A scientist in Vietnam or a doctor in Afghanistan may find himself starting at the bottom as an immigrant, working as a waiter in Sydney or driving taxis in New York.)

In some cases, however, a group may be interested in becoming more equal with the other groups in society, but be hampered by its very nature or ‘cultural structure’. Even if the Amish were interested in acquiring greater wealth, the horse and plough driven with enthusiasm are not going to generate great surpluses. Or at least, none to compare with the product of modern agribusiness. Even if technological innovations are employed, a community’s social organization may not accept the division of labour which is necessary for productive and profitable management techniques. Worker participation and collective decision-making may bring many satisfactions, but wealth is unlikely to be among them.

There are, in fact, numerous groups whose various ways make the prospect of

their becoming equal decidedly remote. This is because these groups display a diversity of attitudes to wealth (what it is and how it is distributed), to status, to income, to choice, to opportunity, and generally to well-being. Diversity (or, more specifically, differentiation) is, quite simply, an obstacle to equality.

The question then becomes: should diversity be repudiated, if it is the basis of inequality? A full answer to this question would require an account not only of the value of diversity, but also of the value of equality.[16] For the moment, however, I wish only to argue against the rejection of diversity and, so, against enforced equality. The most important reason for not repudiating diversity is that it is so fundamental a feature of the human condition that any serious attempt to suppress it will lead to injustice and the disruption of individual lives. This is not to say that diversity does not have its downside. Differentiation is the basis of conflict; and group differentiation is the basis of group conflict. Nonetheless, the tendency to differentiate and to form groups is so deeply ingrained in human conduct that it is ineradicable.

Why do people form or join or remain in different groups? According to John Harsanyi, human conduct is governed by two primary motives: economic gain and social acceptance. If so, one of the motives for group membership is economic. An undifferentiated society made up only of individuals who are not also members of different sets is a difficult society in which to operate — unless it is a very small society. If individuals are not distinguished into groups, the cost to others of informing themselves of the nature and conduct (and probable intentions) of those individuals goes up, as does, consequently, the cost of transacting business with those individuals. Equally, given the different standpoints which might plausibly be taken on a variety of questions, ranging from personal affections to aesthetic tastes to moral judgements, it is unsurprising that individuals should seek to economize by adopting packages which come with group membership. Those who find themselves (whether by birth or by choice) in a particular group would find it costly to leave even if they disagreed with it on one particular matter, if only because they may be in agreement with much else. The cost of finding another group which endorses the right package may be very high. In this, as in so much else, individuals will adopt a satisficing[17] strategy, opting for membership in groups which endorse a package of beliefs and practices they can accept, even if it is not one which maximizes their utilities. A social structure dominated by group membership thus has the advantages of minimizing information, and so transaction, costs through the supply of standards of conduct. Groups also make a difference to the extent that they are jealous of their reputations. This again contributes to the ease of operation in the society for individuals in so far as it supplies information about individual conduct which would otherwise be costly to obtain.

The appropriate literature to draw upon here is the literature of transaction cost economics. The central explanatory hypothesis of transaction cost economics is that ‘governance structures having lower transaction costs will be adopted, other

things being equal'.[18] The key issue for transaction cost economics is the choice between market exchange and hierarchy. In this literature, 'market exchange' means a transaction between two independent owners of assets, while 'hierarchy' (the alternative to market exchange) is an arrangement whereby one agent takes over ownership of all relevant assets and supervises the activities of the other party.[19] Market exchange is most likely when bargaining costs are small (for example, if assets are short-lived), but hierarchical distortion would be large (effort is costly to monitor or management costs are high). Hierarchy is more likely, however, when bargaining costs are high, but hierarchical control is easily achieved.[20]

In a world of large numbers of individuals, but without groups, bargaining costs would be high. There are three kinds of bargaining costs. The first is the cost imposed by coordination failure, which might arise when individuals adopt several different patterns of mutually consistent, self-interested behaviour, but markets fail to ensure coordination. A second kind of bargaining cost is measurement cost: the cost of calculating the benefits of exchange. A third source of bargaining cost, and perhaps the most important, is the cost of information about the preferences of other parties.[21] In the circumstances of high bargaining costs, it would make sense for individuals to associate in groups, or for rootless individuals to join groups. For groups resolve for the individual the coordination problems which would confront him as an isolated actor in an undifferentiated market by enabling him to economize on information, to overcome the problems posed by his ignorance.

The benefits of this membership remain even if the individual who joins a group has to enter a subordinate position in a hierarchical structure. There are several reasons why a person might be willing to enter into a form of association in an inferior position. One is that the worst outcome of entering such an association is good enough to make it worthwhile. Another, however, is that the persons or the association to which the individual is subordinate often has a reputation to protect or enhance, a reputation which turns on how it exercises authority. If that authority is exercised so badly that it is to the disadvantage of the subordinate individual, it may prompt flight from that association.[22] Thus, even an individual in a weak or subordinate position may have enough power, given the structure of incentives when reputation matters, to secure good treatment.

The cost of information and the value of reputation go a long way to explaining why humans enter, and prefer to deal with associations or groups. We can see this, for example, in the success of the most recognizable fast-food outlets (McDonald's, Pizza Hut, KFC, and so on) which depend upon their reputation for providing standardized items reliably. Particularly in conditions of uncertainty, or when search costs are high, people prefer chains, even when there are to be found high-quality, non-standard restaurants offering variety and atmosphere.[23]

The same reasoning holds in the world more generally. The cost of examining

and deciding every case on its merits is too high for individuals not to break off into smaller cooperative units. The diversity of such units or groups, however, reflects the variety of human circumstances as well as the differences among individuals in perception and risk aversion. Given such differences, the human condition must be one of cultural and moral as well as of economic and organizational variety. Transaction costs give rise not only to the firm, but also to societies.[24]

With this diversity comes inequality. The reason, however, is not, as Rousseau suggested, that the division of labour makes humans interdependent and brings about property.[25] It is, rather, that, between groups or societies there will be inequality because different practices will produce different outcomes: some groups will be larger than others, some will grow wealthier, and some will simply die. Over time, minor differences may be amplified, as 'path dependence' leads groups or societies in different directions, and to different levels of prosperity.[26] The very interaction of people with one another, and their capacity for 'tracking a complex flow of action', as well as 'responding appropriately within such a flow', produces diversity;[27] and this sets societies and cultures on different paths.

Within some societies there will be inequality only because it is unlikely that they will all adopt some egalitarian social arrangements, and even less likely that they will all be egalitarian in all respects. Even though anthropological evidence reveals egalitarianism within traditional Aboriginal societies of Australia (which were characterized by 'anarchy, free access to natural resources, [and] egalitarian mutuality'[28]), it also reveals important dimensions of inequality. Between clans and bands there was equality since the clans were not stratified and owed no allegiance to a sovereign.[29] Within the groups, however, there were important differences between the three 'estates': men, women, and novices or youths. Between older and younger men there was sexual inequality; between men and women there was religious inequality.[30]

In this particular case, property is neither a cause nor a concomitant of inequality (since Aboriginal society was characterized by free access to natural resources). This suggests, most obviously, that the connection Rousseau draws between property and inequality is not a necessary one. Inequality is quite possible without property, indeed, without metallurgy and agriculture. But this also reveals that in a diversity of societies, there is no reason to think that a single type of property will emerge. Ownership might emerge in some societies in 'fee simple' property; in others as rights of usufruct; in some as collective properties; and probably in most as a mixture of all of these, and perhaps some other forms of property as well. In such circumstances, inequality of wealth or income will be evident not only because of differing levels of entitlements, but also because of different kinds of entitlements.

In the Kirene village of Senegal (before 1972), for example, an account of the social structure would reveal quite a complex system of property and equality (or

inequality). While property and wealth could be accumulated, much of this reverted to the collective upon the death of the owners. As a result, while there were often considerable differences in current real living standards, income differences were transient, tending to be dispersed through inheritance patterns. The absence of a monetized economy also had a significant bearing on this feature of the society.[31]

In the face of this kind of diversity, the pursuit of complete equality is an implausible undertaking. Even to attempt to accomplish equality among individuals would require (forcibly) overriding the practices and institutions of a variety of groups. The reason this overriding must take place if equality is to be put into effect is in part that many of these practices are the sources of inequality. But there is a deeper reason that the pursuit of equality requires the overriding of practice. In order to conceive of equality across a variety of forms, a common denominator or metric must also be conceived. The diversity of ways and of values must be brought under a single measure so that when benefits and burdens are to be redistributed equally there is a metric by which the distribution can be judged.

This point is seen very clearly by Ronald Dworkin in his justly famous paper, 'Equality of Resources'. Dworkin points out that 'an equal division of resources presupposes an economic market of some form, mainly as an analytical device but also, to a certain extent, as an actual political institution'.[32] In the argument that follows, Dworkin shows that, if there is a vast variety of goods and services in society, there must be a device for setting prices. Markets are needed to set prices. In setting up his own case for an equal distribution of resources, he needs a way of establishing, if not the worth, at least the price of all the possible goods and services available for distribution. This leads him to construct the imaginary auction that is at the heart of his theory, and which forms the basis for his egalitarianism. 'Equality of resources supposes that the resources devoted to each person's life should be equal. That goal needs a metric.' And, he adds: 'The auction proposes what the envy test in fact assumes, that the true measure of the social resources devoted to the life of one person is fixed by asking how important, in fact, that resource is for others'.[33]

The problem is that, in a society marked by a diversity of ways, the very idea of such a metric makes no sense. In communities such as those of the Kirene, or of traditional Australian Aboriginal society, for example, the marketized value of the 'resources' they have in their possession may not be encompassed by their understandings of the worth of these 'resources'. Century Zinc, the Australian government, and the majority of non-Aboriginal Australians might see in the lands off the Gulf of Carpenteria several hundred million dollars of export earnings, while the owners see only sacred sites and homelands. The egalitarian must, if he is as clear-sighted as Dworkin, insist that these lands be viewed as social resources whose value is established by market mechanisms which determine how important those resources are for others. Yet there is surely a problem here.

There is a problem, most obviously, when a small group is in possession of a resource which has great 'market value', but which has no such value to the group because it is a non-market society or one which is only partly integrated into market society. If equality demands a more equal distribution, either that resource would have to be liquidated and redistributed, or the owners would have to be taxed and any surplus over and above their fair (and equal) share re-distributed. Yet if the owners are a non-market society, they may not be able to pay the relevant taxes without selling, so only the first option may be feasible. The problem here is not that this is unjust. Whether it is depends on the theory of justice invoked. The problem is that some ways of life are governed by different norms of social justice, not only because the distributions of benefits and burdens within the community are governed by different standards from those of the wider society (or other communities), nor simply because equality is differently valued, but because understandings of what things may properly be made the objects of distribution differ quite radically. Not everything can be reduced to a monetary value.

Now, two objections may be raised against this example. The first is that it is misleading because Aboriginals tend to be the most seriously disadvantaged in society, so the idea that they should give up their sacred lands is naturally seen as outrageous. Yet the principle of equality of resources would never require that since, even with economically valuable sacred lands, they would still be below the average in the overall resource holdings. This objection evades the point. The problem arises only (and precisely) in those cases where Aborigines would be above average if their lands were sold (or if the market value of the land were used to determine the level of their resource holdings).

The second objection, however, is that the Aborigines have no case if their lands really are that valuable. The whole point of the theory of equality of resources is to say that people should be aware of, and take into consideration, the costs of their preferences for the lives of others. The Aborigines should consider the fact that their resources may be vitally important for the lives of others.[34] This argument is a powerful one. But it depends on an assertion which may be questionable from the Aboriginal point of view — that justice is substantially (even if not wholly) about the (equal) distribution of resources whose value is calculated in monetary terms.[35] For them, not everything may properly fall within the scope of a distributive calculus: lands, sacred objects, and bodies may be regarded as inappropriate for consideration as resources. Such a view would, of course, be at odds with a view of justice which took everything as a legitimate candidate for distributive calculation, such as the Rawlsian view that even bodily assets and talents have to be put into the common pool (even if only notionally). The point here is not that this view is wrong, but simply that it runs up against those views found in some other traditions which uphold different understandings of justice. The pursuit of equality, in such circumstances, can only be served by subordinating or disallowing those other understandings.

In the end, for the group in question the objection to the use of any equalizing metric to evaluate (or reorder) their society may be that it violates internal standards by which the group lives (which may well be egalitarian standards which utilize a different egalitarian metric) and that go unrecognized by the outside world. Even if those standards are inegalitarian, however, there may be a problem of justice in attempting to judge a community by standards it does not accept, or even recognize.[36] To the outside world, Hutterite society, for example, may appear to be a 'rampant dystopia', riddled with 'structural violence', while to the Hutterites there may be 'a high degree of structural and cultural harmony present that symbolically maps reality through all aspects of Hutterite life, a life characterized by strict orthodoxy, discipline and uncompromised communal living'.[37] An equalizing metric may have no moral relevance to Hutterite society. This problem cannot be resolved by adopting a different metric, or by offering a different answer to the question, 'Equality of what?' Amartya Sen, in his extensive writings on equality and inequality, as well as in his work on the standard of living, poverty and hunger, suggests that what matters for human well-being, and the freedom to pursue well-being, is the distribution not of Dworkinian 'resources', or Rawlsian 'primary goods', but of 'capabilities'.[38]

The well-being of a person, according to Sen, is a matter of that person's achievements, understood as a vector of his 'functionings' (or 'beings and doings'). The relevant functionings can vary from such things as being adequately nourished, or in good health, to being happy, having self-respect, and taking part in the life of the community. 'The claim is that functionings are constitutive of a person's being, and an evaluation of well-being has to take the form of an assessment of these constituent elements.'[39] 'Capability' refers to the various combinations of functionings that the person can achieve, and is, thus, 'a set of vectors of functionings, reflecting the person's freedom to lead one type of life or another'.[40] The relevance of a person's capability to his well-being arises from two distinct, but interrelated, considerations. 'First, if the achieved functionings constitute a person's well-being, then the capability to achieve functionings (i.e., all the alternative combinations of functionings a person can choose to have) will constitute the person's freedom — the real opportunities — to have well-being.'[41] Second, achieved well-being may itself depend on the capability to function, since 'choosing may itself be a valuable part of living, and a life of genuine choice with serious options may be seen to be — for that reason — richer'.[42] The critical feature of Sen's theory is that the capability approach emphasizes the importance of freedom to pursue well-being, and regards this freedom not simply as an instrument, but also as a constituent of well-being, in so far as deciding and choosing are also parts of living.

Yet, while Sen is surely right to argue that his idea of 'capabilities' offers a far more plausible candidate for the object of equalization than do the alternatives he rejects, it does not get around the problem posed by the diversity of subjects of equality. For one thing, some societies or communities depend for their con-

tinued existence upon inequalities of capability. The traditional Aboriginal society described earlier supplies an instructive example. First, in this society, capability is not important to the extent that, within the society, there is little (if any) sense that activity is chosen or that choice renders activity valuable. In part this is because this is a society in which the course of cultural development has limited the number of 'serious options'. But, in fact, the idea of choosing among options (in any but the most trivial sense) is quite alien. In this society, conformity is second nature, for the religious traditions, manifested in and perpetuated by the complementary cults of Aboriginal men and women, inculcate a doctrine of the structural and historical unity of society and nature, thus shaping individual character by repressing waywardness and intractability.[43] Sen's concept of capability presupposes an appreciation of individuality which is entirely absent in Aboriginal society.

Second, even if the notion of capability could plausibly be employed in this context, equality of capability could not, for while the traditional Aboriginal society in question is egalitarian with regard to material goods, it is deeply inegalitarian in matters pertaining to religion — matters which, in this society, are of far greater importance. While both men and women perform rites from which the other sex is excluded, the cult life of women is held in low regard ritually. The men's cults, despite their secret core, require the active participation of the community at large. In this culture, as Maddock explains, 'Women belong to society, but matters of vital concern to society do not belong to women; the paradox so created calls for rationalization and this is given dramatically in rites and epically in myths of enforced ignorance'.[44] But this inequality is further reinforced by the social structure, in which women are at an early age drawn into marriage (to older men) and child-bearing and domestic labour, while boys at the same age are drawn into the religious life, competence in which is crucial in manhood, but excluded from domestic life and sexual activity.

Any pursuit of equality of capabilities would have to transform such a society. Any attempt to transform it, however, would create two related problems. First, there is the problem of the dislocation members of this society would suffer if equalization of capability were attempted. Second, this would bring about inequality between individuals in this community and members of the wider society in so far as the context in which they had capabilities no longer existed. The point here is not simply that equality should not be enforced upon unwilling beneficiaries; many egalitarians accept this. The point is, rather, that equality, even in its most sophisticated variants (such as that of Sen), runs aground on the rocks of diversity. And, this is even without considering the difficulties posed by the fact that, for some people, the good of their group matters more than the good of individuals. Sen's capability argument ignores the possibility of people's interest in (or preference for) equality of group capacity, rather than equality of individual capability.

At bottom, the problem for the egalitarian, who wants to view the good society

as one which reflects the equality of people who can only be found scattered across a diversity of communities or societies, is that people differ in ways which make equality unattainable. Most significantly, they differ in the ways, and extents to which, they value individual well-being. Some societies or communities or cultures value it little, or not at all. In this regard, it will always be a mistake to talk about equality of individual resources, or individual capabilities. This is not to suggest that value is to be located elsewhere than in individual lives or that something matters more than (or rather than) how individual lives go.[45] It is, however, to warn against what Ernest Gellner, referring to ethnomethodology, called 'the Californian way of subjectivity': a form of inappropriately individualistic thinking.[46] It is a mistake to think that because what matters ultimately is how individual lives go there should also be a standard by which we might judge whether or how far all individual lives are going equally well.

This point is worth making also because there has been no shortage of attempts to transform society by seeking out standards along which people might be equalized, or their lives standardized. The history of 'modernization' in the Third World is in good part the story of governmental efforts to bring order into the chaotic world of diversity by imposing standards by which differences can be measured, and deviations monitored. As James Scott observes, the 'functionary of any large organization actually "sees" the human activity of interest to him largely through the simplified approximations of documents and statistics: for example, tax proceeds, lists of taxpayers, land records, average income, unemployment numbers, mortality rates, trade productivity figures, the cases of cholera in a certain district'. And these typifications are indispensable to statecraft.[47] Yet if we hope to be sensitive to the different ways in which human beings, in their various communities and associations and traditions, see the world, and pursue the good life, we should be wary of efforts to establish uniform standards of evaluation.[48]

Diversity, it would seem, presents a serious problem for equality. The existence of diversity is not only inescapable, but also reflective of the fact that people pursue the good life collectively, but in different ways, not all of which value equality in the same way, or at all. If diversity is to be accepted, then equality must be abandoned. It must be abandoned as a practical goal because its pursuit demands a serious disruption of the lives of peoples who view equality differently or who value equality differently. It must equally be abandoned as a philosophical idea to the extent that it is a task of political philosophy to describe the nature of the good society. For, if a good society is marked by the kind of diversity I have suggested, equality has no role to play in describing it.

Yet, egalitarians will undoubtedly disagree. Even if they concede that complete equality is unattainable, they might still argue that this is to misunderstand equality, and that there are other, more plausible or coherent forms of the egalitarian idea which are consistent with diversity. So let us turn to consider some of these arguments.

III

In the preceding section, I argued against the plausibility of complete equality, suggesting, first, that individual equality and group equality were incompatible; and, second, that the diversity of groups made it unlikely that a society of different egalitarian groups was achievable. This argument effectively ruled out cells 1 and 3 in the matrix presented in Figure 1, as possible candidates for a plausible theory of equality. It remains, therefore, to consider the option presented in cell 2: equality of inegalitarian groups. The argument of this standpoint is much more sensitive to the fact of human diversity, and is also cognizant of the fact that individuals are attached to groups. It seeks not simple equality between individuals of different groups, but equality among groups. In its most sophisticated variants, this view suggests that it is only through an appreciation of the diversity and the moral importance of groups that we can, in fact, achieve any worthwhile kind of equality among individuals. Nonetheless, this ideal is an implausible one; for, once again, the fact of diversity proves to be an obstacle to equality.

Viewing the matter in the most simple terms suggests some obvious problems for the pursuit of equality between groups. Perhaps the most obvious is the problem posed by differences in size. In any political society, small groups are usually going to be politically and economically weaker as groups. This is not inevitable, since there are too many cases of minorities ruling the majority: in South Africa under apartheid, in post-independence Burundi and Rwanda, and in post-independence Malaya (when Malays were still a minority of the population, and the poorest of the ethnic communities). Nevertheless, in most countries, the groups which are significantly smaller than others are usually much the weaker politically, and often poorer as groups. Often, this is due simply to the fact that small groups, even of wealthy individuals, cannot compete with large groups of poorer ones, since the large group needs to demand only a small sacrifice from each individual to gather significant political resources. In democratic societies, in which votes are a political resource, group size is even more important.

But other aspects of the nature of the group can also tell against any hope of equality of the group with others in society. Some groups, by their traditions, shun political involvement and so give up any hope of political equality. The Amish do not seek subsidies for their way of life; but for the exemptions they seek they can draw on few political resources. They do not generally vote, and never stand for public offices: thus, they have little political capital. Other groups, however, may be politically weak for different reasons. The Pueblo Indians, for example, are politically weak to the extent that, politically, the Pueblos have never been united, and each village or pueblo is an independent unit. While the All-Pueblo Council is (according to the Pueblo) the oldest intertribal organization in the USA (formed during the Pueblo Revolt against the Spanish in 1680), it has had only a sporadic existence. This is because when there are no common problems ‘the Pueblos cherish the autonomous character of their

home communities and respect the independence of other pueblos'.[49] Consequently, the All-Pueblo Council has never emerged as an essential, or as a viable, organization for the Pueblo, who do not cooperate politically, even though they cooperate freely in ceremonial life.

Indeed, sometimes groups may be weak politically because they are internally diverse. Again among the Pueblo, for example, there is considerable linguistic diversity (with some of the languages being mutually unintelligible) as well as diversity of political, social, and ceremonial organization.[50] This internal diversity goes a long way toward explaining why the Pueblo have united on only two occasions in their long history: once in 1680, and then again in the 1920s to defeat a bill threatening to give free title to non-Pueblo squatters on Pueblo land.

Sometimes the politically debilitating effects of group diversity are exacerbated by the fact that the group is geographically dispersed and small in number. This is clearly the case with the Australian Aborigines, who comprise less than 2 percent of the Australian population, are divided into different groups, speak different languages, and are spread over a continent almost the size of the USA. Among the most important obstacles to political unity has been the internal diversity of the group; and an important reason for this internal diversity has been the geographical separation of the group, which has given its different members a wide variety of customs and traditions, as well as historical experiences — not the least important of which were their varying experiences of contact with the Europeans.

The insular nature of many groups (and, indeed, subgroups) introduces another difficulty for any attempt to bring about greater equality among groups. Group membership, in producing this insularity, often brings about an indifference of members to people of other groups. In this regard, even when groups have traditions or practices which have strong egalitarian dimensions, these often reflect a concern with intragroup equality, but not intergroup equality. Robert Frank's study of the importance of status in human conduct brings this out very clearly. Human beings, he suggests, care less about their relative standing within the world, or even within the society, than about their standing among their peers, or within the relevant group of which they are members.[51] They do not mind inequality with outsiders in bigger ponds, provided they can find equality, even if not higher status, in their own ponds. If this is indeed so, then one danger of the pursuit of intergroup equality is that it may lead to intragroup inequality, and so to the destabilizing of the group. This is most likely to happen to the extent that intergroup equality is achieved through cooperation with the elites within the group. Commonly, the benefits gained by the group are most easily accessible by the elites, who also come to have more in common with other elites than with members of their own community. This creates resentment within the group, whose members become conscious of the inequalities which emerge within their ranks.[52] Yet this is virtually unavoidable in the pursuit of intergroup equality.

Given the insurmountable nature of these obstacles to simple forms of equal-

ity, it is unsurprising that more sophisticated theories of equality have been devised to press the case for equality of groups. These alternative theories are theories arguing for equality through the recognition of group rights. Groups might be made more equal not by measures taken to make them equal in all respects, but, instead, through measures to eliminate certain critically important inequalities. Thus, equality might require the granting to particular groups any of a number of special rights, ranging from language rights, and land rights, to rights of political representation and even self-determination. The most fully developed theory here is that of Will Kymlicka, and the analysis and critique which follows will focus primarily on the arguments presented in his extensive writings.

In Kymlicka's theory, special rights should be granted to certain groups to correct the inequalities they suffer due to their particular circumstances. The argument he offers is a modification of the Dworkinian theory of equality of resources. Like Dworkin, he suggests that equality demands that individuals have equality of resources; but, unlike Dworkin, Kymlicka believes that equality of resources requires that special provision be made for those whose resources turn out to be inadequate if they find themselves living as members of a minority community, perhaps even one which is scattered throughout the larger society.[53] Aboriginal peoples, or ethnic or linguistic minorities, for example, might find themselves in such a circumstance. Their unequal condition would be a reflection of their unequal resources given the real nature of their circumstances. For they need additional help or advantages of some kind in order to maintain the social structure necessary to make choices, to pursue goals — to live. Equality means rectifying unchosen inequalities.[54]

For this reason, equality would be served, for example, if particular groups were granted language rights. This might, perhaps, require the government to provide public schooling in a minority language, to avoid condemning that language to marginalization. More generally, it may be necessary for governments not only to recognize languages, but also to draw boundaries and distribute powers among groups. We should, Kymlicka argues, 'aim at ensuring that all national groups have the opportunity to maintain themselves as a distinct culture, if they so choose'.[55] In the end, 'group differentiated self-government rights compensate for unequal circumstances which put the members of minority cultures at a systemic disadvantage in the cultural market-place, regardless of their personal choices in life'.[56] And in general, in so far as existing policies in a society support the language, culture and identity of dominant nations and ethnic groups, Kymlicka argues, 'there is an argument of equality for ensuring that some attempts are made to provide similar support for minority groups, through self-government and polyethnic rights'.[57]

One initial observation that has to be made about this approach is that it is a fairly modest approach to the question of equality in so far as it does not seek more than a basis for redressing cases of unfairness or disadvantage in society. Yet if this theory is viewed as a theory of equality, the problem from an egali-

tarian point of view is that it is too modest, since it can deliver very little equality. The first objection it is open to is the standard objection mounted against the idea of equality of opportunity: that it means, in the end, equality of opportunity to become unequal. In this case, the equivalent objection is mounted against the idea of giving certain minority groups the help needed to maintain the social structure necessary for their members to make choices. But what this still means is that, in the end, some groups will survive and others will die, since nothing which leaves individuals free to abandon the group can ensure that it will endure. There is no way of ensuring equality of survival chances, for some will not survive. More serious attempts to ensure equality of opportunity for survival, however, run the risk of intruding into the lives of groups (by restricting members to activities which do not threaten group stability).

Yet even if we lower our expectations further, the special rights approach will not deliver very much equality. The granting of language rights, for example, is a case in point. Even if governments take steps to ensure that minorities can preserve their languages, there are limits to the benefits this can bring. Small groups are simply going to be disadvantaged to the extent that their numbers cannot support the variety of activities in which people engage without going beyond the linguistic group. There may not be enough people to supply the writers, newspaper editors, television journalists, radio-show hosts, and teachers in the vernacular to sustain the language. In the modern world, the division of labour is not equally hospitable to all forms of diversity.

To the extent that language policy does succeed in allowing some groups to see their languages in use, however, it will not do so equally. Larger linguistic groups will have the advantage over smaller ones; and policies aiming at linguistic equality may benefit large minorities at the expense of small ones. For example, in a society in which three languages are spoken, one (say English) may be dominant or nearly universally spoken, another (say French) may be spoken by a significant minority, primarily in a particular region, and a third may be spoken by a small minority. Linguistic 'equality' may, in fact, impose the heaviest burden on the smallest minority. The English speakers may be able to get away with learning only one language, as may the French; but the smallest minority, especially if it is located within the French region, may have to learn two or three languages if it is to survive. It may be better off if there were only one other dominant language to learn, since that would leave the members with more resources to devote to preserving their own. (My argument here, it should be stressed, is not an argument against policies accommodating linguistic diversity; it is only an argument to suggest that they may not serve equality.)

This problem points to a more general difficulty with the idea of pursuing equality by awarding special rights to groups. Groups often contain subgroups, which may coexist in an uneasy unity that remains stable because the different subgroups have enough of a common interest to keep their differences buried. Special rights aimed at bringing about equality, however, may accentuate divi-

sions and so generate new group inequalities, this time between what were once subgroups. In Australia, for example, the making available of resources for migrants (who endure inequalities resulting from their conditions as new arrivals) quickly generated conflicts among the major ethnic communities over the distribution of the resources. With important rents to be gained, conflicts were sometimes bitter and generally disruptive of previously harmonious community organizations. Discord aside, however, it also happened that the larger and more resourceful ethnic organizations benefited disproportionately.

A similar story can be told about the experience of the Salish community, who were given special fishing rights which should have made them more equal with the rest of society. Yet, the effect of the rights was to accentuate already existing inequalities within Salish society between marine and riparian fisher folk, and, ultimately, to divide the community.[58]

The fact that groups are often made up of smaller subunits points to another important feature of groups which poses a problem for the pursuit of equality: groups are fluid. This is to say that they change their character — often in response to economic and political circumstances. Groups are not just cultural entities; they are also political and economic ones. To the extent that the promotion of equality alters the political and economic environment, it can also affect the nature of the group. For example, a policy aimed at promoting equality by offering special university places to Aborigines will not only offer an incentive for Aborigines to enter higher education, but will also offer an incentive for those wanting a higher education to regard themselves as Aborigines. One does not have to imagine any far-fetched scenarios[59] to see that this is possible. People of mixed descent have often abandoned one possible identity by identifying with only one strand of their ancestry,[60] but they might be led to reinvent themselves by emphasizing the other strand in order to reap the benefits available. The effect of this may be to increase the degree of equality between groups, but at the expense of diluting the identity of the group being equalized upwards.[61] This is a problem which has faced Native American groups which have prospered through their gambling casino earnings in states in which their reservations have a monopoly on gaming. The profits enable the group to acquire the resources needed to preserve the culture; but the culture is diluted not only by the source of income, but also by the increase in numbers wishing to declare themselves descendants of the tribal group.

On the other hand, a very different, though no less troubling, consequence might ensue from the pursuit of group equality, this time stemming from the fact that some people may not wish to preserve their designated identities. Immigrants, for example, sometimes wish not to reassert their original identities, but to assimilate into the host society. Policies of group equality, which offer special rights to groups to enable them to maintain their distinctiveness can also serve to exclude and to marginalize the newcomers. Ramesh Thakur, for example, has argued against the Canadian ideal of the ‘mosaic’ (as compared

with the American model of society as a 'melting pot'), suggesting that it is one which demeans those immigrants who wish to assimilate and not live out their days as 'expatriates'. 'By being officially hostile to assimilation, Canada forces newcomers to be expatriates rather than immigrants. The mosaic becomes a subtle policy instrument in the hands of "true blood" Canadians for maintaining their distance from the new pretenders.'[62]

The problem for the pursuit of group equality, in the end, is posed by the fact of diversity. Diversity is too complex for group equality to be reached without significantly altering the structure of diversity. Indeed, most of the time it is too complex for us to be aware of the differences which exist — or to understand which differences matter. To pursue equality, it is necessary to know what different things, or bundles of things, are to be equalized. The problem is that there is no obvious way of demarcating boundaries or identifying bundles. People see diversity differently. An interior decorator who buys books by the pound may see diversity in colours of his hundred-weight of tomes; but a scholar or a bibliophile will see their diversity very differently (or simply find all the books equally worthless). It is, of course, possible to establish authorities who will determine which are the relevant diversities (and so the relevant equalities which should be pursued). But it is not clear that such a move, while perhaps politically necessary, should be invested with any particular moral significance.

In the human world, the problem began when people started to draw boundaries separating one group from another. Once this was done, equality became impossible. The pursuit of equality can operate to change the boundaries; but it will not eliminate them; nor will it eliminate, or necessarily even reduce, inequalities. At best, it will simply create different ones.

IV

Against all this it might be argued, however, that while it is true that the pursuit of equality requires compromising diversity, this is not nearly so serious a concern as is implied. Certainly, it is true that policies which are motivated by a concern to address inequality will change the structure of a diverse society; but this is true of any social policy, whether it is motivated by egalitarianism or not. If this is so, there is no reason to be particularly troubled by the problems created by the pursuit of equality. What, after all, is the alternative?

The alternative is a position which Will Kymlicka has identified as one of 'benign neglect'.[63] It is also a position he has vigorously criticized as 'not only mistaken, but actually incoherent'.[64] The idea of responding to cultural differences with 'benign neglect', he says, makes no sense:

> Government decisions on languages, internal boundaries, public holidays, and state symbols unavoidably involve recognizing, accommodating, and supporting the needs and identities of particular ethnic and national groups. The state unavoidably promotes

certain cultural identities, and thereby disadvantages others. Once we recognize this, we need to rethink the justice of minority rights claims.[65]

At the heart of Kymlicka's objection to 'benign neglect' is the observation that governments cannot avoid having an influence, and the implication that the 'benign neglect' view fails to appreciate this. The government 'cannot avoid deciding which societal cultures will be supported' (and, thus, 'if it supports the majority culture, by using the majority's language in schools and public agencies, it cannot refuse official recognition to minority languages on the ground that this violates "the separation of state and ethnicity"').[66] Indeed, 'the state cannot help but give at least partial establishment to a culture when it decides which language is to be used in public schooling, or in the provision of state services'.[67]

In the end, the whole idea of 'benign neglect', in Kymlicka's estimation, reflects a shallow understanding of the relationship between states and nations. 'In the areas of official languages, political boundaries, and the division of powers, there is no way to avoid supporting this or that societal culture, or deciding which groups will form a majority in political units that control culture-affecting decisions regarding language, education, and immigration.'[68] 'Benign neglect' is not neutral with respect to ethnic and national groups; and, in ignoring the fact that members of a national minority face a disadvantage which the members of the majority do not face, it is hardly benign.[69]

But this critique rests on a misunderstanding. The fact that some particular outcomes will result regardless of whether a policy of intervention or neglect is employed does not make non-intervention incoherent. It is in no way an 'embarrassment' for the 'benign neglect' view that, in the absence of any deliberate decision to support one culture or another, one culture dominates, or some language prevails. Some group, or some culture or some language, will dominate; nothing can plausibly prevent this. The 'benign neglect' view is marked not by a failure to realize that neglect will have consequences, but only by a willingness to accept the consequences of neglect. This position may prove controversial, but it is not incoherent.

The question, therefore, is whether the benign neglect view is defensible. To answer this, it is necessary to offer a clearer account of benign neglect. Plainly, it cannot amount simply to non-intervention in the sense of no authority doing anything — after all, in any concrete case, political and legal institutions and authorities may already be implicated. (Often, the problem is to work out how the authority in question should extricate itself from involvement. For example, a government may own lands which Aborigines claim to have been stolen.) Benign neglect, I suggest, amounts essentially to a refusal to be guided by the goal of equality in social policy or institutional design.

This wariness of pursuing equality stems not from the desire for neutrality, but from the thought that the goal is unattainable — indeed, it is not even capable of a coherent description. Equality along any one dimension can only be sustained

at the expense of inequality along another. More importantly, the pursuit of equality along some preferred dimension can only be sustained by employing a high level of coercive power, given that different groups see equality differently.[70] Benign neglect is preferred because, historically, intervention has not usually proven benign. The modern state, in particular, has usually tried, through its officials, to create a population with precisely those standardized characteristics which will be easier to monitor, count, assess and manage. 'It invariably seeks to reduce the chaotic, disorderly, constantly changing social reality beneath it to something more closely resembling the administrative grid of its observations.'[71] Viewing society through any particular egalitarian lens will simply reveal in the diversity of human arrangements countless inequalities which could never be redressed without serious disruption to the lives and livelihoods of numerous groups and individuals.

V

It might appear from the argument of this paper that the view being defended here is to say that, in the end, diversity is what is morally valuable, and that equality is of no particular value. But that is not quite the case. Although I do not think that equality has any intrinsic value, I do not wish to suggest that diversity is in itself of any particular value either. The moral significance of diversity lies in the fact of its preponderance: the world of human societies is diverse, and reflects a variety of ways of viewing and evaluating that world. It would not matter much if the world did not exhibit such diversity; and in some ways, it would be better if it did not, since differences, and the boundaries and divisions they create, are the cause of dissension and conflict. But given that this diversity is original, it is wisest not to try to bring order to it via the pursuit of equality. As Hume suggested, any authority exercised toward that end can only be exerted 'with great partialities', and 'who can possibly be possessed of it, in such a situation as is here supposed?'

It should also be made clear, however, that this conclusion does not imply a complete scepticism about value. Uninterestedness in equality need not mean indifference to other moral questions concerning matters of justice, or poverty or freedom. It only means viewing equality as, ultimately, irrelevant to these issues.[72] Yet whether or not it is morally relevant, equality has become more significant politically. If Brzezinski is right, and inequality is becoming less tolerable because the world is becoming more proximate and intimate, this may reflect the prescience of Weber's analysis of the rationalization of modern society. The coming (or the growing) of the demand for equality may be a reflection of the standardization of global discourse and the centralization of political authority, which is a part of the disenchantment of the world. In these circumstances, egalitarian concerns cannot be ignored.

What then should be the response to the demand for equality in circumstances

of diversity? ('What, then, is to be done? Must we destroy society, abolish us and them and go back to living in the forests with the bears?') Since the pursuit of equality is implausible, and the idea of equality gives us little help in understanding or plausibly describing the good society, the best we can do is to play the game: to act as if the pursuit of equality was a meaningful endeavour, and as if our efforts to do justice, or address poverty or defend freedom, were truly informed by egalitarian sentiments.

What then can we say of those who adopt this attitude? Only that:

> They will respect the sacred bonds of their respective communities; they will love their fellow-citizens, and serve them with all their might; they will scrupulously obey the laws, and all those who make or administer them; they will particularly honour those wise and good princes, who find means of preventing, curing, or even palliating all these evils and abuses, by which we are constantly threatened; they will animate the zeal of their deserving rulers, by showing them, without flattery or fear, the importance of their office and the severity of their duty. But they will not therefore have less contempt for a constitution that cannot support itself without the aid of so many splendid characters, much oftener wished for than found; and from which, notwithstanding all their pains and solicitude, there always arise more real calamities than even apparent advantages.

notes

1. V. Kubálková and A.A. Cruickshank, *International Inequality* (London: Croom Helm, 1981), p. 15.
2. Z. Brzezinski, *Out of Control. Global Turmoil on the Eve of the 21st Century* (New York: Scribners, 1993), p. 182.
3. Jean-Jacques Rousseau, 'Discourse on the Origin of Inequality', in *The Social Contract and Discourses*, translated by G.D.H. Cole, revised by J.H. Brumfitt and J.C. Hall, updated by P.D. Jimack (London: Everyman, 1993), p. 116.
4. If the issue were the interpretation of Rousseau, several qualifications would have to be made here. Arguably, much in Rousseau's account of the origin of inequality suggests that it is the human propensity of a person to differentiate himself from his fellows that lies at the heart of inequality. In this regard, the argument of this paper is not so far from Rousseau's as might be thought.
5. This is imagined in the dystopia of L.P. Hartley's novel *Facial Justice*.
6. See Kurt Vonnegut, 'Harrison Bergeron'.
7. Michael Walzer, *Spheres of Justice. A Defence of Pluralism and Equality* (Oxford: Blackwell, 1983).
8. John Baker, *Arguing for Equality* (London: Verso, 1987), pp. 4–5.
9. In South Africa under apartheid, political equality did not include blacks; in Switzerland until 1970, political equality did not include women.
10. In a moment of optimism, John Baker remarks: 'For suppose that power and privilege were attacked not just by another group on the make, but by an egalitarian movement. That would fit the general pattern of conflict theories — a successful egalitarian movement would establish its own outlook as dominant, and would use

its power to consolidate and protect its own success. But in doing so it would be eliminating, as far as possible, inequality itself'. See Baker, *Arguing for Equality*, p. 125 (emphasis added).

11. This somewhat stylized example may seem misleading. Surely, it could be argued, what matters for group equality is per capita wealth. This is still different from individual equality, since the distribution of wealth within each group may be very unequal; but there is no inequality between the groups if the per capita wealth of each group is the same. Yet while this is certainly one possible interpretation of equality between groups, it is not the only one. Nor, more importantly, is it always the most salient, given that, in some circumstances, it is the collective resources of the group which are of significance. Rawlsia and Nozickia might be two countries with the same per capita income; but if Rawlsians are 10 times more numerous than Nozickians (which probably understates the matter considerably), then Rawlsia could become a much more powerful military state. Also, members of larger groups need to give up less of their personal wealth to produce greater collective goods, such as military might or welfare services. (One of the laments of Aboriginal communities in Australia is that group autonomy requires them to provide collective goods to such small numbers that they do not enjoy economies of scale, and resources are absorbed by the high per-unit costs of service delivery.)
12. Though it is worth noting that the poorer the society, the smaller the scope for inequalities of wealth.
13. Baker, *Arguing for Equality*, pp. 118–20.
14. The prime minister of Malaysia, Dr Mahathir, invoked the argument of equality in berating western intellectuals for objecting to government policies of modernization which disrupted the lives of aboriginal peoples. Dr Mahathir's argument was that the life expectancy of the Orang Asli was less than 45 years, and so much lower than that of other Malaysians. Modernization would, in the long run, increase Aboriginal lifespans.
15. This account has to be qualified, however, by recognition of the conflict within the local Aboriginal community over the issue, and also of the conflict between the local community and the Aboriginal elites in Australia more generally.
16. Although I cannot go into the issue at this point, I should indicate that, in my view, neither has any intrinsic value.
17. Satisficing, however, is in the end a form of 'maximizing' utilities, since it amounts to maximizing up to the point at which the gains from maximizing behaviour are outweighed by the costs (in time and effort) of doing so.
18. Gregory K. Dow, 'The Appropriability Critique of Transaction Cost Economics', in *Transaction Costs, Markets and Hierarchies*, edited by Christos Pitelis (Oxford: Blackwell, 1993): p. 106.
19. In this account, I have borrowed freely from Dow, 'The Appropriability Critique of Transaction Cost Economics', p. 106.
20. Ibid., pp. 106–7.
21. See Paul Milgrom and John Roberts, 'Bargaining, Influence Costs, and the Organization of Economic Activity', in *Perspectives on Positive Political Economy*, edited by James E. Alt and Kenneth A. Shepsle (Cambridge: Cambridge University Press, 1990): pp. 57–89, especially pp. 74–7.
22. For a discussion of the importance of reputation in bargaining between unequals,

see David M. Kreps, 'Corporate Culture and Economic Theory', in *Perspectives on Positive Political Economy*, edited by James E. Alt and Kenneth A. Shepsle (Cambridge: Cambridge University Press, 1990): pp. 90–143, especially pp. 113–16.

23. Man is born free, but everywhere he eats in chains.
24. Clearly, there is much more to be said here about the origin of groups and of society. One aspect worth further exploration is Russell Hardin's account of mobilization for collective action as, in part, a 'tipping phenomenon'. He writes: 'What would not make sense for a self-interested individual when very few are acting might begin to make sense when many others are acting. At that point the relationship changes from a potentially risky prisoner's dilemma to a virtual coordination involving very nearly no risk'. See Russell Hardin, *One for All: The Logic of Group Conflict* (Princeton: Princeton University Press, 1995), pp. 51–2 and passim. See also Axelrod, *Evolution of Cooperation*.
25. 'But from the moment one man began to stand in need of the help of another; from the moment it appeared advantageous to any one man to have enough provisions for two, equality disappeared, property was introduced, work became indispensable, and vast forests became smiling fields.' See Rousseau, 'Discourse on the Origin of Inequality', p. 92.
26. On this see the work of Douglass C. North; see, in particular, Douglass C. North, *Transaction Costs, Institutions, and Economic Performance*, Occasional Papers No.30 (San Francisco: International Center for Economic Growth, 1992), pp. 20–2.
27. This thesis is defended by Michael Carrithers, *Why Humans Have Cultures: Explaining Anthropology and Social Diversity* (Oxford: Oxford University Press, 1992), pp. 177–8, and passim.
28. Kenneth Maddock, *The Australian Aborigines. A Portrait of their Society* (Harmondsworth: Penguin, 1972), p. 187.
29. Ibid., p. 192.
30. Ibid., p. 157. Maddock explains that to understand the structure of the society would be to conclude 'that the religious inequality of men and women supports and is supported by the sexual inequality of older and younger men'.
31. For a discussion of this case, see Maureen Mackintosh, *Gender, Class and Rural Transition: Agribusiness and the Food Crisis in Senegal* (London and New Jersey: Zed Books, 1989), pp. 64–6.
32. Ronald Dworkin, 'What is Equality? Part 2: Equality of Resources', *Philosophy and Public Affairs* 10(4), 1981: p. 284.
33. Ibid., p. 289.
34. This is the argument made by the Australian mining industry — though, one suspects, not out of a commitment to equality.
35. The argument here is not intended to trade on the opprobrium attached to 'monetary' valuation. The term monetary is used to identify one important way in which we measure value in market society: using prices arrived at through a system of exchange.
36. This is not to suggest that there is no possibility of injustice within the group, or that external criticism is impossible. I have tried to address this issue in Chandran Kukathas, 'Explaining Moral Variety', *Social Philosophy and Policy* 11(1), 1994: pp. 1–21. I have also argued for the importance of the freedom of the individual to

exit a group to escape injustice in Chandran Kukathas, 'Are There any Cultural Rights?', *Political Theory* 20(1), 1992: pp. 105–39.

37. Paul Smoker, 'Small Peace', *Journal of Peace Research* 18, 1981: p. 155, quoted in W. Maley, 'Peace, Nees and Utopia', *Political Studies* XXXIII, 1985: p. 583.
38. See Amartya Sen, *Inequality Re-examined* (Oxford: Clarendon Press, 1992); Amartya Sen, *The Standard of Living* (Cambridge: Cambridge University Press, 1987); Jean Drèze and Amartya Sen, *Hunger and Public Action* (Oxford: Clarendon Press, 1989).
39. Sen, *Inequality Re-examined*, p. 39.
40. Ibid., p. 40.
41. Ibid., p. 40.
42. Ibid., p. 41.
43. See Maddock, *The Australian Aborigines. A Portrait of their Society*, pp. 156–7.
44. Ibid., p. 156.
45. I have pursued this issue at greater length (and possibly also in greater depth) in Chandran Kukathas, *The Liberal Archipelago* (Oxford: Oxford University Press, 2002), Ch.1.
46. Ernest Gellner, *Spectacles and Predicaments: Essays in Social Theory* (Cambridge: Cambridge University Press, 1979), p. 41.
47. James Scott, 'State Simplifications: Nature, Space and People', *Journal of Political Philosophy* 3(3), 1995: p. 228.
48. This argument is not presented against an imaginary position. Even without pointing to the harshness of communist schemes of egalitarianism, ranging from those of Lenin and Stalin to those of Mao and Pol Pot, there are plenty of cases to be found of egalitarians who are ready to override diversity. See, for example, Gunnar Myrdal's arguments for 'breaking down the barriers to development' in south Asian countries. For him, it is important that the government be 'really determined to change the prevailing attitudes and institutions', and have the courage to take the necessary steps and accept the consequences. Such steps would not only include the abolition of caste, but also the taking of 'measures . . . that would increase mobility and equality, such as effective land reform and tenancy legislation; a rational policy for husbandry, even if it required the killing of many half-starved cows . . . in general, enactment and enforcement, not only of fiscal, but also of all other obligations on people that are required for development'. See Gunnar Myrdal, *Asian Drama: An Inquiry into the Poverty of Nations* (London, 1968), pp. 1909–10; for a comprehensive critique of Myrdal, see P.T. Bauer, *Dissent on Development* (London: Weidenfeld and Nicholson, 1976), Ch.5.
49. Edward P. Dozier, *The Pueblo Indians of North America* (New York: Holt, Rhinehart and Winston, 1970), p. 210.
50. Dozier observes: 'In the west, particularly among the Hopi and Laguna pueblos, the emphasis laid on unilineal kinship organizations, households, lineages, and clans, has given the village a loose integration. In the east, association membership and the importance of these organizations in government and religion has given these pueblos greater centralization. The Rio Grande pueblos are actually little city states, having a strong, even despotic, control over their members'. Ibid., p. 211.
51. Robert H. Frank, *Choosing the Right Pond: Human Behaviour and the Quest for Status* (Oxford: Oxford University Press, 1985).

52. I have discussed this point in Kukathas, 'Are There any Cultural Rights?', pp. 113–4.
53. See Will Kymlicka, *Liberalism, Community and Culture* (Oxford: Clarendon Press, 1989), pp. 187–9.
54. Kymlicka writes: 'Any plausible theory of justice should recognize the fairness of these external protections for national minorities. They are clearly justified, I believe, within a liberal egalitarian theory, such as Rawls's and Dworkin's, which emphasizes the importance of rectifying unchosen inequalities'. See Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Clarendon Press, 1995), p. 109.
55. Ibid., p. 113.
56. Ibid., p. 113.
57. Ibid., p. 115.
58. On this, see Michael R. Anderson, 'Law and the Protection of Cultural Communities: The Case of Native American Fishing Rights', *Law and Policy* 9 (1987): pp. 125–42.
59. Such as that presented in the film *Soul Man*, in which a white man disguises himself as a black one in order to win a scholarship reserved for African Americans.
60. On this point, see Mary Waters, *Ethnic Options: Choosing Identities in America* (Berkeley: University of California Press, 1990).
61. In Australia at present, there is considerable controversy over the identity of the Aboriginal novelist, Mudrooroo (neé Colin Johnson), with his family claiming that he is of part African, and not Aboriginal, descent. This is only an issue, however, because Johnson's writings, which describe Aboriginal experiences, have won several awards reserved for Aborigines.
62. Ramesh Thakur, 'From the Mosaic to the Melting Pot: Cross-National Reflections on Multiculturalism', in *Multicultural Citizens. The Philosophy and Politics of Identity*, edited by Chandran Kukathas (Sydney: Centre for Independent Studies, 1993): p. 131.
63. Kymlicka uses this term to characterize views opposed to the idea of group-specific rights, rather than simply to characterize views opposed to egalitarianism. However, my use of the term embraces a more general opposition to equalization of individuals across groups as well as to egalitarian defences of group rights. See Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, pp. 108–15.
64. Ibid., p. 108. Kymlicka identifies a number of authors as adherents to the principle of 'benign neglect', including Glazer, Hindess, Kukathas, and Rorty.
65. Ibid., p. 108.
66. Ibid., p. 111.
67. Ibid., p. 111.
68. Ibid., p. 113.
69. Ibid., pp. 110–11.
70. 'The most rigorous inquisition too is requisite to watch every inequality on its first appearance; and the most severe jurisdiction, to punish and redress it. But besides, that so much authority must soon degenerate into tyranny, and be exerted with such great partialities; who can possibly be possessed of it, in such a situation as is here supposed?' David Hume, *Enquiry Concerning the Principles of Morals*, edited by

L.A. Selby-Bigge, with notes and introduction by P.H. Nidditch (Oxford: Clarendon Press, 1975), p. 194.

71. This is argued by James Scott (see Note 47), p. 230.
72. Amartya Sen has argued that all political theories adopt some form of egalitarian stance, since they all insist on equality of something. Even Nozick's libertarianism, for example, which is hostile to equality, insists upon equality of rights. But this establishes very little. It is the equivalent of the claim that all actions are selfish, since even altruistic actions satisfy the preferences of the self, which still leaves unexplained the difference between selfish and altruistic actions. Sen's view leaves unexplained the difference between egalitarian and non-egalitarian theories. See Sen, *Inequality Re-examined*, p. 13.