

EQUALITY & TRADITION

Questions of Value in Moral and Political Theory



SAMUEL SCHEFFLER

Equality and Tradition

This page intentionally left blank

EQUALITY AND TRADITION

*Questions of Value in Moral
and Political Theory*

Samuel Scheffler

OXFORD
UNIVERSITY PRESS
2010

OXFORD
UNIVERSITY PRESS

Oxford University Press, Inc., publishes works that further
Oxford University's objective of excellence
in research, scholarship, and education.

Oxford New York
Auckland Cape Town Dar es Salaam Hong Kong Karachi
Kuala Lumpur Madrid Melbourne Mexico City Nairobi
New Delhi Shanghai Taipei Toronto

With offices in
Argentina Austria Brazil Chile Czech Republic France Greece
Guatemala Hungary Italy Japan Poland Portugal Singapore
South Korea Switzerland Thailand Turkey Ukraine Vietnam

Copyright © 2010 by Samuel Scheffler

Published by Oxford University Press, Inc.
198 Madison Avenue, New York, New York 10016
www.oup.com

Oxford is a registered trademark of Oxford University Press

All rights reserved. No part of this publication may be reproduced,
stored in a retrieval system, or transmitted, in any form or by any means,
electronic, mechanical, photocopying, recording, or otherwise,
without the prior permission of Oxford University Press.

Library of Congress Cataloging-in-Publication Data

Scheffler, Samuel, 1951–
Equality and tradition : questions of value
in moral and political theory / Samuel Scheffler.
p. cm.

ISBN 978-0-19-539629-4

1. Values—Political aspects. 2. Equality. 3. Cosmopolitanism.
4. Toleration. 5. Liberalism. I. Title.

JA79.S3167 2009

170—dc22 2009036139

1 3 5 7 9 8 6 4 2

Printed in the United States of America
on acid-free paper

For Deborah and Peter Goldberg

This page intentionally left blank

Contents

Introduction 3

Part I Individuals

- 1 Valuing 15
- 2 Morality and Reasonable Partiality 41
- 3 Doing and Allowing 76

Part II Institutions

- 4 The Division of Moral Labor:
Egalitarian Liberalism as Moral Pluralism 107

- 5 Is the Basic Structure Basic? 129
- 6 Cosmopolitanism, Justice, and Institutions 160

Part III Society

- 7 What Is Egalitarianism? 175
- 8 Choice, Circumstance, and the Value
of Equality 208
- 9 Is Terrorism Morally Distinctive? 236
- 10 Immigration and the Significance
of Culture 256
- 11 The Normativity of Tradition 287
- 12 The Good of Toleration 312
- Index 337

Equality and Tradition

This page intentionally left blank

Introduction

The twelve essays in this collection deal with questions of value in moral and political theory. The volume begins with an essay that takes up the very general question of what it is to value something and how valuing differs from other familiar attitudes. Several subsequent essays deal with the interpretation of particular values that play important roles in moral or political thought. Still other essays address tensions and conflicts that arise, both within and among individuals, in consequence of the diversity of human values. The volume closes with an essay about toleration, understood as a practice whose purpose is precisely to accommodate differences in people's evaluative convictions and commitments.

I have divided the essays into three groups under the very broad headings of Individuals, Institutions, and Society. These headings are, admittedly, a bit artificial, not just for the obvious reason that individuals and institutions themselves belong to society, but also because some of the essays are explicitly concerned with the relations between the values and norms that apply to individuals and those that apply at the level of society and its institutions. However, the headings are meant only to indicate

the general emphases of the essays and not to suggest rigid or mutually exclusive categories. So, in particular, the essays in the first group deal primarily with questions about individual values and norms. Those in the second group explore the special moral significance that egalitarian liberalism assigns to basic social and political institutions. And the essays in the final group explore a number of important social values, such as the values of equality and tradition, as well as some of the urgent challenges facing contemporary societies, such as the challenges posed by immigration and by terrorism.

One general theme of the volume, which figures prominently in the essays included in the first section, is the importance of taking seriously those categories of value that seem most firmly entrenched in human life. The first essay (“Valuing”) takes the phenomenon of valuing itself seriously, and argues against a variety of simple reductionist proposals, such as those that would reduce valuing to desiring, believing valuable, desiring to desire, or having a particular feeling. It develops a general account according to which valuing is instead to be seen as comprising a complex syndrome of interrelated dispositions and attitudes, including (at least) certain characteristic types of belief, dispositions to treat certain kinds of considerations as reasons for action, and susceptibility to a wide range of emotions.

The second essay, “Morality and Reasonable Partiality,” draws on this general account of valuing to consider what, more specifically, is involved in valuing one’s personal projects, interpersonal relationships, and membership in groups. Some philosophers believe that there is a tension and perhaps even an inconsistency between the kind of impartiality that morality requires and the kind of partiality that most of us routinely display in our behavior toward our intimates and associates and in our pursuit of the personal projects to which we are committed. This essay argues, however, that “reasons of partiality”—including “project-dependent,” “relationship-dependent,” and “membership-dependent” reasons—are concomitants of some of the most basic forms of human valuing, and that any credible morality will have to incorporate such reasons. This means not merely that it will permit or require partial behavior in some circumstances, but that it will treat reasons of partiality as bearing directly on the rightness or wrongness of actions. Most people do, in fact, treat reasons of partiality as morally relevant. The common-sense morality of our culture holds, for example, that we have “special obligations” to our intimates and associates that we do not have to other people. And it holds that, within limits, we may permissibly pursue our own projects and goals, even if we could do more good for humanity at large in some other way. In defending the moral significance of partiality,

then, the second essay provides support for commonsense morality as against consequentialist outlooks, which take a more skeptical view both of special obligations and of the legitimacy of pursuing (what the consequentialist regards as) one's nonoptimal personal projects. The essay also tries to explain why relationship-dependent and membership-dependent reasons correspond to obligations while project-dependent reasons correspond only to permissions, and it considers the possibility, suggested by the writings of a number of philosophers, that morality as a whole may be interpreted on the model of reasons of partiality.

The third essay considers another striking feature of ordinary moral thought, which is the moral significance that it attaches to the distinction between doing and allowing. Although we ordinarily take ourselves to have a greater responsibility for what we do than for what we merely allow or fail to prevent, consequentialist philosophers have argued that this view is ultimately untenable, and that the distinction between doing and allowing lacks any fundamental moral significance. This essay maintains, however, that we have a deep commitment to drawing some such distinction in the context of our moral thought, and that people could not consistently hold themselves to norms of responsibility that did not assign them greater responsibility for what they did than for what they allowed. To this extent, the third essay is like the second one in defending a feature of commonsense moral thought against the challenge posed by consequentialism. These essays reflect my longstanding interest, dating back to my earliest work in philosophy, in trying to understand the bases for nonconsequentialist moral ideas.

It is noteworthy that the two elements of commonsense moral thought that I have mentioned—namely, reasons of partiality and the distinction between doing and allowing—have the effect of limiting the responsibility of individuals for the alleviation of suffering. Taken together, they imply that, so long as one has not caused the suffering of others oneself, and so long as one has no special personal or social relationship with the people who are suffering, it is permissible, within limits, to give the pursuit of one's own aims and aspirations priority over the provision of aid to those others. Yet these responsibility-limiting values, which are most at home in the context of small-scale personal relations and interactions, are in tension with other important values, such as the values of justice, fairness, and equality, to which many people are also deeply committed. If we are to accommodate all of our deeply held values, then some way must be found of addressing this tension. The fourth essay, "The Division of Moral Labor: Egalitarian Liberalism as Moral Pluralism," argues that egalitarian liberalism of the sort defended by John Rawls and others offers a distinctive response to this problem. This response, which

contrasts naturally with those offered by utilitarianism on the one hand and libertarianism on the other, turns on the idea of a division of moral labor. According to this idea, the task of realizing the values of justice and equality belongs primarily to what Rawls calls “the basic structure” of society. The basic structure comprises a society’s major social, political, and economic institutions, and it is to these institutions that the principles of justice are said in the first instance to apply. Individuals have a duty to support just institutions, but within the framework established by such institutions their actions may be guided by the values appropriate to small-scale interpersonal settings. In this way, both sets of values can be accommodated without either being reduced to or derived from the other.

This position implies that institutions are of great importance not only for political philosophy but also for moral philosophy, because they play a vital role in helping to resolve the tensions among the diverse moral values to which people are committed. Yet the Rawlsian emphasis on institutions and the associated idea of a division of moral labor have often been interpreted, not as facilitating the accommodation of diverse values, but rather as freeing individuals from the burdensome demands of justice and allowing them to engage in the unrestricted pursuit of their economic self-interest. The three essays in the second section defend the alternative interpretation I have sketched and consider some of its implications, including its implications for the way we think about the relations between moral and political philosophy, and between morality and politics. The fourth essay sets out the basic interpretation and discusses its motivation and significance. The fifth essay, “Is the Basic Structure Basic?,” is a response to G. A. Cohen’s influential critique of Rawls’s institutional emphasis. The sixth essay, “Cosmopolitanism, Justice, and Institutions,” considers the bearing of that emphasis on current debates about cosmopolitanism and global justice. If the values of justice and equality are taken to apply to the basic structure of society, then how should we think about the norms governing our relations to people in other societies? Some philosophers argue that, in this age of globalization, international institutions and organizations have become sufficiently important and consequential that they amount to a “global basic structure,” so that the principles of justice should now be applied to the world as a whole rather than to the institutions of individual societies taken one by one. Other philosophers argue that, in the absence of a world state, there is not and cannot be a global basic structure, so that there remains a fundamental distinction between the principles of justice that apply domestically and the much weaker principles that apply globally. The sixth essay argues for an intermediate position. For all

their importance, existing international institutions and arrangements cannot be said to constitute a basic structure in Rawls's sense. Nevertheless, these rapidly evolving institutions and arrangements may by now be sufficiently consequential that they require regulation by principles of justice that are more demanding than the traditional norms governing international relations. If we take seriously the institutional emphasis suggested by Rawls's philosophy, then one general lesson we should learn is that the emergence of new institutional forms may require the development of new moral norms. This means that, in order to decide what normative principles should be applied globally, we need to attend to the actual institutions and practices that emerge in our world. As those institutions and practices continue to develop, so too will our thinking about the normative standards that apply to them, and we may find that our existing repertoire of principles is insufficient to guide our reflections.

The aim of reconciling the values of personal life with a commitment to justice and equality is not, of course, unique to Rawls. It is, rather, a common feature of egalitarian liberal thinking. The view that has come to be called "luck egalitarianism," for example, attempts to demonstrate that an emphasis on individual choice and responsibility is not only compatible with egalitarian principles of distributive justice but is essential to the correct definition of such principles. In so doing, it seeks to defuse conservative criticism of the welfare state and to show that egalitarianism is not hostile to personal responsibility. Advocates of this position maintain that an egalitarian conception of justice, properly understood, seeks to neutralize the effects of brute luck on distribution, while allowing inequalities that derive from differences in the choices that people have freely made and for which they may reasonably be asked to bear responsibility. Although luck egalitarianism is often taken to have its origins in Rawls's own work, the seventh essay, "What Is Egalitarianism?," argues that his view is in fact very different, and that he should not be interpreted as an incipient luck egalitarian. In that essay and in the eighth essay, "Choice, Circumstance, and the Value of Equality," I criticize luck egalitarianism and argue that it misrepresents the nature of equality as a social value. I defend an alternative account of equality that I take to be much closer to Rawls's. According to this alternative account, equality is not, at the most fundamental level, a distributive ideal. It is, instead, an ideal of social and political relations, and what makes a conception of distributive justice an egalitarian conception is not that it seeks to neutralize the effects of luck on distribution but rather that it tries to identify the distributive principles that are appropriate to a society of equals.

Whereas the seventh and eighth essays consider how best to interpret the social values of justice and equality, the ninth and tenth essays deal with two significant challenges facing many contemporary societies. The ninth essay, "Is Terrorism Morally Distinctive?," discusses the challenge posed by terrorism, and attempts to explain why terrorism is often taken to be morally distinctive, even as compared with other forms of violence that may be equally objectionable. This essay argues that, in standard cases at least, terrorism involves a specific type of attack on social life. In these cases, violence or the threat of violence is used to generate fear, with the aim of degrading or destabilizing an existing social order. Some people are killed or injured (the primary victims), in order to create fear in a larger number of people (the secondary victims), with the aim of destabilizing or degrading the existing social order for everyone. What is peculiarly repellent about these cases is that the primary victims are killed or injured precisely in order to elicit fear, horror, and grief among the secondary victims, so that those reactions can in turn be exploited to promote the perpetrators' ultimate, destabilizing aims. This does not imply that terrorism is always worse than other forms of violence, but it does mean that it has a distinctive moral profile. Terrorism is distinctive in the way it exploits the power of fear in order to undermine the fragile values of social life.

Immigration presents societies with a number of different practical and theoretical challenges. "Immigration and the Significance of Culture," the tenth essay in this volume, argues that, in thinking about those challenges, an excessive reliance on the discourse of culture and identity has produced frequent distortions and oversimplifications. This essay maintains that, under circumstances of large-scale immigration, there is no possibility of preserving unaltered either the imported cultures of immigrant communities or the national cultures of host societies, and that neither side has any general right to such preservation. In a just society, immigrants and nonimmigrants alike should have the freedom to engage in the dynamic and interpretative process of extending their inherited cultures in the altered circumstances to which immigration gives rise, but it is a mistake to think that this requires the implementation of any special regime of "cultural rights." The constituents of political morality that are most relevant in thinking about the mutual responsibilities of immigrants and host societies alike are the principles of justice, which define a fair framework of social cooperation among equals; the basic liberties, including, especially, the liberties of speech, association, and conscience; and the important idea of informal mutual accommodation within the bounds of justice. Here again, as in the essays in Part II, the emphasis is on the importance of a just institutional framework within

which people may lead their lives in ways that are responsive to the many other values that they recognize.

It is sometimes said, however, that there is just as much of a case within liberal theory for adopting regimes of rights that are tailored to accommodate cultural diversity as there is for adopting regimes to accommodate moral, religious, or philosophical diversity. This essay argues that it is a mistake to extrapolate from the case of moral, religious, and philosophical outlooks to the case of cultural affiliations. Liberalism has a special concern with the accommodation of *normative diversity*—that is, diversity with respect to people's normative and evaluative convictions—but cultural diversity is not a novel species of normative diversity over and above moral, religious, and philosophical diversity. That is because cultures are not perceived sources of normative authority in the same sense that moral, religious, and philosophical doctrines are. To classify something as a moral, religious, or philosophical value is to say something about the kind of authority its adherents take it to have. By contrast, to describe something as a cultural norm or value is not to characterize its perceived authority but rather to indicate its prevalence within a certain social group. To be sure, values and principles are important aspects of most cultures, but the reasons they generate are normally seen as deriving from those values and principles themselves, and not from the fact of their acceptance within the culture.

The case of tradition is different, or so I argue in the eleventh essay, "The Normativity of Tradition." By contrast with the case of culture, people do often act on reasons whose force they themselves ascribe to the authority of some tradition. In this sense, tradition is a normative notion, and the diversity of traditions is a species of normative diversity. But how is the normativity of tradition to be understood? Here we confront a skeptical dilemma. On the one hand, the mere fact that people have acted some way in the past does not seem like a good reason to act that way now. But, on the other hand, if to act on traditional reasons is to act for reasons that derive from the values that a tradition embodies or endorses, then the reference to the tradition seems otiose, for the force of the reasons seems to derive from the values rather than from the tradition. However, this essay identifies a variety of considerations that may speak in favor of adherence to a tradition, and argues that we should reject the form of skepticism embodied in the dilemma. Acting on traditional reasons is not a matter of doing something simply because people have done the same thing in the past, but neither is it a matter of acting on reasons that derive solely from certain abstract values that the tradition happens to endorse. The actual existence of a tradition gives its adherents reasons for action that they would not otherwise have

had and that nonparticipants do not share. This conclusion is significant primarily for what it contributes to our understanding of human value and normativity, but it also holds an important lesson for liberal political theory. Because traditions are complex, multigenerational enterprises comprising elements of ritual, practice, historical memory, and collective aspiration no less than bodies of doctrine and individual conviction, one effect of recognizing the diversity of traditions as a species of normative diversity is to remind us that normative diversity is neither a purely individualistic nor a purely doxastic phenomenon. Although I do not believe that this supports the establishment of a novel regime of rights on the cultural-rights model, it is nevertheless relevant in thinking about the forms of mutual accommodation that a liberal society will want to encourage.

Liberal arrangements for the accommodation of normative diversity are the explicit focus of the final essay, "The Good of Toleration." Toleration is often seen as puzzling or paradoxical, in part because it seems to require us to concede normative authority to values that we reject. In other words, toleration requires us to treat other people's values, which we do not accept, as reasons for modifying our own conduct, which is rooted in values that we do accept. This is one reason why a compelling general justification for liberal toleration is often thought to be elusive. Rather than investigating the justification of toleration, however, this essay addresses a slightly different question, which is why so many people believe that toleration is an important value in its own right, despite its puzzling character. Questions about the good of toleration are, in one way, less ambitious than the question of its justification, since the features of toleration that recommend it to its supporters may not suffice to justify it to others. On the other hand, attempts to provide a general justification of toleration sometimes neglect the less ambitious question with which I am concerned. In seeking to identify reasons for toleration that everyone can accept, they sometimes neglect to consider why some people regard toleration as an especially good or valuable feature of a society. This essay argues that the answer lies in the very same feature of toleration that makes it look puzzling or paradoxical, namely, the fact that it requires us to concede authority to values that we do not accept. A regime of toleration amounts to a practice of mutual deference to one another's values, and it is not surprising that participation in such a practice is sometimes experienced as threatening or unwelcome. Yet, at the same time, the phenomenon of being linked to one's fellow citizens through a practice of mutual deference can also form the basis for relations of fraternity or solidarity, relations that are rooted, this essay argues, in the shared experience of subjection to the authority of norms.

The last essay ends on an optimistic note. The practice of liberal toleration emerged in the aftermath of the European Wars of Religion of the sixteenth and seventeenth centuries, and comprised a set of practical arrangements designed to break an apparently endless cycle of religious violence and bloodshed. We may view it as a rare stroke of political good fortune that, in their efforts to defuse violent sectarian conflict, liberal societies devised arrangements and institutions that turn out also to make available their own distinctive satisfactions and rewards. Of course, intense conflicts of value are ineliminable and they certainly persist in our world. There are conflicts within individuals and there are conflicts among individuals and groups. The essays in this volume reflect two general convictions. The first is that, if we are interested in understanding ourselves, then we need to explore the complexity of our diverse evaluative commitments and to be wary of reductionist theorizing about value and values. This is the spirit in which, for example, I have argued against reducing valuing to desiring or believing, against consequentialist attempts to reduce normative ethics to a single master principle that requires maximization of the good, against reducing the value of equality to a simple distributive formula, and against reducing the normative significance of participation in a tradition to the normativity of the values that the tradition endorses. The second general conviction is that liberal theory has a variety of resources, including but not limited to those embodied in the practices of toleration, for accommodating the diversity of human values. I have tried to identify some of the resources of the Rawlsian branch of that theory, with its emphasis on the division of moral labor, the moral role of social and political institutions, the primacy of justice as a political virtue, and the necessity of providing a fair framework of cooperation within which individuals can pursue their diverse values and aims. It would be carrying optimism too far to suppose that liberal theory can provide us with a formula for eliminating or defusing all the deadly conflicts of our own time. But, for all its flaws and limitations, liberal theory still has much to offer as we think about the possibilities for living together in a world where, despite rapid change along many dimensions, deep conflicts of value endure and their capacity to produce mischief and misery is undiminished.

Eight of the twelve essays included in this volume were originally published elsewhere. The first two and final two essays have not been previously published, although the first essay is also being published in *Reasons and Recognition: Essays on the Philosophy of T.M. Scanlon*, edited by R. Jay Wallace, Rahul Kumar, and Samuel Freeman, and the second essay is also being published in *Partiality and Impartiality: Morality, Special Relationships, and the Wider World*, edited by Brian Feltham and

John Cottingham. Apart from updating a few references, I have made no changes in the previously published pieces. There is a bit of overlap among some of the essays, but since I wanted each essay to remain self-standing and capable of being read on its own, I have not attempted to eliminate this overlap.

PART I

Individuals

This page intentionally left blank

I

Valuing

Human beings are valuing creatures. One may value one's privacy, or one's relationship with one's brother, or a friend's sense of humor, or the opinion of a trusted advisor. But what is valuing? David Lewis says, "It is some sort of mental state, directed toward that which is valued. It might be a feeling, or a belief, or a desire."¹ He adds, parenthetically, that valuing might instead be "a combination of these; or something that is two or three of them at once; or some fourth thing."² But he proposes to set these more complicated possibilities aside, and to look for a simpler account. After quickly dismissing the idea that valuing is a feeling or a belief, Lewis defends a version of the view that it is a form of desiring.

The simplest version of this view, though not the one that Lewis himself endorses, is that to value something just is to desire it. This view has

1. See David Lewis, "Dispositional Theories of Value," as reprinted in Lewis, *Papers in Ethics and Social Philosophy* (Cambridge: Cambridge University Press, 2000): 68–94, p. 69.

2. *Ibid.*

- [*Death and Dying: An Annotated Bibliography of the Thanatological Literature pdf*](#)
- [Being Numerous: Poetry and the Ground of Social Life \(20/21\) here](#)
- [click The New Rules of Marriage: What You Need to Know to Make Love Work pdf](#)
- [Fundamentals of Musical Acoustics \(Revised 2nd Edition\) \(Dover Books on Music\) online](#)
- [read online Feminist Biblical Studies in the Twentieth Century: Scholarship and Movement \(The Bible and Women: An Encyclopaedia of Exegesis and Cultural History, Volume 9.1\) pdf, azw \(kindle\)](#)
- [**click Justice, Crime, and Ethics \(6th Edition\)**](#)

- <http://growingsomeroots.com/ebooks/Biographies-of-Scientific-Objects.pdf>
- <http://aseasonedman.com/ebooks/Being-Numerous--Poetry-and-the-Ground-of-Social-Life--20-21-.pdf>
- <http://junkrobots.com/ebooks/Bamboo-among-the-Oaks--Contemporary-Writing-by-Hmong-Americans.pdf>
- <http://schroff.de/books/5-Steps-to-a-5-AP-Statistics--2010-2011-Edition---5-Steps-to-a-5-on-the-Advanced-Placement-Examinations-Series-.p>
- <http://flog.co.id/library/Feminist-Biblical-Studies-in-the-Twentieth-Century--Scholarship-and-Movement--The-Bible-and-Women--An-Encyclopa>
- <http://transtrade.cz/?ebooks/The-Isle-of-the-Lost--Descendants--Book-1-.pdf>