

T. M. Scanlon. *Why Does Inequality Matter?* Oxford University Press 2018. 192 pp. \$26.95 USD (Hardcover ISBN 9780198812692); \$16.95 USD (Paperback ISBN 9780198854883).

Why Does Inequality Matter?, the book that grew out of the 2013 *Uehiro Lecture Series*, actively avoids describing the *eutopia* of an egalitarian society and offers instead a chain of arguments for why we ought to object to inequality in its various real-world manifestations. Scanlon's guiding question is: '*When and why is it morally objectionable (in itself) that some people are worse off in some way than others are?*' (4). Over the course of ten chapters, Scanlon formulates answers to this question that are univocally sharp, highly analytic, full of interesting details, and above all, deeply concerned with the plethora of atrocities that accompany inequality.

Let me begin by excavating the cornerstones of Scanlon's approach to inequality. The reader familiar with Scanlon's oeuvre, in particular the seminal *What We Owe to Each Other* (Harvard University Press 2000), will notice that his commitment to *contractualism*, which assesses principles on the grounds of them being open to reasonable rejection, has tacitly found its way into his most current discussion on inequality as well. *Contractualism* is one of the pillars on which Scanlon's approach stands. The other is a commitment to *pluralism*. Scanlon seems to doubt that a unified theory of equality is possible and shies away from making any overarching assumptions about the reducibility of the plurality of objections to inequality he discusses to some kind of master-argument. This is not a vice, but a virtue.

What Scanlon does *not* do is build a theory on top of those foundational principles. Instead of a theory, Scanlon makes a central yet undeniably complex claim which binds together all of the objections to inequalities he discusses. The claim is roughly the following: There are a variety of reasons to object to a variety of different manifestations of inequality and those reasons will always involve some institution which is (1) involved in the production of inequalities and called upon for its mitigation, and (2) always in some (yet to be normatively restrained) relation to those affected by those inequalities. The ways in which those two points interact are fascinating. Let me go through them in turn.

The first point tells us that inequalities necessarily arise in an *institutional* context. The core idea, which is astoundingly close to an anarchist account of legitimacy, is that *if* the justification of a social institution, let us say the state, flows from the fact that it provides certain benefits for its citizens, a reasonable demand is that those benefits ought to be accessible *to all* citizens (provided they fulfill certain obligations, such as, *inter alia*, paying taxes, obeying the law, perhaps defending the country in military crisis). If the institution fails to provide those benefits *to all*, then it is objectionable on the grounds of having generated an inequality (which is objectionable either in itself, or because of its consequences). There is a disclaimer to this first point, a disclaimer which, Scanlon says, has the form of a weakened 'difference principle': inequalities generated by a basic structure are justified if they are 'required in order for the economic system to function in a way that benefits all,' or else 'could not be eliminated without infringing important personal liberties' (141). This calls for a detailed juxtaposition of Scanlon's version of the *difference principle* and Rawls' original which, I am afraid, exceeds the scope of this review.

The second point concerns the relation between the institutions and those affected by them. Scanlon puts a normative requirement on this relation, the 'requirement of equal concern.' The thought here is that if an institution is obligated (for its justification) to provide some benefit for every member of a certain reference class, the provision of the benefit meets the 'requirement of

equal concern' if, and only if, the benefit is distributed in a way that secures that each of the reference class' member's interests is given 'equal weight' (18).

With this toolbox in hand, Scanlon goes on to show that inequalities are objectionable because they lead to inferior status, undermine procedural fairness, give the well-off, and especially the best-off, unacceptable forms of control over others, undermine political fairness, and are the result of an income- and wealth-distribution that are inherently unfair. This part of the project is extensive and full of subplots. There is too much to like and too much to discuss in the pages that follow the exposition of the theoretical framework. I think the following subplots deserve particularly critical reflection: the requirement of equal concern, Scanlon's discussion of status inequalities, and his points on procedural fairness/substantive opportunity.

On first sight, the requirement of equal concern (chapter 2) might seem like the epitome of some moralist's perversion—at least, this is how Steinhoff (*Do All Persons Have Equal Moral Worth?*, Oxford University Press 2014) and other defenders of inequality would argue. Let us say that a moral principle ought to be rejected if our moral intuitions about its implications are utterly counterintuitive or else reluctant to attempts to undermine them. The requirement of equal concern is a candidate for rejection on those grounds that it has, at least in its last consequence, some downright abhorrent consequences. Suppose, for example, that a child has been physically punished by a teacher for not having done her homework. It is absurd, Steinhoff thinks, to demand that the mother show 'equal concern' for both her child and the teacher in this situation (and perhaps always). This is why the principle of equal concern ought to be rejected. But is it really that easy to dismantle the principle of equal concern? In defense of Scanlon, I think the anti-egalitarian engages in some substantial straw-manning by applying Steinhoff's argument to the principle of equal concern. Implicitly or not, Scanlon escapes the objection from moral perversion by (1) embedding the principle of equal concern in an institutional structure, and (2) leaving relatively open what the notion of 'concern' is supposed to entail. Concerning the first point, neither the mother-child, nor the mother-teacher relation is in any sense institutional. Therefore, the mother doesn't need to justify her bias on the grounds of equal concern, or else lose justification as a mother—as that would indeed be an absurd moralist perversion.

Let us now turn to status inequalities. In a society in which we cannot (or, for whatever reason, do not) connect as equals, objectionable humiliating differences in status will emerge and persist. Scanlon contends (chapter 3) that economic inequality is one of the main catalysts of status inequality in that it has the potential to render people incapable of living their lives according to prevailing norms. A person who does not live according to the prevailing lifestyle is often judged as inferior and as ineligible to access to what Arendt calls the *agora*. Hence, status inequalities based on economic inequalities may even lead to inequalities in political power and voice (as it is perhaps most manifest in the US presidency elections).

It would be interesting to know whether Scanlon's conceptual framework allows for what Tommie Shelby calls 'deviance' on the side of those who have been deprived of their voice in democracy due to economic inequalities, especially given the quasi-anarchist line with which Scanlon started. Deviance is the idea that marginalized individuals or groups are permitted to have a deviant attitude toward obligations, such as paying taxes or obeying the law. In any case, deviance seems more appropriate than Scanlon's preferred solution to the problem of political and status inequality which is essentially an elaboration on Rawls' idea that fostering reciprocal peer group comparison in order to mitigate at least the psychological effects of humiliating status hierarchies will be enough to alleviate the harm that deficiencies in status and voice create.

The Rawlsian approach reveals itself as absolutely inappropriate once we move the discussion from status to opportunity. Here, assuming that a society as a whole will go very far through peer group comparison is rather preposterous given the pronounced hegemony (in terms of financial and societal reward) of certain skill sets: Some know how to write beautiful poems, but others know how to do banking, and as long as banking is the hegemonic skill, most poets will still live precarious lives regardless of whether or not there is a group of likeminded people around them.

We can think of poets as condemned to live the tadpole life. What do I mean by that? For all I know, most societies of the northern hemisphere are tadpole societies, that is, societies in which all have formal equality of opportunities, but only a very exceptional minority of lower class tadpoles will develop into frogs. What to do about the apparent inequalities among the tadpoles is far from clear. Equality of opportunity, says Scanlon, is not enough. Instead, opportunity has to be substantive, which it is if no one has a valid complaint about lacking ‘the necessary qualifications or other means to do better’ in competing for positions of advantage (70).

Scanlon thinks that the key to substantive opportunity is in education. Hardly anyone will challenge this observation. Admissions requirements to educational institutions are unfair, he says, if successful applicants must have acquired skills that ‘could be offered “in-house” without great loss of efficiency’ (68). Again, Scanlon connects this to his theory of institutional justification by arguing that it should be a justifying aim of college education that a student develops a skill, rather than a criterion of admission. Graduate students will relate to that. Increasingly high pressure to publish early and in the highest ranked journals undermines the educational aspect of graduate school and requires a skill, rather than in helping students to develop it.

Why Does Inequality Matter? is of value to everyone alarmed about the prevailing levels of inequality, not only that small bunch of professional philosophers who think about inequality for a living—although that latter group will be in the lucky situation to be able to appreciate the intricate details of Scanlon’s discussion.

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