

2008

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### Recommended Citation

Joseph Raz, *On the Value of Distributional Equality*, OXFORD LEGAL STUDIES RESEARCH PAPER NO. 41/2008 (2008).

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## **LEGAL RESEARCH PAPER SERIES**

Paper No 41/2008

October 2008

### On the Value of Distributional Equality

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# On the Value of Distributional Equality

Joseph Raz<sup>1</sup>

**Abstract:** The paper returns to the question whether equality in distribution is valuable in itself, or, if you like, whether it is intrinsically valuable. Its bulk is an examination of two familiar arguments against the intrinsic value of distributional equality: the levelling down objection and the objection that equality violates some person-affecting condition, in that its realisation does not improve the lot of people.

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Hillel Steiner's work never fails to inspire and challenge, and this is true even of those who, like me, take issue with his views. We disagree about two pillars of much political theorising: liberty and equality. Hillel affirms, and I dispute, the intrinsic value of pure negative liberty and of its equal distribution. He argued against my view and I replied briefly before.<sup>2</sup> The following pages deal only with one of these issues. They offer an argument against the intrinsic value of distributive equality in sections 3 and 4, to which the preceding sections serve as an introduction.

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<sup>1</sup> Columbia University and Oxford University

<sup>2</sup> Hillel Steiner, 'Equality, Incommensurability, and Rights' in *RIGHTS, CULTURE & THE LAW* edited by L.H. Meyer, S.L. Paulson, T.W. Pogge (OUP 2003) 119. For a brief reply see *ibid.* 264-5.

## 1. The value of equality: clarifications

Like all aspirational<sup>3</sup> values and ideals which have taken root in human history and acquired a wide following, the characterisation of the value or ideal of equality, or of egalitarian principles, is fluid. This is partly because the reasons which led many to a belief in equality are diverse. And partly because as some versions of these beliefs come under criticism new versions, designed to by-pass the criticism, emerge. This process of refinement and improvement means that any hope of dealing a knock-out blow to belief in the egalitarian ideal are chimerical. No such aim is entertained for this essay. For that reason I make no attempt to provide a taxonomy of egalitarian positions, and no arguments against each one of them. My aim is to address the core view – however crudely understood – which forms one of the two main ideals of equality, the one I refer to as distributional equality.

When arguing against the validity of an ideal with deep historical roots and considerable following one needs not only to provide reasons to reject the ideal, one needs also to explain why, given its invalidity, it is so popular. The hold belief in the ideal has on people suggests that there is something to it. Perhaps it is valid after all. To establish that it is not we need to understand why its validity appears plausible. We may be prone to some reasoning fallacy leading us to endorse the ideal. But more often than not the explanation lies elsewhere. Something of real value is mistaken for the invalid ideal. I will gesture towards such an explanation below. But in the main the explanation of error is not explored here.

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<sup>3</sup> I use 'aspirational' to indicate that people have taken them to be values or ideals and aspired to see them realised, without committing to whether or not they truly were values or ideals.

The focus is on reasons suggesting that there is no intrinsic value in equality.<sup>4</sup>

We need to narrow down the issue:

- 1) I will consider only the non-instrumental, or, as I shall refer to it, the intrinsic, value of equality. There is no doubt that some equalities are sometimes instrumentally valuable, that they are useful for securing some valuable outcomes, or for avoiding bad ones. Often debates about the value of equality are debates about whether equality in the distribution of this or that has beneficial or adverse consequences. But no such concerns will engage us here.<sup>5</sup>
- 2) As mentioned this essay deals with distributive equality, that is with the possibility that there are some things such that there is intrinsic value in distributing them equally. In the history of the political and theoretical uses of 'equality' distributive equality dominates. But there is another claim: that certain creatures (people, citizens, all animals, etc.) should be treated equally. I will not consider the value of equal treatment.
- 3) Some writers suggest that one of these principles or ideals leads to the other, for example that the value of some form of distributive equality derives from the value of, or some principle of, equality of treatment. I will not consider such claims. If distributive equality is

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<sup>4</sup> For more by way of explanation of the error see my THE MORALITY OF FREEDOM (OUP 1986) chapter 9. Various writings sympathetic to the ideal of equality also constitute explanations of what may motivate belief in the intrinsic value of distributive equality, without justifying such beliefs. See, e.g., A. Marmor's 'The Intrinsic Value of Economic Equality' in RIGHTS, CULTURE & THE LAW, p. 127.

<sup>5</sup> The instrumental will be understood broadly, to include not only the causes, but also necessary conditions for a result, in the way that the existence of gravity on our planet is a precondition for the existence of life on it.

not intrinsically valuable then it has no intrinsic value deriving from the value of equality of treatment, though it may derive some instrumental value in that way.

- 4) Any principle of distribution yields, when implemented or conformed to, some pattern or other of distributive equality. That is, any principle of distribution has as a by-product some form of equal distribution. For example, think of a distribution of food resources which leaves no one hungry (even though different people are given different kinds and quantities of food). That distribution is also one in which every person is equal to any other in being free of hunger. Or think of a distribution of educational resources and opportunities by which everyone can develop their abilities<sup>6</sup> and skills to their maximum potential. That distribution, though it allocates different educational resources and opportunities to different people, is also one in which every person is equal to any other person in being able to develop his or her abilities to their maximum potential.

Claims that such distributions are good or justified are sometimes expressed as statements about equality: it is valuable that everyone should be equally free from hunger, or that everyone should be equally able to develop his or her potential. At other times some such views are condemned as inegalitarian. Thus, a distribution of educational resources and opportunities by abilities is sometimes condemned as elitist. These terminological variations and their rhetorical roots are of no concern to us here. What matters is that

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<sup>6</sup> The statement applies non-vacuously only to those abilities which can develop, and whose development can be affected by educational opportunities and resources.

the factor which made the distribution good or valuable was not that it was equal, but that it avoided hunger, or that it avoided the inevitability of undeveloped abilities. How do I know that? Of course, it is not my claim that there cannot be anyone who would think that equality is all that matters in these cases. Rather, I speculate that those who think that these two distributions are intrinsically good are likely to think that they are good for two different reasons (one to do with hunger, the other with being able to develop one's abilities<sup>7</sup>) rather than because they maximise equality.

This diagnosis of their view will be refuted or confirmed by their reaction to the following two cases: In the first case we know that at some future time Jane will be the only person alive. We can do something which will make sure that she will not be hungry. In the second case we know that at some future time both Jane and John, but no one else, will be alive. Whatever we do John will not be hungry. There is something we can do which will make sure that Jane is not hungry. In this second case we can act in order to achieve equality (in freedom from hunger), but we cannot do so in the first case, in which no distribution can be either equal or unequal. The good of avoiding hunger is achievable in both. Those who think that the reason to protect Jane from hunger in the first case is the same as the reason to protect her from hunger in the second case show in that that they take the avoidance of hunger rather than equality as the good of the distribution. So far as they are concerned the equality produced in successfully protecting people from hunger (i.e. that they

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<sup>7</sup> This need not deny that the same people will think that the two intrinsic goods are constituents of one more general good, such as happiness.

are all equally protected) is neither here nor there. What matters is that they are all protected from hunger. The views of such people are of no interest to us when we explore the intrinsic value of equality. They do not endorse that value.

Egalitarians are people who believe in the intrinsic value of distributional equality of some good(s) and who take this value to be of considerable importance. Necessarily, egalitarians are value pluralists. It makes no sense to believe in the equality of what is itself of no value, say the number of stars visible from a position 10 miles to the east of one's current situation. If the distributive equality of anything is intrinsically valuable it must be something which is itself of value (or disvalue) or something necessarily related to what is intrinsically valuable. Hence egalitarians believe that there is at least one other intrinsic value besides equality. It could be liberty, well-being, resources, or whatever. Their belief in the importance of the intrinsic value of equality consists in believing that obtaining equality is worth-while even if it means a significantly lower level of realisation or instantiation of other values. There is no way of putting a precise lower limit to the importance assigned to equality by anyone who could be considered egalitarian, and no need to do so.

Needless to say egalitarianism is harder to establish and easier to refute than the thesis that some equality has intrinsic distributional value. In what follows I will argue that equality does not have intrinsic distributional value. Given that the argument falls short of being a proof it is worth bearing in mind that whatever its force against the value of equality, it is likely to have – if at all plausible – an even greater force against egalitarianism.



Given that for the most part, only egalitarians believe in the intrinsic value of equality, I will refer to any believer in the intrinsic distributional value of equality as egalitarian.

## 2. The levelling down objection

A popular argument against the value of equality, now increasingly recognised to be flawed, is known as the levelling down objection. I will consider it using a variant of the previous example:

**John & Jane:** Suppose that it would be good if people were equal in their possession of some good, say food. Suppose further that there are two people, Jane and John, who are not so equal, Jane having more food than John.

There are at least two ways of establishing equality of food between them. One can deprive Jane of the amount of food she has more than John, or give John that amount of food (for present purposes I will ignore the possibility of splitting the difference between them). So far as equality goes there is nothing to choose between these two ways of securing it. Practicalities aside, they are equally good or acceptable ways of achieving equality. This symmetry appears to many to be implausible. The indifference between achieving equality by making people who are better off worse off and making people who are worse off better off appears counter-intuitive. Is not, they say, the whole point of equality to improve the lot of the deprived and the dispossessed?

Supporters of equality have, however, pointed out that the objection is invalid. It may reveal, of course, that the objectors do not really believe in the value of equality. They may simply believe in the value of alleviating poverty and deprivation. So do I, but that belief does not require commitment to the intrinsic value of distributive equality, though current

political rhetoric often obscures this point. The appeal of the levelling down objection may therefore serve to separate the egalitarians from others who are sometimes confused with them. However, as an objection against the egalitarians it would not do.

Were it valid it would undermine any pluralistic view of values.<sup>8</sup> To see why this is so think of any two independent intrinsic values of your choice. I will take autonomy and a sense of physical well-being as examples. I will assume that it is good to enjoy autonomy to a proper degree – it does not matter what that is. So far as the value of autonomy is concerned it does not matter if one reaches that degree by diminishing one's sense of physical well-being, or without such decline in one's sense of well-being. Similarly, in so far as one's sense of physical well-being is concerned it does not matter if one achieves it through sacrificing a degree of autonomy or without such sacrifice. These points are the precise analogues of the levelling down objection: in so far as one is concerned exclusively with achieving equality it makes no difference whether it is achieved at the expense of some other value or not. This observation is close to a tautology. However, what matters, according to all value pluralists, including egalitarians, is the instantiation or realisation of all the values there are. Egalitarians believe that equality is among them, but given that it is not alone, their overall view (the view which takes account of all the values) is asymmetric: regarding any value

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<sup>8</sup> Egalitarian are, by necessity pluralists about value. According to them there is value only in the distribution of something which is in itself of (some) intrinsic value, that is something whose value is independent of equality. The full proof of this is somewhat complex, and tiresome. The beginning of the proof is to note that there is no value in the equal distribution of something which is itself neither good nor bad, like the number of hairs to be found on one's shirts at any given time. To be plausible at all the value of equality must relate to the distribution of items like food, opportunities for valuable activities, freedom, and other things of value independently of their distribution.

it is better to realise it without compromising the realisation of any other values rather than in ways which do compromise their realisation.

### 3. Is Equality Good for People?

The appeal of the levelling down objection may be due to failing to distinguish between it and another, more promising criticism of egalitarianism. The striking feature of egalitarianism which attracts the levelling-down objection is that according to it things are better if Jane is deprived of some of her food resources (the amount required to bring her food resources level with John's), and nothing else changes. In rebuttal it is pointed out that the premises are false. It is not true that nothing else changes. There is an additional, consequential, change, namely that equality is established. The objection fails. But, as we saw, it fails for an additional reason as well. Even if the premises were true the conclusion ('things are better ...') does not follow from the premises (that depriving Jane of that amount of food will establish equality). The premises only show that things will be better regarding equality. It does not follow that they will be better overall.

Some of the objectors may persist and protest that things cannot be better in any respect if one person is worse off and no one is better off.

This claim does not vindicate the levelling down objection in any of the forms it is commonly given. But it reveals a common assumption which is not always noticed by those who share it. At its crudest it is the assumption that values are subservient to human interests. That

***If realising or instantiating any putative value benefits no one, then that putative value is no value.*** I'll refer to that thought as the crude and simple version of the **Person-affecting condition**.

The objector points to the situation in which equality is established by levelling down, i.e. by adversely affecting someone without benefiting anyone, as proof that equality fails to meet the person-affecting condition and is therefore of no value. I will call this the person-affecting objection. Is it sound? Egalitarians may wish to pursue at least two avenues of reply. First, they may wish to deny that equality does not benefit people. Second, they may wish to reject the person-affecting condition.

Given its historical and political background, egalitarianism may well wish to pursue the first avenue even if the person-affecting condition is false. Even if there are values which cannot benefit people the view that equality is among them would surprise and disappoint most egalitarians, as the ethos of egalitarianism is deeply humanist, that is concerned with the fortunes of people. Be that as it may, does equality benefit people?

The question is not whether realisation of equality is associated with other changes which benefit people. The question is whether equality itself benefits people. That is why the arguments turn on levelling down. Securing equality between Jane and John by providing the latter with more food is an example of a case in which improving the lot of a person also happens to realise equality. But it is not the equality which improves his lot. It is the extra food. And the food is not necessary for the realisation of equality. Equality can be realised by denying Jane some of the food she has and wasting it. Hence the argument that equality itself does not benefit people, that it is indifferent to their fate. It violates the person-affecting condition.

But have not the objectors been looking in the wrong place? If you consider the food benefits for people then obviously equality itself does

not benefit them, only food provides a food-benefit. We need to ignore the coincidental benefits (where they exist) and ask whether equality itself is a benefit. How can it be? One line of thought is to draw an analogy with other 'environmental' benefits, as I will call benefits which consists in nothing more than living in a certain environment, e.g. in a beautiful mountainous valley. Just living there is a benefit. By and large such environmental benefits are recognised by people. Even those who prefer living in a big city with all its social and cultural amenities recognise that those who would rather live in the mountainous valley gain something which they lack. Nor is the benefit exhausted by the opportunities the mountain provides: opportunities to climb the peaks, to watch the birds, etc. Just living in those surroundings is of value.

So is life in a world in which distributional equality obtains a benefit to its inhabitants in a similar way? It may be helpful here to consider another example:

**Galaxy:** Imagine that a state of ideal equality prevails on our planet. However, there is another planet, in a galaxy too remote for us to be able to interact with, where there are human beings living in conditions of ideal equality with each other, but whose conditions are not equal to those of people on planet earth, not equal in the respect in which equality is a good thing. The people in either planet do not know of the existence of the other, nor can they find out (given the laws of nature). Bertie is one of those people. He lives on earth.

The question is: Would Bertie benefit if the conditions of the people on the other planet changed and became equal to the conditions of his life (and that of other people on earth)? If he would benefit then equality is not an environmental value. It is of the nature of the latter that one benefits from the valuable condition (from the instantiation of

the value) only if one is aware of the facts which constitute that condition. One need not have the concepts MOUNTAIN, VALLEY, FRESH AIR, NATURAL BEAUTY and the like to benefit from living in a mountainous valley. But one has to be aware of the fact that one lives in a mountainous valley. Moreover, 'the awareness' cannot consist merely in believing, knowing or remembering that those facts obtain. It would have to be linked to perceptual and sensual awareness of the relevant valuable features of the environment. Two considerations explain these points.

First, had one benefited from living in certain conditions merely in virtue of believing them to be valuable then one could create values by believing that they exist, but that is highly implausible. We need not deny that beliefs can have a certain placebo effect, namely that (false) belief that one lives in good conditions may well make one happy, or have some other generally desirable psychological effects. Such phenomena do not, however, make one's beliefs in values self-verifying in any way.

Second, the explanation of the way we benefit from intrinsic values which are environmental in character is that they combine two features. As with other intrinsic values we benefit from them by experiencing their presence. Unlike other intrinsic values our experience of environmental values need not be through action, or activity, and need not impose on our attention. It need not impede us from engaging in any other actions, including mental acts. Sometimes we have more intensive experiences, as when contemplating the landscape, a contemplation which involves activities, absorbs our energies and attention, and precludes some other activities and experiences. But this need not be the case. The mark of environmental values is that the

experience can be subliminal and leave us completely free to engage with any activities open to us.

Back to Galaxy. If Bertie benefits from the equality which came to reign in the world it is not because he experiences it. So if establishing equality benefits him that is because the value of equality can benefit people in other ways as well. I do not know of any explanation of the way equality with the remote planet can benefit people which would apply to Bertie. I will therefore assume that it does not.

It does not follow, however, that equality is not an environmental value. Think of beautiful landscapes again. There may be beautiful landscapes on some uninhabited planets. They are still beautiful even though they never did, nor ever will, benefit anyone. In general the value of anything of value does not disappear when it does not benefit anyone. *War and Peace* would remain a good novel even if people were to read it no more, and forget that it exists. The person-affecting condition does not stipulate that every instance of a value actually benefits someone or other. It merely states that

**Person-affecting condition (first approximation): *If V is a value (a value property) then it is possible for some of its instantiations to benefit people.***

One aspect of the rationale for the person-affecting condition should be noted here. Insisting on the condition implies that in some, yet to be explained, way the point of intrinsic values is that people should relate to them in appropriate ways. Values provide reasons, and, metaphorically speaking, they are unfulfilled or wasted if those reasons are not conformed to. Our current concern is that while any instantiation of a value is an instantiation of a value regardless of whether or not anyone

can benefit by it, the stringency or importance of the reasons we may have to realise the value on a particular occasion, or to preserve its instances, will depend on the benefit it brings to people. Therefore, while possibly the equality of the conditions of people on Earth and on the remote planet is valuable, the person-affecting condition implies that there is little reason to bring it about or preserve it if it already exists, as this particular instantiation of equality cannot benefit anyone.

But the question remains whether under some circumstances living in conditions of equality benefits people, and I will now assume that if it does that is due to their experiences of equality, or of the egalitarian aspect of life in conditions of equality. But what is that experience?

The problem with Galaxy is not merely that Bertie does not know of the remote planet, but that even if he did its existence is unlikely to yield any relevant experience of either equality or inequality. He may be pleased or displeased to know of the inequality and the subsequent equality in conditions of life between Earth and that planet, but that is not enough to establish that Equality meets the person-affecting condition. Perhaps the egalitarian experience relates to the experience of living in a community in which equality prevails. I do not mean a particularly small or cohesive community. Any social environment living in which is intrinsically meaningful (for good or ill) will do.

There are two difficulties in understanding the intrinsic value of equality in this way, that is understanding it as a value which benefits people who live in societies in which equality prevails through experiencing the egalitarian character of these societies. First, this understanding limits the value of equality. It means that the intrinsic value of distributive equality provides very little reason, if any, to establish distributive equality among people who do not share a



community. Second, it is difficult to identify any experience of living in egalitarian communities which consists in experiencing their egalitarian character (on analogy with experiencing life in the woods or the mountains).

Arguably distributional equality is a precondition of various desirable effects. Perhaps without it conflict within communities is inevitable. Perhaps without it people are unlikely to be infused with concern for all, and would not pursue the common good as they ought to. But while, if sound, arguments of this kind would establish reasons for distributional equality, they would not establish its intrinsic value. All they can do is establish its value as a precondition for achieving other things of value, a value which is a form of, or analogous with, instrumental value.

#### 4. The Person-affecting Condition

I have no conclusive argument to show that distributional equality cannot benefit people non-instrumentally. The previous reflections indicate the difficulty in understanding how it could benefit people, except through its consequences or through being a precondition of something desirable, or as a result of people believing in its value. So perhaps it does not benefit people. Does that show that it is not intrinsically valuable? Is the person-affecting condition true?

There is a strong presumptive case for it. It is in the way we argue for or against the intrinsic value of many things. Two parallel lines of argument seem to prevail. We argue by spelling out, specifying<sup>9</sup>, the value. We specify what makes a friendship good, or what makes a novel

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<sup>9</sup> A term, and a method of argument, made much of by H. Richardson

good, or a poem, or a party, or a walking holiday, and so on. At the same time, often simultaneously, we relate that value to a wider context which brings out why it has value. In that context we typically describe the way what is allegedly of value benefits people who engage with it appropriately. We describe how a good friendship enriches the life of the friends, how reading (or writing) a good novel or poem with understanding is rewarding or enriching, how enjoyable participating in a good party or going on a good walking holiday would be, and so on. Furthermore, it is difficult to make sense of the claim that values, some values, are entirely independent of the possibility of human engagement with them, independent of any potential to benefit people. Outside a religious context it is difficult to see how that can be.

Two objections stand in the way. First, there are values or putative values, other than equality, which also violate the person-affecting condition. For example, the value of retribution: meting out retribution does not benefit anyone. As with equality so with retribution some argue that in fact meting out retribution does benefit the people who are so punished. But it is not clear how they can non-instrumentally benefit by their punishment, and I will assume that they do not. Yet the force of this counter-example is not clear. It is at least as plausible to deny the intrinsic value of retribution as to deny the intrinsic value of equality. The incompatibility of belief in the value of retribution and belief in the person-affecting condition is as likely to serve as (part of) an argument against retribution as against the person-affecting condition. Are there more secure counter-examples? Is the value of human beings a counter-example? My earlier observation that 'the point of intrinsic values is that people should relate to them in appropriate ways' seems not to apply to the value – often referred to as the 'dignity' or 'the

moral worth' – of people. Their value does not depend on their existence being of possible benefit to others.

This observation is sound, but does not constitute an objection to the person-affecting condition. It is true that the value of persons does not depend on the benefit their existence, or their actions or attitudes may render to others. It is often observed that the reason we have to protect a human life does not depend on the benefit the person whose life is in question renders or is likely to render to others. This may be an exaggeration. In conflict, when one has to choose whom to protect or save and it is impossible to protect all those who are at risk, the value of people to others, the benefit they render or are likely to render to them, may well determine the choice. Yet the stringency or importance of the reason to protect the life of a person does not dwindle to nothing or near nothing if the person is unlikely to benefit others. Arguably the benefit to others is relevant only when the value of people is neutralised, as when the choice is between two lives, but does not affect the stringency of reasons generated by the value of people in any other context. This fact contrasts with the reasons provided by intrinsic goods, which, as we saw when considering Galaxy, does dwindle to nothing or near nothing when they can do no good to anyone.

All that having be said, the (non-instrumental) value of persons does meet the person-affecting condition simply because human relations and interactions can be of benefit to those involved. Where my earlier statement was wrong is in overlooking the difference between two kinds of non-instrumental values (both meeting the person-affecting condition). There are the familiar intrinsic values (such as autonomy, justice, and the various valuable objects – good paintings, novels, etc. – and activities – enjoyable partying, etc.) and there is the value of

creatures, like persons who are valuable in themselves (who possess 'moral worth'). The person-affecting condition asserts that only what can benefit those who are of value in themselves can be of value. The condition is met by anything valuable, whether its value is instrumental or intrinsic or be it of value in itself. The rationale for this tripartite division, though hard to state precisely, is fairly evident. Instrumental goods are subservient, their 'point' is to secure what is of intrinsic value and of value in itself. The 'point' of what is of intrinsic value is in benefiting persons, or other creatures of value in themselves. We say of people and certain other animals that they are of value in themselves precisely because their existence is of value independently of any service to anything else, even though people and other animals can also benefit from interacting with one another, can also be of benefit to others.

This leads to the second objection. The person-affecting condition stipulates that what is of value must be capable of benefiting people. The previous paragraphs show that rather than referring to people it should refer to anyone and anything that is valuable in itself. Let us accept this emendation. More problematic is the reliance on the idea of **benefiting** people. It suggests that what is good for people is independent of values, and intrinsic values are values because they are of benefit for people in that value-independent sense. That seems to be an incoherent view. Roughly speaking, we benefit from an event or an action when it facilitates acting as we have sufficient reason to act, or when we do so act, provided the action does not disrupt our long term plans and commitments.

This, says the objection, means that the person-affecting condition does not rule out any putative value. If something is of value then people have reasons to engage with it (read it if it is a novel, go to it if it is a

party, etc.), and to protect its existence. And if it provides reasons then it is plausible that some conditions could exist in which conforming to those reasons will not disrupt some people's long term plans and commitments. Therefore so far as the person-affecting condition goes any claim that something is of value is self-verifying. The objection fails for it misconstrues the person-affecting condition. If possessing a certain property makes its possessor valuable to some degree there must be an explanation of why it is so, how possessing the property makes its possessor valuable. The person-affecting condition stipulates that that explanation must include an explanation of how what possesses that property could benefit people. A proposed explanation of the value of anything which does not explain how it could benefit people (or others of value in themselves) fails.

Applied to equality the condition says that equality is of intrinsic value only if it can benefit people, and that condition is not toothless. In fact, the previous section has established that equality fails this test, and can therefore have no intrinsic value.