

PANEL DISCUSSION

The discussion opened with two questions posed by Professor Freund to Professor Nagel:

We have been talking . . . largely . . . in terms of political action or state policy. I am wondering if there is anything to be gained by asking a question in a somewhat more naked form. If it were not necessary to resort to coercion in any way, but simply a question of voluntary moral choice—say you were constructing a Utopia without regard to how you got there—would you opt for equality as perfect and universal as possible, or for inequality? . . . In other words, how much wrestling with this problem has to do with the element of coercion and, therefore, the sacrifice of autonomy—respect, if you will—and how much has to do with doubts intrinsic to the very idea of equality?

The second question . . . is this: What is meant by the term urgent claims, or urgent or more urgent interest? Does it beg some questions to say that the claims of the worse-off are more urgent? Usually, when we say urgent or more urgent, we have in mind some further end—urgent in order to do this or accomplish that—and is not that the real question, which is obscured by the term urgent?

Professor Nagel responded:

Those are both very good questions and rather difficult ones. To the first, I would answer that above a certain level of benefit, equality is not particularly desirable; that it is a moral and social goal that may be worth the trouble, which it always causes, only when the inequalities one is trying to eliminate put some people in a position that is deprived in a fairly serious way.

Urgency is another question-begging notion, and I am not sure how to fill it out. In most societies, some people are seriously and justifiably discontent with their lot. As long as that is so, the problem of equality survives. But if serious deprivation were eliminated, it would be different. If you had to choose between a distribution of incomes ranging from \$50,000 to \$500,000 a year and one with everybody at \$100,000 a year, there would be no problem of equality of all. The question arises only when urgent needs among the worst-off group are not being met. Urgency is, I think, a very difficult problem, but I believe that it is possible to give it an objective interpretation. The urgent needs, those that may have a claim to priority over others, are the things that are necessary for the pursuit of any of the aims that an individual may have in life. They have

a certain universality. I think that medical care is urgent because it is a precondition, if you get sick, of proceeding with an ordinary life or whatever you want to do; and as society evolves, the things that occupy these positions will change. Education is now, it seems to me, in the category of a basic need and at a higher level than it formerly was. In general, I would say that that position of being—a precondition of living out a life that you yourself can plan and use to achieve your own aims—puts something into the category of urgency.

Some other questions were implicit in the discussion and left open. Is basic personal-status equality constitutional in dimension, whereas distributional equality, which focuses particularly on economic well-being, legislative in dimension? Even so, what is to be done when the latter affects the former? When are we equal enough to be treated equally? How are we to choose among different kinds of equality: equality of opportunity; equality of condition; and equality of treatment? Specifically, how are we to juxtapose claims for preferential affirmative action and claims for personal equality of opportunity.

Responding to the question about preferential treatment, Professor Nagel stated that such claims again involve the subjective concept of urgency:

I doubt that those who favor preferential admissions to medical schools would be in favor of weighted voting on a racial basis, even though it might have effects that this person would be willing to pursue in other ways. The same goes for a special tax deduction for minority group members. One can think of a lot of things that would be counted as denial of equal treatment in too fundamental a way to be considered as methods for improving the position of minorities. The reason the admissions issue is a close one is that it does not seem to be one of the fundamental rights.