

Christoph Schmidt-Petri

Binmore's Egalitarianism

Abstract: In this short commentary on Ken Binmore's *Natural Justice* I primarily examine the relationship between mainstream egalitarian theories and Binmore's approach. I argue that Binmore uses key concepts in non-standard ways. As a result, he doesn't engage enough with the views he criticises.

1. With *Natural Justice*, Ken Binmore presents a beautifully worked-out approach to thinking about the foundations of any social contract. He bypasses many of the subtleties explored in his *Game Theory and the Social Contract*, and thus may rightly expect to find a larger audience for his idea that game theory is vital to understand the fundamental structure of morality as we know it.

Philosophers will find many points to object to in this book, primarily because Binmore gives short shrift to more than a few ideas or people held in great respect. But a bit of fresh air in the ivory tower will also be welcomed by many. I am in general agreement with Binmore about the value of understanding the strategic considerations game theory may be used to model to make sense of the structure of human interaction. I am maybe more doubtful that *philosophy* will benefit as much from the tools Binmore uses than he thinks it will, simply because political philosophy doesn't stop at describing current practices—to the extent that it is even about that at all. In what follows I want to try to relate Binmore's views on egalitarianism to the current philosophical literature to illustrate that claim. I conclude by summarising some of the shortcomings I see in Binmore's approach.

2. Binmore distinguishes between *utilitarian* and *egalitarian* solutions to the bargaining problem about the social contract. Neither of these cases are 'utilitarian' or 'egalitarian' in the sense these concepts are typically used in philosophy. According to Binmore, "a utilitarian assesses the worth of any outcome by adding up the weighted payoffs obtained by dividing Adam and Eve's personal payoffs for that outcome by their social indices" (29). This does sound utilitarian, but what are the social indices? "Bentham's dictum 'everybody to count for one, nobody for more than one' might be written under the principle of utility as an explanatory commentary" is what John Stuart Mill replied in *Utilitarianism* (1861/1998, 105). In his case, the relative social weights of Adam and Eve are clear: they are equal. On Binmore's view, "such a social judgement will reflect

a kaleidoscope of factors determined by the historical context Is Adam rich or poor? Is Eve fat or thin? Is Adam an illegal immigrant? Does Eve have a ring through her nose? Are they man and wife? Are they brother and sister?” (29) Though Binmore doesn’t say so explicitly, these questions seem to indicate that the social indices are unlikely to normally yield equal weight to Adam and Eve. Certainly, they are not equal by default.

To be fair to Binmore, Mill, in a passage that might well have inspired John Rawls, continues by saying that

“The equal claim of everybody to happiness in the estimation of the moralist and the legislator, involves an equal claim to all the means of happiness, except in so far as the inevitable conditions of human life, and the general interest, in which that of every individual is included, set limits to the maxim; and those limits ought to be strictly construed.” (29)

which seems to leave ample room for non-equal weighing of people if the ‘inevitable conditions of human life’—in Binmore’s terms, the feasible set of social contracts in the game of life—require so. But not even Binmore thinks that the *feasible set* of social contracts is necessarily unegalitarian (in Mill’s sense), though the actual equilibrium chosen might be. Nor does Binmore accept, as Mill apparently does, that only the general interest would legitimise an unequal weighting, since the general interest is presumably not affected by nose rings, while something like social esteem might well. The considerations giving rise to Binmore’s social indices are therefore not utilitarian. In classical utilitarianism social indices are *set* equal as default—for utilitarian reasons, of course, and as a result of doing philosophy—whereas they are determined by cultural and other sorts of evolution in Binmore’s approach.

In any case the message should be clear: Unequal social indices of the kind Binmore uses are not compatible with what we would normally consider a utilitarian approach to the social contract. As a result, what Binmore calls ‘utilitarianism’ is not what utilitarians in the classical tradition call thus.¹

There is a powerful reply to this sort of objection that we encounter repeatedly in *Natural Justice*: Don’t look at what people say, look at what they do. Am I seriously claiming that Mill’s *actions* reflect the above quoted credo? Mill, after all, lived a hugely privileged life, and for some reason or other actually managed to land the job his father used to have. That job involved a total of about three hours of work a day while others were slaving away for four times that in the cotton mill (unless younger than thirteen).

This reply seems to me illegitimate, or at least misguided. Far from having the intention of defending hypocrites, I simply have the naive idea that there are not just truths about what there *is*, but also of what there *ought* to be—in whatever way one might want to conceive of such truths, and that it is worth

¹ And I am even ignoring the by now standard but nevertheless entirely deplorable practice of equating “utility” in the classical utilitarian tradition—which simply means usefulness, as measured by the tendency to promote happiness—with “utility” in the sense of neoclassical utility theory.

thinking about this. Binmore only seems to be interested in what there is; philosophers are traditionally interested in what there ought to be. I will come back to this theme below.

3. The egalitarian solution Binmore discusses is also very peculiar. He says:

“The kind of egalitarian with whom we are concerned assesses an outcome by comparing the gain over the status quo it confers on each player in terms of these weighted payoffs. The egalitarian bargaining solution is the efficient outcome at which each player’s weighted gain is equal.” (31)

Well, what kind of egalitarian is this, precisely? It is certainly not compatible with any of the egalitarianisms currently on the market in mainstream political philosophy. As I see it, at least the following theories are being seriously discussed: (very roughly) equality of primary goods (Rawls), equality of resources (Dworkin), equality of real freedom (Van Parijs), equality of capabilities (Sen), equality of opportunity for welfare/advantage (Arneson/Cohen), and democratic equality (Anderson). How does Binmore’s egalitarianism—let’s call it equality of weighted utility gain—relate to these views?

Binmore doesn’t think Rawlsian equality is viable, as the idea of primary goods is too simplistic. There is no direct evidence of what he thinks of the other theories, but he does say that theories using need, worth, merit, or work

“have something valuable to say about how rewards and punishments are determined by our current social contract. Each theory has its own domain of application. For example, social benefits are supposedly determined by need, and Nobel prizes by merit.” (97)

Presumably, then, other egalitarian theories might also be applicable in some small domain. For instance, in development policy, capability equality would be the adequate yardstick, equality of opportunity for welfare would be the criterion to assess public policy on the provision of education (on some measure of welfare), and legislation in advanced western societies ought to satisfy the requirements of democratic equality. Trivially, it will be rather easy to find areas in which each of these views seem appropriate, and the rhetoric used to defend some of these theories bears witness to this. Still, they are considered to be competitors in the debate on what kind of equality we are *fundamentally* concerned about when claiming that equality is a desirable goal for public policy. In a book in which equality plays as important a role as in *Natural Justice*, I think this issue should be addressed.

Suppose a healthy person gets run over by a drunken driver. He is given a wheelchair by the NHS, but trades it for a Playstation. Should the NHS invest a few hundred pounds in another wheelchair for him? This is the kind of (extremely stylised) question these theories are trying to find an answer to. On a (possibly coarse) view of capability equality, the answer is yes, provided we consider mobility a basic capability. On equality of real freedom, the answer

is probably no, since the paraplegic should be free to do what he likes with his share of resources. What does equality of weighted utility gain have to say on this case? As the situation is not easily modelled as one where Adam and Eve are trying to find a focal point equally sharing the utility gain, I am at a loss to find Binmore's reply. This is not necessarily a criticism—maybe his theory is more sophisticated and simply requires more inputs than others. But Binmore's theory is about justice, and equality, and these are all egalitarian theories of justice, and somehow manage to look at such issues so that they are able to give clear answers. It would be desirable, I think, for Binmore's approach to connect to such issues in a more direct way.

4. Again, to be fair, the issue of social index may be let to do the 'dirty work'. With that, Binmore has the tools to accommodate any and all of the considerations highlighted by these theories—in some way or other. If someone is disabled, that would be taken into account in his index, if someone is not deserving, irresponsible, etc, the index would be able to be modified appropriately, in any particular context.

But if that is so, one might start to wonder what the social index is *not* able to accommodate. It seems to be a catch-all concept designed to allow moulding situations in a way that makes the tools of game theory applicable to any kind of situation (with the proviso, if that is not an euphemism, noted by Binmore (197), that the current approach is restricted to a two-person society). That is clearly an easy way to address the really tough questions political philosophers have been working on. It seems unlikely that we will be able to squeeze all these complex considerations into such a simple format without it appearing entirely arbitrary.

Binmore may well be right that there is no deep fact to be found here—that it is *just* a matter of the way cultural evolution has shaped our social contract that we think the paraplegic deserves another chance to achieve mobility. But then this would require a philosophical argument in favour of this view, which Binmore doesn't provide. The undisputed fact that there is cultural evolution operating on such attitudes is not, of course, evidence that there aren't any other truths to be had.

In any case, I suppose at least one thing would not be represented in the social index: the individual's preferences. If there is to be anything to empathise with in the original position, the subjects in it need to be allowed to have their own personal preferences (ch. 8). Though Binmore rightly discusses empathetic preferences in some length, personal preferences are not examined in any detail. As Binmore is well aware, philosophers are much less reluctant to tell others what they should want than economists. Just like anyone else, I hate being told what I should do or want. But that doesn't mean that people aren't sometimes right when they point out that I have preferences that, though rational, are not good for me.²

² Actually, I hate that case in particular.

In letting the fairness norm depend on an empathy equilibrium, ‘raw’ personal preferences are used. This does not just not seem right on the face of it, it also doesn’t seem an accurate description of the way we often apply fairness norms. If Adam wants to spend the money they found on the street on a crate of beer for dinner, and Eve wants to buy fresh and healthy vegetarian food instead, it seems acceptable to discount Adam’s preferences in finding the fair solution. If that is paternalism, it is a paternalism I suppose most parents can live with well. The example might work even better with any kind of preference you actually abhor personally, and feel entitled to abhor.

Am I being unfair? Isn’t Binmore’s analysis an accurate description of the social contract we are currently operating? Maybe it is, maybe it isn’t, it is really hard to say. We simply need to hear much more on social indices and the exact way interpersonal comparisons *are* made. The issue is enormously complex, no doubt, and Binmore realises this:

“The list of possible cultural and contextual factors is obviously endless, but both the utilitarian and egalitarian solutions cut through all the complexity by insisting that only their effect on the ratio of their social indices is significant.” (29)

I think this is *not* a Gordian Knot, we actually need to sacrifice our fingernails. Without an understanding of the social indices, it will be difficult not just to assess the fruitfulness of Binmore’s approach, but also to even understand our social contract.

5. Binmore and the egalitarians might ultimately not be in the same business. Binmore is concerned with providing a general theoretical structure which any viable social contract has to respect of necessity. He believes the equilibrium chosen will be egalitarian (in his sense), the ‘deep’ reason being that humans are genetically hard-wired, and/or under the influence of cultural processes that make them adopt an egalitarian attitude (14 ff.). The egalitarian philosophers mentioned above are pursuing a different project. It is probably not unfair to say that they are trying to provide arguments of various kinds to support the kind of egalitarianism they believe in. They are trying to work on the actual social contract of our societies, and influence it in some way to move to a different equilibrium. As far as the evidence goes, this kind of strategy is pretty successful (just think of how many students are made to read Rawls these days), so Binmore cannot simply accuse them of being involved in theory for the sake of it. Philosophers may traditionally have

“been so busy inventing reasons why their plans for changing society should triumph that they have devoted little or no attention to understanding how real social contracts actually hold together” (50),

but they nevertheless might have a sufficient grasp of the mechanisms to understand where and how they need to tackle.

Binmore is well aware of the fact that his analysis is pitched at an extremely abstract level (24). In fact, his constructive suggestions on public policy hardly

even make reference to the *details* of the preceding chapters (ch. 12). So what does his approach tell us about the details of the social contract in our societies? For instance, how could it help us to decide whether our social contract endorses capability equality or the equality of ‘real freedom’, or some other kind of egalitarianism? I am sure he has more explicit views on this than at first sight apparent in *Natural Justice*, and would greatly enjoy seeing the techniques developed there applied. But I don’t think it is my undergraduate-level knowledge of game theory only that gives me the feeling that the work required to work out the necessary details of an analysis of a social contract in terms amenable to Binmore’s approach are daunting.

As a result, I am very sceptical that what Binmore offers will ever represent more than a framework to which debates about the social contract may appeal. But this is no mean feat, and political philosophers are to be congratulated to now have this framework in a manageable format at their disposal.

Bibliography

- Binmore, K. (2005), *Natural Justice*, Oxford-New York
— (1995, 1998), *Game Theory and the Social Contract*, Vols. I and II, Cambridge
Mill, J. S. (1861/1998), *Utilitarianism*, ed. Roger Crisp, Oxford