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I Will If You Will: Leveraged Enhancements and Distributive Justice*

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The maintenance of economic equality can easily seem to depend on participants caring more for impartial values such as distributive justice than they are morally required to do. A liberal morality in which partial concerns for the interests of oneself or one's loved ones are given some scope might seem to permit people to refrain from doing what is impartially best unless they are compensated in ways that produce inequality. In this way, Thomas Nagel writes, 'individual choices and efforts and personal attachments which are themselves unexceptionable combine on a large scale and over time to produce effects that are beyond individual control and grossly unequal'.¹

This tension between liberal morality and egalitarianism is often exaggerated by a failure to consider the limits of permissible partiality even in a liberal, or partiality-friendly, morality. Partial concerns will often be overruled morally if some burdensome work would be good enough from an impartial standpoint. For example, if the agent's burden is either not very great, or is reduced by compensation, it may not be permissible for her to refuse to do the work. However, such compensation would often be ruled out because it would produce inequality. If, instead of reducing the agent's burden, we intentionally enhance the impartial value of the work, her option to refrain might again

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¹ Nagel, *Equality and Partiality* (Oxford: Oxford University Press, 1991), p. 120. The same point applies to a wider range of distributive principles and I concentrate on equality only for simplicity.

be cancelled, but this time without producing any inequality. This idea, of intentionally enhancing the agent-neutral value of work that would otherwise be optional, has important normative consequences both for personal morality and for the design of social institutions with an eye to distributive justice. I begin by exploring the idea in a relatively non-political context, then turn to its significance at a more institutional level.

1. The Tension between Liberal Morality and Egalitarian Justice

I was recently on a very long flight, and overheard a flight attendant ask one passenger to trade places with another. It seems there was a tall gentleman whose legs would be pressed against the seat in front of him for twelve hours unless he could sit in one of the front seats (still in ‘economy’) that afforded ample leg room. One of the passengers in the front seats was travelling alone, which would make switching places easy. Despite the flight attendant’s most persuasive efforts, this passenger declined to move, and no one had the authority to compel him.

The inconvenience in moving would have been smaller than the substantial suffering of the taller passenger, but that isn’t enough to settle whether the shorter man was wrong to refuse. It is common to think that each of us is entitled to prefer our own interests to those of others to some extent. Even the shorter man was not short, and the extra leg room was certainly an advantage even to him. If we adjusted his height just right, it could easily turn out that he was morally permitted to stay put even though things would be better from an impartial point of view if he chose to switch.

If you are this passenger you are permitted not to move, perhaps on the grounds that it would be a burden to you. That, by itself, is not a great obstacle, since the airline, or perhaps the tall passenger, could compensate you for your trouble. On the other hand, it may be that the goods they would have to give you to compensate would leave them with a net loss even after your performance, and so it is not worth it. Even if compensating you would be worth it, there is another possible problem: it may be that the compensation would upset a just distribution. If, to take a simple example,² justice requires equal income per person and this equality would otherwise obtain, then paying you to relinquish your seat would upset this equality and produce injustice.

² The point applies to a wider range of principles and circumstances, as I argue in Section 3.

There appears to be a difficulty for normative theory: either we must relax the distributive principle—say, equality—that gets violated by your extra wealth, or stick to it. If we stick to it, then the extra value that could be obtained by inducing you to perform must simply be forgone unless we think you are required to move even without compensation. To maintain distributive justice we must refrain from paying you the money that would be required to compensate your burden, leaving you morally free to stay put while the tall man suffers transatlantically. All this, even though you could have switched with no net burden if only we were allowed to compensate you.³

Liberal morality, as I use the term, is, putting it roughly first, the view that a certain range of individual choice is insulated from the judgement of morality. It is similar in structure to liberal political philosophy in which a certain range of choice is insulated from legitimate legal interference, although neither entails the other. (It is not to be confused with whatever characteristic morality might be thought to accompany liberal political philosophy or liberal culture.)⁴ Here is a tension, then, between *liberal morality*—understood more specifically now as a morality that grants certain agent-centred exceptions from an imperative to maximize agent-neutral value—and *egalitarian justice*: if we accept the agent-centred permission or obligation to refrain from maximizing agent-neutral value in certain cases, and also stick with an egalitarian conception of distributive justice, we may be forced in certain cases to forgo substantial gains in agent-neutral value. Call this tension *the problem of forgone value*. It is no surprise that agent-centred exceptions interfere with maximization of agent-neutral value.⁵ The point I concentrate on here is that while exceptions could often be cancelled by compensation, this in turn raises problems for distributive justice. If and when justice precludes using compensation in this way, then there is value that must be forgone.⁶ The same challenge applies

³ There would be a cost to the compensator, of course. But, not affecting the compensator's income, this cost would not bear on justice of the kind in view in this example. In other cases the compensation might be drawn from a public fund so that no individual's holdings suffer when the funds are spent. Similar points apply in many other cases, although on some views the cost of compensation might itself bring about injustice. Throughout, I assume for simplicity that it does not.

⁴ MacIntyre uses the term in this way in 'Is Patriotism a Virtue?', *Lindley Lecture* (University of Kansas, 1984).

⁵ The fact is related to Nozick's argument that 'liberty upsets patterns' (*Anarchy, State, and Utopia* (New York: Basic Books, 1974), esp. pp. 160–4). In Nozick, though, the liberty is freedom from interference rather than, as here, freedom from certain moral obligations.

⁶ Value is forgone, but only in a special sense: in some circumstances inequality-producing compensation could induce extra value if only the compensation were permitted. Even if it were permitted, though, it might not be required, and in any case it might not be actually offered. Furthermore, the case only arises if the person who could produce the extra value exercises an option not to produce it without compensation. So it is not as if there is a quantity of value that certainly

to certain non-egalitarian conceptions of distributive justice, but I shall not attempt to determine which ones here for reasons of space.

Does the problem of forgone value make it implausible for egalitarianism to admit prerogatives? Put the other way around: if we insist on liberal morality, does the problem of forgone value make egalitarianism (and certain other conceptions of distributive justice) implausible? Can egalitarians allow prerogatives?

2. Leveraged Enhancements

Having emphasized this tension, the next goal is to relax it to some extent, to show that this problem of forgone value is not as great as might be thought due to a neglected structural feature of liberal morality, a feature that is of interest even apart from questions of distributive justice.

We said that you are permitted not to trade seats even supposing the move would be better from an agent-neutral perspective. But we can't compensate you in order to remove your burden and reinstate your duty to promote the collective good, because this would upset the just distribution. Of course, the amount of good you could do by moving is pretty modest. If the amount of good you could do were enormous, then you would indeed be obligated to do it. For example, if one of the passengers took the others hostage and threatened their lives, and your giving him a better seat could placate the perpetrator and avert the crisis, surely you would be duty-bound to do it. As things are, the value of your switching remains small. It may seem, then, that agent-neutral value will be forgone even without anyone acting badly.

This conclusion is too quick, though, once we notice that the agent-neutral value of your action can be *intentionally enhanced*. It is easy to see how it could be enhanced by a moral monster, although that is not the only way. I could credibly threaten the hostage scenario, and thereby put you under a duty to move. My doing so would probably be morally wrong. I return to this case, and other moral qualms, later.⁷ But there is another way for others to enhance the agent-neutral value of your act. Let's make a deal: if you will

would be produced if inequality-producing compensation were permitted, and otherwise would not be produced. But if such compensation is forbidden by justice, then some people might exercise options not to produce more value unless better paid, while it would be impermissible to offer them the extra pay. One way of producing more value—compensation—is morally precluded for the sake of the egalitarian distribution.

⁷ See Section 6.

switch seats, then the airline will bend over backwards to guarantee everyone's connecting flights, many of which would otherwise be missed.⁸ With this offer, the prospective agent-neutral value of your switching seats is higher, and so it might cross the threshold at which you would be obligated to perform, even though your burden is neither reduced nor compensated.

In a less silly example, suppose that you are morally permitted to refrain from putting in more hours as a doctor. This permission might be contingent on the limited amount of value that your extra doctoring could produce. If several others committed to extra doctoring conditionally on your joining with them, they could intentionally increase the value of your extra work, since your extra work would now bring it about that they all spend more hours doctoring. Under some circumstances, this might change the moral status of the extra work from optional to morally required.

Under the right conditions, there is a surprising kind of boot-strapping in a case like this. If my offer raises the value of your act enough, then you become *obligated to accept*. Furthermore, if you are likely to accept my offer, then the value of my making the offer becomes great enough that any option I might otherwise have had is cancelled and I am *obligated to make the offer*. Whereas it looked at first as though we were both permitted to refrain, it turns out that I am obligated to offer, you are obligated to accept and make your contribution, and then I am obligated to carry through and make my contribution as well. Prerogatives are admitted in both our cases, in the sense that we may give extra weight to agent-centred considerations in order to resist impartial moral requirements. But these prerogatives do not translate into moral options; we are bound, in these cases, to maximize agent-neutral value after all.⁹

There are familiar patterns of interaction that come to mind here. It is now commonplace for public radio fundraisers to announce that someone has offered to match any pledges within the next hour, perhaps only up to some specified dollar amount. These matching offers aim to motivate others not by compensating the burden of pledging (the free coffee mug does some of that), but by enhancing the agent-neutral value of a pledge. Whether or not this successfully motivates people, it may well change the status of a pledge from optional to obligatory. And if the matching offer is likely to be highly successful, it too may become obligatory.

⁸ Suppose that, apart from this kind of deal, the airline's doing this would be morally optional.

⁹ Terminology is tricky here. Kagan would say that when the threshold is met, the option or restriction is 'relaxed'. *The Limits of Morality* (New York: Oxford University Press, 1989), p. 5. It might be better not to call it an option in the general case, but only in the case where the threshold is not met. I settle on 'prerogative' as possibly a less misleading description of the general case. A prerogative generates an option when the threshold, if any, is not met. Constraints, I shall say, generate prohibitions when their thresholds are not met.

Call this a *leveraged enhancement*: by enhancing the value of your work, I leverage my ability to do good into a requirement for you to do good. I offer to contribute to the agent-neutral good conditionally on your doing so, with the aim that your option to refrain is cancelled by the value this adds to your so contributing. Leveraged enhancements are important generally for understanding the normative content of liberal morality, and specifically for understanding the problem of forgone value and its bearing on distributive justice.

The tension arises especially clearly if we assume that there is an obligation to promote agent-neutral value except where this is overridden by an agent-centred option or requirement to do otherwise. This sort of view has many adherents, and certainly it does not amount to assuming agent-neutral consequentialism with all its intuitively disturbing implications.¹⁰ Still, this way of putting things suggests that any exceptions must be grounded in considerations with a sufficiently great weight of their own; otherwise the duty to promote the good would prevail. Kagan has put this strategy to ingenious use, concluding that the requisite weight for exceptions has not been demonstrated. This would support the conclusion that agent-neutral value must always be promoted, a position that is, as Kagan acknowledges, seriously at odds with vernacular views of the scope and stringency of moral requirements.¹¹ The tension I have described between liberal morality and distributive justice would be clear in that case, but it could exist in a lesser form even if morality were not so extreme. All that is necessary is that *sometimes* there is a duty to promote agent-neutral value so long as no agent-centred exception intervenes. Then, even if there are agent-centred exceptions, they might often have thresholds.¹² Those thresholds could often be met by leveraged enhancements. So, for example, suppose that Kagan is wrong and there is not even a *pro tanto* duty to promote just any agent-neutral value, and so the fact that you could improve matters by switching seats is no moral reason to do so at all.¹³ Even so, if you could cure a disease or prevent a disaster by making some sacrifice, there might be a *pro tanto* reason to do it. Then, in that more urgent class of cases, the

¹⁰ Prominent sympathizers include Thomas Nagel, 'War and Massacre', *Philosophy & Public Affairs* 1:2 (Winter 1972) pp. 123–44, at p. 128, and Samuel Scheffler, *The Rejection of Consequentialism* (Oxford: Oxford University Press, 1982), p. 20. Nozick, by contrast, explicitly avoids the idea that there are 'mandatory goals that must be pursued even within side constraints'. *Anarchy, State, and Utopia*, p. 29.

¹¹ Kagan, *The Limits of Morality*.

¹² 'Threshold' is Kagan's term (*The Limits of Morality*, p. 5). By 'agent-centred exceptions' I generally mean to include both agent-centred prerogatives and agent-centred restrictions. Restrictions can also have thresholds, and most of what I say about exceptions could cover both.

¹³ Zena Childs raises concerns of this kind in 'Ordinary Morality and the Pursuit of the Good', *The Journal of Value Inquiry* 31 (1997), pp. 213–19.

complexities about agent-centred exceptions, their thresholds, and the ways the thresholds might be met naturally or artificially must be brought to bear. So the interest of leveraged enhancements is not limited to the controversial normative view that there is a *pro tanto* duty to promote agent-neutral value. As described here, though, it might still seem to depend on the view that there is such a thing as agent-neutral value, and that for some subset of such value there is a *pro tanto* duty to promote it. This, too, is disputed, but I shall not pursue this question further here, and I assume for the purposes of this chapter that it is correct.¹⁴

3. How Compensation can Produce Inequality (or Other Maldistribution)

I assumed that when someone claims a prerogative, say of self-interest, compensating them for their burdens might upset the just distribution. This is not obvious, but in the end I think it is correct. Here is why it is not obvious. If it is some burden that triggers the agent's prerogative not to do the agent-neutrally maximal act, compensation for this burden might simply restore the just distributive pattern rather than upset it. Consider egalitarianism. At first everyone has the same amount. Then you notice that you could do some work that would make us all better off, except that this would be burdensome to you. Liberal morality, suppose, says that this burden is sufficient to give you an option not to do the socially beneficial work. Finally, society might decide that it is worth it to compensate you for this burden in order to restore your duty to do the work. Since this is only compensation for the burden, you are merely being restored to an equal position, and the just distribution has not been upset. If, as this suggests, there is no threat of compensation-produced inequality, then there is no tension between liberal morality and egalitarianism in the first place, and the significance of leveraged enhancements is reduced.

Compensation can produce inequality, though, at least under some egalitarian views. It is important to distinguish between goods that are among those governed by the distributive principle—call these *normatively distributed goods*—and goods that are not—call these *normatively non-distributed goods*.¹⁵

¹⁴ Philippa Foot raises powerful doubts about the idea of an agent-neutral value that gives morality its aim in 'Utilitarianism and the Virtues', *Mind* 94 (1985), pp. 196–209 (also reprinted in S. Scheffler, *Consequentialism and Its Critics* (Oxford: Oxford University Press, 1998)).

¹⁵ In these terms Sen's seminal question asks what is normatively distributed by the true egalitarian principle of justice. See 'Equality of What?', *The Tanner Lectures on Human Values* 1 (Cambridge: Cambridge University Press, 1980).

For example, an egalitarian theory might say that justice requires equal income, or equal welfare, or equal resources, etc.¹⁶ In the first case income is normatively distributed, but welfare is not. If not all goods are normatively distributed, then some costs incurred by individuals might involve normatively non-distributed goods, while compensation involves distributed goods. In that case there could be exception-triggering burdens that do not disrupt the distribution from the standpoint of justice. Then, if these burdens were compensated with normatively distributed goods, the distribution would indeed be altered.

For a simple illustration of this distinction, consider an egalitarianism according to which justice requires equal income per adult per year. Annual income is the normatively distributed good. But this leaves entirely open what kinds of goods and burdens might trigger agent-centred prerogatives or restrictions. It is perfectly consistent with this simple egalitarianism to suppose that you are entitled to give extra weight to matters of your own welfare, even though your welfare is normatively non-distributed from the standpoint of justice. That is, if doing some extra work that would benefit us all, such as producing ingenious free educational software, would cost you the benefits of spending that time instead with family and friends, liberal morality can say that you may permissibly decline the productive work. Suppose you do. Then society faces a choice whether to remove your burden by giving you extra income, something it might be in society's interest to do if your software is very good. If we give you extra income to compensate for your welfare burden, the egalitarian distribution of income is upset. The welfare that you would lose if you did the work would not have upset the pattern, since justice, we are assuming, covers only income. Then, when we compensate your welfare burden with income, we upset the equal distribution.

So there is a genuine danger of compensation-produced inequality. Not all compensation will produce inequality, of course. There can be non-distributed burdens compensated with non-distributed goods, and distributed burdens compensated with distributed goods. But there can be normatively non-distributed burdens that trigger prerogatives—in our example, welfare losses—which could only be compensated with normatively distributed goods—in our case, income. And these are not far-fetched cases.

In the special case we might call *pure egalitarianism*, all benefits and burdens are normatively distributed equally, and no inequality would be produced

¹⁶ For a good collection discussing a variety of contemporary egalitarian theories, see Clayton and Williams (eds), *The Ideal of Equality* (New York: Macmillan, 2000).

by compensation. The reason is that both burdens and compensation would be in the currency of distributive justice, cancelling each other out. The objection as I initially stated it seemed to presuppose a pure egalitarianism. But this idea is still ambiguous in several ways: is pure egalitarianism not even limited to benefits and burdens that are socially produced? Does it include, say, congenital disadvantages such as blindness? If it is limited to socially produced benefits and burdens, then there is still clear potential for compensation-produced inequality—where distributed goods are used to compensate losses of non-distributed goods. For a more pure form, suppose egalitarianism ranges over all benefits and burdens the distribution of which can be socially *affected*. Still, there may be burdens that cannot be socially affected and so do not affect the normative distribution, but that can still trigger exceptions. So compensation with distributed goods would produce inequality.

It is not clear, in any case, which are the burdens whose *distribution* cannot be socially affected. Certainly there are some that cannot be compensated. But are there burdens such that the welfare of others could not be reduced so as to produce approximate equality with the condition of the burdened? Autism cannot be remediated or compensated, but in a ghastly imaginary scenario, others could be brought to a state such that they were indifferent (*ex ante*) between that and being autistic. Pure egalitarianism in which all goods are normatively distributed is not incoherent, but it is difficult to see what there is to recommend it in the face of intuitive objections, at least in some cases, to levelling down.¹⁷

The example of income egalitarianism is conveniently simple. But distributive constraints can be violated by compensation under any distributive principle, egalitarian or not, that is impure—where not all benefits and burdens are normatively distributed. On those principles, agent-centred exceptions can be triggered by non-distributed goods, in cases where, for one reason or another, compensation can take the form only of distributed goods, thereby upsetting the just distribution. In these cases, the tension between liberal morality and distributive justice is intact, and the importance of leveraged enhancements, which cancel the agent's options without upsetting the distribution, remains.

¹⁷ Despite my mention of the problem for egalitarianism of 'levelling down', my point here is not Parfit's in 'Equality or Priority?', *Lindley Lecture* (University of Kansas, 1991). His critique of egalitarianism is not limited to pure versions, while the point I'm making here is.

4. How Leveraged Enhancements Reduce the Tension between Liberal Morality and Distributive Justice

Suppose I am in a position to offer a leveraged enhancement of the value of some work by you. As we have seen, the extra value that a leveraged enhancement adds to both of our acts might cancel options for both of us, requiring us to maximize agent-neutral value, and at a higher level than was available even before the leveraged enhancement was considered. I cancel your option not by paying you for your trouble, which would threaten the just pattern, but by making your trouble more productive of agent-neutral value, which can still be justly distributed. Unlike compensation, the strategy of enhancement proceeds without upsetting the just distributive pattern.

One implication of this is that liberal morality's prerogative to give a preference of some weight to certain agent-centred considerations can be granted without necessarily giving rise to either maldistribution or forgone value. The reason is that the prerogative does not translate into an option to refrain from the extra contribution once the value of the contribution has been raised by a leveraged enhancement high enough to overcome the prerogative's threshold. Liberal morality includes prerogatives, but this does not guarantee options. Commonsense liberal morality admits this since, at least typically, it places limits or thresholds on the prerogatives it grants: if the agent-neutrally optimal act is enough better than the alternatives, then, at least for especially urgent classes of value, it becomes obligatory after all. Sometimes these thresholds are met naturally, as when aiding drowning babies or famine victims would have enormous value at only modest cost to the agent.¹⁸ Leveraged enhancements, by contrast, are an example of how the agent-neutral value of someone's act can be intentionally raised so as to meet the threshold of their prerogative.

Thresholds can be met artificially as well as naturally. It is possible, and probably often obligatory, to enhance the value of someone's possible act so that their prerogative does not translate into an option to refrain. The tension

¹⁸ So Singer's famous demanding normative conclusion in 'Famine, Affluence and Morality' is compatible with prerogatives (*Philosophy & Public Affairs* 1 (Spring 1972), pp. 229–43). They might be granted to be of some moral importance, but not comparable in weight to the great evils that exist and which could be reduced by our efforts. The threshold is just often met.

between liberal morality and distributive justice is reduced if the prerogatives are often prevented, by leveraged enhancements, from giving rise to options to act contrary to some *pro tanto* duty to promote the good.

It may be that for some agent-centred exceptions there is no threshold, and no amount of agent-neutral value could cancel the agent's moral option. For example, it may be that certain central personal commitments are always preserved or promoted in certain ways, no matter how much agent-neutral value is at stake.¹⁹ I am not arguing either side of this case. Certainly, if *all* agent-centred exceptions are indefeasible, lacking any threshold at all, then the tension I have described between liberal morality and distributive justice cannot be reduced by noticing the possibility of leveraged enhancements. But many people think that morality admits many agent-centred exceptions with finite thresholds, even if some of them have no thresholds at all. Then leveraged enhancements will reduce the tension between liberal morality and distributive justice.

5. Leveraged Enhancements under Egalitarian Conditions

So far our examples have been on a small scale, concerning leveraging offers that one agent might make to another. Leveraged enhancements have a broader applicability at the level of social institutions as well—a level that is more central to egalitarian concerns.

Economically egalitarian social arrangements are widely charged with suppressing productivity by failing to provide the incentive of greater pay for greater work. Egalitarians sometimes reply that no such incentive would be needed in a fully just society where people's motives were not immorally partial.²⁰ This reply can be challenged from the perspective of liberal morality, in which there are permissible motives other than aiming at agent-neutral value. G. A. Cohen's egalitarianism grants some limited prerogative of self-interest, but then seems forced to admit a range of other partial motives as well.²¹ Details

¹⁹ Williams considers such a thing in his discussion of 'ground projects', in 'Persons, Character, and Morality', in Amelie Rorty (ed.), *The Identities of Persons* (Berkeley, CA: University of California Press, 1976).

²⁰ I thank Jerry Cohen for discussion of this point.

²¹ See G. A. Cohen, 'Incentives, Inequality, and Community', *Tanner Lectures on Human Values*, vol. 13 (Salt Lake City, UT: University of Utah Press, 1992), pp. 302ff.; and also G. A. Cohen, *If You're An Egalitarian How Come You're So Rich?* (Cambridge, MA: Harvard University Press, 2000).

aside, liberal morality threatens to allow motives in which agent-neutral value must be forgone unless inequality is allowed.

Leveraged enhancements give egalitarians a better reply. Consider a Carens market (as I shall call it, after its inventor, Joseph Carens²²): a highly imaginary arrangement in which people's motives are very different from those typical under capitalist economic arrangements, but in which equality is maintained consistently with many benefits of economic markets. All income is taxed at a rate of 100 per cent and redistributed so as to produce equality of income annually. Economic agents are assumed, however, to behave in the labour market much as they would under a standard wealth-maximizing motive since they are moved to that same extent by the aim of maximizing their pre-tax income—their own contribution to the pot that will be equally distributed. Higher skills, then, would demand higher pre-tax pay, and owners of firms would pay more for higher skills when they believed this would increase their own pre-tax income.

Carens himself later conceded that a morally sound arrangement could not demand unending devotion to the common good, and so maximization of pre-tax income could not be morally required.²³ In this concession to liberal morality, then, there are agent-centred exceptions from the demands of the common good. This raises the problem of forgone value, the agent-neutral value that cannot be obtained without inequality-producing compensation. The doctor who could be more productive by working longer hours may permissibly refrain in light of the burdens, and distributive justice disallows increasing his income so as to overcome his burdens. It is useful, then, to see how enhancements could induce the extra value without introducing the inequality that might accompany compensation.

In a Carens market the extra pre-tax pay that is commanded by a talented worker is never compensation for a burden, since pre-tax pay is all taxed away and redistributed equally. Everyone ends up with the same post-tax income regardless of how much pre-tax income their talents manage to command. *Extra pre-tax pay in a Carens market is nothing but a leveraged enhancement of the agent-neutral value of some possible work.*²⁴ The extra pay is aimed at increasing the agent-neutral value of extra work enough to render it obligatory. Consider this

²² Carens, *Equality, Moral Incentives, and Markets* (Chicago, IL: University of Chicago Press, 1981).

²³ Carens, 'Rights and Duties in an Egalitarian Society', *Political Theory* 14:1 (1986), pp. 31–49.

²⁴ Actually, this is so only if the higher wages would not be paid unless I accepted the job. If it would go to someone or other in any case, then the offer does not enhance the agent-neutral value of my work at all and so is not an enhancement in the pertinent sense. Incidentally, Carens never mentions the potential of such enhancements to cancel the self-interest prerogative he grants, and so he is left with a problem of forgone value.

example, assuming that the market in labour is a Carens market. Suppose that in addition to other full-time work I could devise good educational software, but the time involved would mean that I could not also keep helping at my neighbourhood association. Suppose that this more local association triggers an agent-centred prerogative or obligation not to make the software. Even if the software job paid me something (in pre-tax wages), the overall contribution to the agent-neutral good might not yet be enough to cancel my option or duty not to work for the neighbourhood. In response to this option of mine, a software firm might offer me a handsome pre-tax wage. As always in a Carens market, since wages are redistributed equally anyway, this is not in any ordinary sense a significant compensation for the option-triggering burden. Rather, the higher pre-tax wage to me means slightly higher equal income for millions of people. The offer enhances the agent-neutral value of my making software, and may enhance it far enough to morally cancel my option to decline. Even so, equality of normatively distributed goods would be preserved. (Why would the software company offer me a higher wage? Perhaps they think my talents will allow their company to produce significantly more value—measured first as their revenue, and then as redistributed equal income—than would be produced without me.) The Carens market in labour illustrates how the device of leveraged enhancements can cancel genuine agent-centred exceptions at the level of institutions, and in a pervasively egalitarian context, ameliorating the problem of forgone value, and without resorting to inequality for incentive purposes.

Thomas Nagel observes that the motives prescribed by a Carens market are not very likely.²⁵ Still, the idea of a Carens market might yet cast doubt on Nagel's claim that 'individual choices and efforts and personal attachments which are themselves *unexceptionable* combine on a large scale and over time to produce effects that are beyond individual control and grossly unequal'.²⁶ Liberal morality grants that a certain element of partiality in motivation is unexceptionable, but allows that there will often be thresholds to the legitimate pursuit of partial motives. In the sort of Carens market described here the market will often offer enough pre-tax pay to reach that threshold, rendering the burdensome work obligatory all things considered. Even if real agents are not very likely to meet the resulting obligations, as Nagel observes, it would be wrong to conclude that the actual choices—resulting in 'gross inequality'—are 'unexceptionable'. If the thresholds of legitimate agent-centred exceptions have been met (by the leveraged enhancement of a conditional offer of higher post-tax income for all), then the continued refusal

²⁵ Nagel, *Equality and Partiality*, pp. 94, 128.

²⁶ *Ibid.*, p. 120.

to do the work, while perhaps predictable, can no longer be defended by appealing to liberal morality. Leveraged enhancements give liberal morality its (limited) due.

Before turning to three final issues, we might take stock. So far, the device of leveraged enhancements seems to have important normative implications of two broad kinds. First, liberal morality may not be as permissive as it seems. Not only are there often thresholds that limit the scope of permissible deviations from agent-neutral value, a feature that is already well known. In addition, the value of an agent-neutrally valuable act can sometimes be intentionally enhanced in order to push it over the threshold and render it obligatory. Furthermore, this kind of intentional enhancement might itself often be obligatory. These normative implications have interest even apart from questions about the design of social institutions, but there are also implications at a more institutional level. The conjunction of liberal morality with egalitarianism (and certain other conceptions of distributive justice in a set not specified here) yields a problem of forgone value—agent-neutral value that may not be produced because agents may permissibly refrain in light of certain burdens, and yet the burdens cannot be compensated without upsetting equality. Leveraged enhancements at an institutional level (as in a Carens market) could cancel these options and render the more productive work obligatory after all, consistent with equality.

In the second half of the chapter I consider two qualifications. First (Section 6), leveraged enhancements are sometimes morally questionable ways of manipulating others. Second (Section 7), while leveraged enhancements seem to increase liberal morality's stringency, they cause us to notice a countervailing phenomenon—leveraging in reverse—leaving the overall effect on stringency unsettled.²⁷

6. Moral Manipulation

There is a dark side to leveraged enhancements. The idea of leveraged enhancements suggests that I could put you under new obligations simply by making it the case that certain possible actions of yours will have great agent-neutral value. But what if you were a very conscientious person and I had enormous resources, and I wanted nothing more than to lead you around

²⁷ There might be prerogatives to refrain from offering certain leveraged enhancements, so I doubt that they solve the problem of forgone value completely. I leave that issue aside for reasons of space.

by the nose. A clever way to do it would be to enhance the agent-neutral value of acts that it would be burdensome for you to perform, one after the other, steering you wherever I like, possibly even to your death. I might first make it known that if (and only if) you give \$1000 to a fund for the starving, I shall give \$100,000. Just as the ink dries on our respective checks I might add that I shall do the same each week, contingent on your giving your \$1000. As you get poorer I might have to raise my enhancement, since \$1000 gets increasingly burdensome to you the less you have, and so suppose I raise my contribution accordingly.

Also, recall the somewhat different case, passed over earlier, of inducing you to do some extra work by committing to a spree of murder and mayhem if you do not. This enormously enhances the agent-neutral value of your doing the work compared with your not doing it, not by promising a contribution, but by threatening to do great harm unless you make a certain contribution. Clearly, following through on the threat would be monstrously wrong. Whether making the commitment to follow through would be wrong is a separate question, since it may be perfectly clear that it will never have to be carried out.²⁸ A familiar case with this structure is a terrorist or a nation who threatens to kill many innocent people unless certain (so they think) valuable steps are taken by others. Even if the threat is morally wrong to make, it does not follow that such an immoral threat is incapable of creating obligations to do acts that were otherwise morally optional. On the other hand, terrorist threats do sometimes seem incapable of producing obligations to perform the target acts despite the gravity of the threatened harm. Leveraged enhancements raise similar questions.

What would seriously deflate the interest of leveraged enhancements is if they automatically raised the threshold of the targeted agent so as to maintain a prerogative. So, could it be that whenever the supposedly threshold-surpassing agent-neutral benefits of my possible action are due to a leveraged enhancement, the threshold is raised and I am restored to a state of moral option? This might be advocated specifically as a protection from the potential for manipulative leveraged enhancements. This is part of the more general question whether other agents have the power to arrange things so as to produce moral obligations we would not otherwise have had, a power that would allow a certain kind of moral manipulation. One small part of the answer seems obvious: the mere fact that the arrangement was produced precisely in

²⁸ Odious threats might bring about great good, or prevent enormous catastrophes such as nuclear attacks. See Gregory Kavka, 'Some Paradoxes of Deterrence', *The Journal of Philosophy* 75 (1978), pp. 285–302.

order to obligate someone does not generally and automatically prevent the obligation from arising. Babies abandoned on strangers' doorsteps are clear counter-examples to the general claim that obligations are never produced by such manipulative means.

It is a more difficult question whether obligations that are intentionally produced are merely weaker, more easily defeated, than they would otherwise be even though they sometimes succeed in being decisive nevertheless. For example I might have less obligation to help the baby abandoned on my doorstep than I would if it had been blown there by a storm. By less obligation, I mean an obligation that could be outweighed more easily by costs to me or other obligations or moral considerations. This can apparently be analytically treated as a rise in the targeted agent's threshold. I do not know whether such moral manipulation has this threshold-raising effect. But even if it does, still, if the leveraging offer is sweetened, it could then possibly outstrip this newly located threshold. Leaving the baby on the doorstep is moral manipulation, and also often immoral in itself, and yet the obligation will often be produced anyway given the stakes. Moreover, leveraged enhancements are even more likely to succeed than baby-leavings since they often operate without any threat to reduce any value of any kind relative to the *status quo*.

Moral manipulation by way of leveraged enhancements may or may not always be wrong, but whether it is or not in a particular case, it can still, at least sometimes, successfully change the targeted agent's act from optional to required. No full treatment of the ethics of leveraged enhancements is possible here, although I hope it is clear that they bear more thought.

7. Leveraging Down

The possibility of leveraged enhancements means that even when we have prerogatives, our option might be cancelled by someone's offer to leverage. Their doing so might even be morally required. The stringency of morality is heightened, then, in both of these ways: (1) we may find ourselves with duties to leverage others, along with the concomitant duty to carry through if the leveraging offer successfully induces the target action; (2) we may find many of the prerogatives we have, such as giving more weight to certain agent-centred considerations, to generate no options if others, by leveraged enhancement, have brought the value of the agent-neutrally best act over our prerogative's threshold. Indeed, it would now be an open question whether any moral options would remain if all morally required leveraging offers were made.

Just as leveraged enhancements have a dark side (see Section 6), they have a mirror image, and so the effects on the stringency of morality are not all in one direction. Suppose that you have an obligation to donate a certain amount to urgent charities such as famine relief. Suppose that this would have been optional if the agent-neutral value of your donation were not so great. In this case I could cancel your obligation by diminishing the value of your contributing. Suppose that because of my lower income, my contributing to that same cause is optional.²⁹ Suppose I was initially planning to contribute. Now I could say to you that if you contribute I will not, and so your contributing would have no net value at all. Under those circumstances, your contributing might now be optional. In this way I can leverage in reverse, and change your obligation into an option.³⁰

Of course, this might be a morally troubling thing to do. Why would I go out of my way to neutralize the value of a contribution you might make unless I am simply malevolent? If my offer is morally wrong, this might cast doubt on whether it successfully cancels your obligation to contribute. It may be that morally you should contribute anyway despite the reduced or nonexistent agent-neutral value given your plans. Morality might include this feature specifically to pre-empt the possibility of reverse leveraging, just as it might include a duty not to give in to terroristic demands even when doing so would prevent many tragic deaths. I am not advocating or criticizing either of these moral ideas. The point is that it may seem as though reverse leveraging smells bad morally, leaving it unclear whether such a thing could really have the moral effect of cancelling obligations.

The moral smell can be improved if the leverager's reasons can be morally approved, as I think they can in a more complex example. Suppose my reason for cancelling your duty to contribute to an urgent charity is to bring it about that you are morally free to come to my daughter's graduation. This would be expensive for you, and suppose you cannot afford both the graduation and the contribution to the needy. Unless I make my reverse leveraging offer, it would be wrong for you to come to the graduation instead of making the contribution given the great and urgent agent-neutral value of the latter, along with the fact that, suppose, you have no especially weighty moral relationship to my daughter. Nevertheless, I do, and I know that she would really like

²⁹ To avoid the possibility of just a smaller contribution, suppose the charity rejects donations below a certain minimum, an amount that is optional for me given my circumstances.

³⁰ Richard Arneson suggested this possibility to me. Thanks to him and to Thomas Hurka for useful discussion of this possibility.

you to be there. I may have an agent-centred prerogative or duty to get you to the graduation even though more agent-neutral value would be produced if you made the contribution instead. Presumably it would not be right for me to induce you by persuading you to do something wrong. But suppose I made it right. I could conditionally withhold my (optional) contribution as described (I won't if you will), thereby making it the case that your coming to the graduation instead of contributing is not wrong after all. My motive is to make my daughter happy, and I might well have a prerogative (or even a duty) to leverage you in reverse in this way. This suffices to show that leveraging in reverse is not necessarily malevolent or self-indulgent, but might often be morally acceptable or even required.

Since leveraging can go either forward or in reverse, it has at least partly countervailing effects on the stringency of morality. There is no reason to suppose they precisely balance out, nor to think that stringency is increased rather than reduced if all morally required leveraging offers are made. In one respect stringency is increased (compared to what it seemed to be before considering leveraging) without any countervailing factor, and that is the possibility of duties to leverage. This introduces a new category of duty and no new countervailing category of permission to refrain from putative duties. The effect of the leveraging is sometimes forward and sometimes reverse, but there might well be duties to engage in both kinds of leveraging. There is no way to tell from what has been said here whether the overall effect increases or reduces the stringency of morality's demands. This does not mean that the moral effects of leveraging might turn out to be negligible. It seems clear that they are bound to be of great moral importance, with pervasive effects on our moral duties and options, even if there is no clear answer to whether morality is as a result more stringent or less. Compare leveraging with another normative concept: rights. The introduction of rights into a normative framework that did not previously contain them does not obviously either increase or reduce morality's stringency either. There are rights to have others do or refrain from certain things at great cost to themselves, as there are rights to refrain from things that would otherwise be very costly. But the introduction of rights would still make an enormous normative difference. Whether or not the difference that leveraging makes is as great as rights, it could certainly make a great difference even if it sometimes created new duties and other times cancelled them.

In any case, the possibility of leveraging down is no challenge to my claim that leveraged enhancements will often be available as ways of cancelling agent-centred exceptions without introducing the distributive distortions that compensation would cause.

8. Conclusion

It remains only to be emphasized that leveraged enhancements do not depend for their interest on the connections to distributive justice that I have explored here. Whatever agent-centred exceptions we might have from the promotion of whatever morally relevant agent-neutral values there might be, these will often have thresholds. Therefore, whether we are required to promote agent-neutral value in these cases after all depends on whether the thresholds are met. Noticing this, we see that they can sometimes be met by the intentional offers of others, and sometimes these offers might even be required. The structure of our duties is importantly affected, and this is of some importance for normative moral theory.

In addition, and separably, where agent-centred prerogatives are invoked in order to avoid what would otherwise be duties to promote the good, leveraged enhancements can sometimes be used to bring these prerogatives over their thresholds, thus restoring duties to promote the good. In this way they are alternatives to compensation, which under some circumstances and on some views would upset distributive justice. Leveraged enhancements and their relatives, then, have a significant bearing on important questions in political philosophy as well as in moral philosophy more generally.