Any thoughtful person coming to the ‘Equality of what?’ debate for the first time might be forgiven for thinking that it puts the cart before the horse. Surely the more crucial question is ‘Why equality?’ I shall return to that question in Chapter 4, to which I shall add a further question, ‘Equality among whom?’ But it is worth emphasising here that in his two famous articles of 1981, Dworkin does not ask the question, ‘Equality of what?’ Rather, he asks the subtly different question, ‘What is equality?’ Whereas Amartya Sen and G. A. Cohen start with the assumption that there is something substantive which justice requires people to have equal amounts of (Sen, 1980; Cohen, 1989), Dworkin begins with the different fundamental assumption that every citizen has a highly abstract right to be treated with equal concern. His task is to work out what it means to be treated with equal concern in matters of distribution. Hence, ‘What is equality?’

The first article, ‘Equality of Welfare’, begins with the simple but extremely powerful observation that making people equal in one respect of their situation can make them unequal in other respects of their situation (Dworkin, 1981a, p. 185). This being the case, we must determine whether or not a government that achieves equality in any particular respect is one that treats its citizens with equal concern. That is, which of the possible distributive schemes treats people as equals (p. 186; see also 2000, pp. 1–2)? His lengthy analysis begins with a distinction between two kinds of theories.

The first (which I shall call equality of welfare) holds that a distributional scheme treats people as equals when it distributes or transfers resources among them until no further transfer would leave them more equal in welfare. The second (equality of resources) holds that
it treats them as equals when it distributes or transfers resources among them until no further transfer would leave their shares of the total resources more equal.

(1981a, p. 186)

The aim of this chapter is to try to make sense of Dworkin’s initial arguments against equality of welfare in the light of his later clarifications and to address what I believe is widespread confusion among his critics. I argue that his rejection of equality of welfare remains sound not only because of the underlying purpose of the expensive tastes objection, which I believe has been widely misinterpreted, but also because of the strength of his radical criticism, which is too often overlooked.

The radical criticism

Dworkin’s ‘radical criticism’ – as he puts it – of equality of welfare is that as it stands it is too ambiguous to serve as a theory of distributive justice but once it is fully specified it loses any appeal it might otherwise have had because no conception of welfare can figure in such a theory without recourse to a prior conception of fair distribution. The criticism begins with the disarmingly plain observation that personal tastes, preferences, desires and ambitions are not given, meaning that people develop or form these things in the light of their deeper beliefs and convictions and in the light of their circumstances including their expected shares of resources. Dworkin’s further claim is that the ethical standing of tastes and preferences must therefore depend, to a large extent, on the fairness or otherwise of the prior division of resources. The upshot is that in order to develop a true picture of someone’s welfare it is necessary to call on an independent theory of what an appropriate division of resources would be. But to do this is to settle the problem that equality of welfare was supposed to solve: how to distribute resources fairly. Thus any conception of equality of welfare must ultimately provide a ‘self-defeating’ principle of equality in distribution (Dworkin, 1981a, p. 227; 2000, p. 285; 2004a, p. 340).¹

Dworkin deploys the radical criticism against a number of different conceptions of welfare. One version targets ‘relative success’ theories of welfare. Relative success is defined by how successful an individual has been in fulfilling his or her preferences, goals and ambitions. Dworkin claims that individuals ‘make their choices, about what sort of life to