Doing the right thing for the wrong reasons
James Sterba on public justification

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Abstract: Valeria Ottonelli takes into consideration Sterba's justification of equality from libertarian premises and argues that it cannot work as a *public justification* for equality, at least in its present form.

She considers two possible ways of understanding the role of Sterba's argument as an exercise of public justification. According to the first interpretation, Sterba is working within a *convergence* model of public justification, which does not require shared justifications of public institutions, but only that each citizen be offered a justification that can rationally be endorsed from his or her point of view. According to the second interpretation, Sterba's argument should be understood as a contribution to a *consensus* model of justification where public institutions need to be justified by reasons that all citizens can share and rationally endorse. Ottonelli argues that under neither model Sterba's argument works as an adequate public justification of equality.

In a famous passage of *The Principles of Morals and Legislation*, Jeremy Bentham thus defends his principle of utility:

Whether a moral sentiment can be originally conceived from any other source than a view to utility, is one question: whether upon examination and reflection it can, in point of fact, be actually persisted in and justified on any other ground, by a person reflecting within himself, is another; whether in point of right it can properly be justified on any other ground by a person addressing himself to the community, is a third. The two firsts are questions of speculation: it matters not, comparatively speaking, how they are decided. The last is a question of practice: the decision of it is of as much importance as that of any can be (Bentham 1996: 28).

This is one of the clearest and most peremptory statements of a fundamental desideratum of the philosophical justification of public institutions: that they should be *public*, in the sense that they should be addressed to the reason of all citizens and be able to elicit their consensus via rational argumentation. According to this perspective, whether a principle of justice is correct in the eyes of the philosopher who devises

it, or whether it is correct in the eyes of God, can be a good thing, but it is certainly not sufficient to use it to ground public policies. In order to serve as such, which is the most important use it can be put to, a principle needs to be addressed to the reason of all citizens.

James Sterba seems to agree with this requirement, and for reasons that are much in line with the Enlightenment spirit that animated Jeremy Bentham. The fundamental reason why principles for public policy must be justified in terms that can be accepted by each and every citizen has to do with the requirement that a political rule should not be a sheer act of coercion, but should be based on the rational consensus of all those subject to it.

As Sterba aptly puts it,

> political philosophy presupposes the accessibility of … [the] justification of morality. This is because political philosophers recognize that if the imposition of the will of the majority on the minority is to be morally justified, there must be sufficient reasons accessible to the minority, that justify coercively requiring the minority to accept that imposition (Sterba 2013: 52).

Let us call this the Principle of Public Justification.[1] The question I would like to consider in this comment is to what extent in his last book (2013) Sterba has fulfilled the requirements of such principle. Sterba's complex and ingenious argument has been the object of many critical analyses focused on the accuracy of its premises and the correctness of its inferential steps. The issue I would like to consider here does not relate directly to his argument as such. I will assume here that the argument is formally correct and that its steps are warranted. Still, as Bentham would argue, a good or correct argument can nonetheless be a bad candidate for public justification.

In the following, I will claim that Sterba's justification of equality from libertarian premises cannot work as a *public justification* for equality, at least in its present form. I will first recall what the argument consists in, and then I will consider two possible ways of understanding the role of Sterba's argument as an exercise of public justification. According to the first interpretation, Sterba is working within a *convergence* model of public justification, which does not require shared justifications of public institutions, but only that each citizen be offered a justifi-

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[1]   The principle of publicity can be given various meanings. For an overview see Luban 1998. Here we will exclusively focus on the principle as mandating that public institutions should be justified to the reason of each citizen.

cation that can rationally be endorsed from his or her point of view. According to the second interpretation, Sterba's argument should be understood as a contribution to a *consensus* model of justification where public institutions need to be justified by reasons that all citizens can share and rationally endorse. I will argue that under neither model Sterba's argument works as an adequate public justification of equality.

1. *Sterba's argument for equality*

Sterba's argument for equality complements and specifies his argument for morality as compromise, according to which morality can be justified as the only possible non-question-begging alternative to both altruism and egoism. Once Sterba has shown that we are rationally required to be moral, which means striking a wedge between being saintly altruistic and being utterly selfish, he still needs to explain what the content of morality is, i.e. what we should do in order to be moral. Here is where his argument for equality comes in.

The rationale of the argument seems to be the following: having established that we should be moral, and that this means balancing one's egoism with some dose of altruism, let us start with the balance implying the minimum dose of altruism allowed, and see where this takes us. So, Sterba starts from right-wing libertarian premises, assuming that right-wing libertarianism is the least demanding and altruistic form of morality (Sterba 2013: 100) and, quite surprisingly, through a tight and ingenious argument, he argues for a very demanding egalitarian principle, which requires that each of us consumes no more resources than those that are strictly necessary in order to satisfy our basic needs, leaving the rest for others and for future generations.

Needless to say, Sterba's argument must show that right-wing libertarians are mistaken about the conclusions they usually draw from their libertarian premises. Let us recall where Sterba's argument and the usual libertarian argument part company. Both arguments – at least according to Sterba's reconstruction – start from the premise that the most important moral value is personal freedom, defined as "being unconstrained by other persons from doing what one is able to do" (Sterba 2013: 102). The duty to respect this freedom is purely negative: it does not require any positive act of assistance and help to others, only that we refrain from hindering other people's exercise of their freedom. From this premise, right libertarians conclude that nobody should infringe people's

liberty to use their property. Sterba departs from this conclusion through a two-step argument. First, he shows that when a rich person has a property right over some goods and consumes them, he prevents the poor from using those goods. In other words, he hinders the poor's freedom to consume the said goods. This should make clear that the usual libertarian perspective is one-sighted: libertarians focus on the hindrance that taking property from the rich's hands would pose to his freedom to use that property; however, they do not seem to acknowledge that the same holds for the hindrance that the exclusive consumption by the rich poses to the poor's freedom to use those very goods.

So far, what Sterba has shown is only that, contrary to what many libertarians think,[2] if one looks at the full picture there may be conflicts between negative liberties. We still need to establish, when the liberty of the poor and the liberty of the rich conflict, which one should prevail. This is the task of the second step of Sterba's argument. This step calls upon the basic principle of morality according to which "ought implies can": nobody should be bound to do something that is impossible to do. Our understanding of this principle, according to Sterba, should not be confined to the strict meaning of the word "impossible", however (107). This word, indeed, covers also all those cases in which a given behavior is not literally impossible, but impossibly burdensome, risky, or painful. So, for example, if I just had a car accident and I am lying in a hospital bed with most of my bones badly broken, I am relieved from the duty to show up at the appointment I have in one hour. This is because, although getting dressed and crawling towards the site of the appointment is not literally impossible to me, it would be impossibly painful and dangerous. The "ought implies can" principle, then, should be understood as a principle of reasonableness: nobody can be morally required to do something that would be clearly unreasonable to ask her to do.

If we apply this principle to the conflict of liberties between the rich and the poor, it emerges that the poor is the one who must be relieved from the duty to refrain from hindering the rich's enjoyment of his wealth. Someone who is starving cannot be required to do something that would put in danger his very survival, since it would be unreasonable in the sense we just considered.

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[2]   I am referring here to the claim that libertarian negative rights are "compossibile" (Steiner 1977). The validity of this claim heavily depends on which definition of rights we assume (Waldron 1989). Given Sterba's definition of the right to negative liberty, people can have conflicting rights.

This conclusion bears momentous consequences. We cannot morally justify political institutions that will ask someone, now or in the future to starve or fail to fulfil her basic needs in order to abide by the law. Given our present rates of food consumption, the absence of a technical fix (on which we cannot fancy to count) is likely to mean starvation for millions of people in the future. Therefore, each one should limit oneself to the level of consumption that is necessary to fulfil one's basic needs, and institutions should be built around this egalitarian principle.

2. *Public justification and arguments from premises we do not endorse*

Let us now turn to the main question of this essay. The only argument for equality in Sterba's new book is the one we just recalled, which proceeds from libertarian premises. Is this argument for equality a valid form of public justification? Is it successful at offering reasons that each member of the political community can rationally endorse?

The most puzzling feature of Sterba's argument is that it starts from premises that he himself – and most egalitarians – does not endorse. Sterba does not go as far as utterly rejecting them, but neither does he state that he believes the libertarian doctrine of the priority of negative liberty to be the right foundation of morality. For sure, he admits that most egalitarians would deny it (165).

A first question to ask, once we have pointed out this feature of Sterba's argument, is whether those to whom it is addressed, the libertarians, should be happy with this form of justification. Of course they might want to take issue with the argumentative steps through which Sterba draws egalitarian conclusions from libertarian premises.[3] However, this is not the kind of objection on which I would like to focus here. Pointing at logical mistakes in an argument does not disqualify it as a public justification; it only shows why it is not a good one in the sense that it contains some internal flaws. In the context of the present discussion, instead, the relevant question to ask is whether Sterba's argument could count as a public justification at all. The worry, in this respect, is that it does not look like a *sincere* form of justification. Sterba does not publicly endorse the premises of the argument he offers for embracing equality, but seems

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[3]   See for example Narveson and Sterba 2010; Machan 2006.

to construct such an argument for the sole purpose of persuading libertarians that they should endorse egalitarian principles for institutions. This strategy amounts to offering libertarians the wrong reasons for the right principles, knowing that such reasons are wrong. It might be submitted, then, that this is a form of deception or manipulation.

It might be replied that this is not necessarily the case if we adopt a *convergence* model of public justification, rather than a *consensus* model (D'Agostino 1996: 30). In a consensus model all public justifications must be shared and be acceptable by all the parties. In a convergence model, instead, different people may have different reasons to adopt the same political principles, and therefore there may be more than one legitimate justification. If that is the case, then no deception is involved in Sterba's argument. He could declare that he does not endorse libertarianism as the only foundation of political morality, and still build a libertarian justification for egalitarianism, in due recognition of the fact that libertarians have the right to have a justification provided in terms of their most fundamental convictions.

Can we interpret Sterba's argument for equality as an instance of a convergence model of public justification?[4] The most serious challenge to Sterba's argument, if this were the case, would come from the fact that in his latest book he admittedly did not provide an argument that could work as a public justification to all those who *do not* endorse libertarian premises – for the sake of brevity, let's call them non-libertarians.

The failure to provide a justification to non-libertarians is problematic on two counts. First of all, it obviously seems to be unfair to them; non-libertarians are not provided a reason for endorsing equality. Moreover, it is also unfair to libertarians. In fact, libertarians might complain about the asymmetry established by Sterba's argument. Their libertarian premises and classical arguments for rejecting equality are exposed to public scrutiny and challenged in the political arena; the reasons of their opponents, instead, are kept in the dark. This seems unfair. Libertarians might want to reciprocate and do to non-libertarians the favor that Sterba has done for libertarianism: to see whether there is something wrong in the conclusions they draw from their premises, i.e. their reasons for endorsing equality. It might well be the case that the non-libertarian egalitarians fail to see that their arguments for equality contain some major fallacy.

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[4]   As a matter of fact, in his writings on the place of religious doctrines in public reason Sterba clearly seems to endorse a *consensus* model of public justification (see e.g. Sterba 1999). However, in this discussion I will leave this indirect evidence aside.

We might ask: why should libertarians be interested to know whether non-libertarian egalitarians have a good argument for equality, given that *qua* libertarians – if Sterba's argument is sound, which we are taking for granted in this discussion – they should endorse equality anyway? The reason cannot be that they want to convince egalitarians that they are wrong about equality; we are assuming that they can be convinced that egalitarianism is the right political morality. However, libertarians might want to know what the egalitarian justification is because they uphold the fundamental rationale behind the principle of publicity: they can legitimately worry that applying egalitarian principles might subject their fellow citizens to coercive rules to which they have not given their *rational* consent. Non-libertarian egalitarians might agree to such rules only because they are unaware that they have made a mistake in their own reasoning.[5] Even under a convergence model of public justification, then, libertarians would have a strong reason to insist that non-libertarians should not limit themselves to offering a libertarian justification for equality, but should provide a non-libertarian justification as well. At the very least, Sterba should clearly state what *his* justification for equality is.

It might be thought that the exclusive attention that Sterba gives to libertarianism in *From Rationality to Equality* is not as unfair and asymmetrical as it looks at first glance, since it is meant to be implicitly complemented by the thorough discussion of other relevant doctrines in his past writings, and especially in his book *How to Make People Just* (Sterba 1988), where equality (under the guise of a right to welfare and affirmative action) was defended in relation to five major political doctrines, including not only libertarianism, but also feminism, liberal egalitarianism, socialism and communitarianism. In that book Sterba embarked on a project of reconciliation aiming at a reconstruction of the main political doctrines that could bring into light their common support for equality. It might be argued that if we complemented the argument from libertarian premises that appears in Sterba's last book with that older project of reconciliation, then we would have a full justification of equality under a convergence model: equality is justified in relation to each one of the different doctrines, but for different reasons.

[5]   Someone might object that if non-libertarians endorse egalitarian principles because they make some mistake in their reasoning, this does not necessarily entail that they are unduly subject to the coercion of egalitarian rules; there might be a correct argument that supports them by starting from premises that egalitarians endorse. However, this is exactly what libertarians might and should want to know about, and there is no other way to know it than publicly exhibiting the fundamental reasons non-libertarians have for supporting equality.

I seriously doubt that this would be a successful strategy, however. To begin with, in *From Rationality to Equality* we find no indication that this is how we should understand the libertarian argument for equality. Moreover, even if we interpreted the libertarian argument in that way, this would still not provide a good justification according to the convergence model. In fact, in the kind of convergence model of public justification we are envisioning, people coming from different perspectives and holding different normative doctrines need to be addressed in their own language. This is indeed the main rationale for having a convergence model rather than a consensus model of public justification: given pluralism about worldviews and conceptions of justice, a consensus model is bound to be untrue to people's actual beliefs and therefore it is not addressed to their reason according to the forms that its actual exercise takes. This is not to say that in a convergence model public justification is due to people according to their actual beliefs and usual paths of reasoning, no matter how wrong or insane they may be. Rather, the converse is true: no matter how right or sensible a given path of reasoning is, it does not provide a valid justification if it is not actually spelled in the language of those to whom it is addressed.

No matter how admirable Sterba's reconciliation project can be on other counts, this would be its major flaw as an exercise of public reason according to a convergence model. Indeed, this is how we could understand the retorts by some important critics of Sterba's project of reconciliation as it is presented in *How to Make People Just*.[6] In order to show that his egalitarian principles are compatible with the main normative perspectives in political philosophy, he first translates the normative tenets of those different perspectives into a common language, by offering what he calls the "correct interpretation" of each of them. In many cases, this makes his defence of equality from each of those perspectives sound and ingenious, but also completely untrue to the actual worldview held by its proponents.

A useful example could be offered by Iris Young's conception of egalitarian justice. In her comments to Sterba's *How to Make People Just*, Young argued that Sterba had overlooked the language and rationale of those conceptions of equality that fall outside the distributive paradigm of justice (Young 1991), like, for example, the views that are focused on oppression or domination, rather than on the quantity of resources people can make use of.

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[6]   On this, see especially Jaggar 1991.

In her criticism Young pointed out that embracing a distributive paradigm of justice rather than a relational one very often makes a difference in terms of the policies and institutional implications advocated. For one thing, the distributive paradigm tends to focus on material resources, because they are more easily measurable, and this may give an undue preference to institutional arrangements that are concerned with such goods only. However, from the perspective of a convergence model of public justification this is not the major issue with a distributive account of injustice. Indeed, as Sterba pointed out (Sterba 1991) non-material goods can also be distributed,[7] and we might assume or at least hope that distributive and relational models of justice will often issue identical directives. The major problem of talking a distributive language, from the perspective of a convergence model of justification, is that it fails to account for the *reasons* why according to a relational perspective certain social arrangements are unjust. According to a relational model, the main *locus* of injustice lies in the relations that are established between people in a given social order. An account of the point of equality in terms of the equal satisfaction of basic needs cannot make sense of such a relational dimension of justice and therefore does not really address in its own terms the reason of the advocates of a relational approach to justice.

In response to Young, it might be objected that Sterba's argument for egalitarianism does provide a good reason for not taking into account any other dimension of equality than the distribution of resources, and that the proponents of a relational model should acknowledge this also. A fundamental role in Sterba's argument is played by the idea that, in the absence of a technological solution, each of us cannot afford to consume anything more than what is strictly necessary for the fulfilment of our basic needs. In fact, if we consume more than that measure, we will jeopardize the fulfilment of the basic needs of future generations. In other words, the argument for equality is based on the urgency of the fundamental needs of future generations given the present conditions of scarcity, which we cannot presumably overcome. If this were the case, then any social arrangement that did not prioritize the distribution of fundamental resources would simply entail that future generations will most likely suffer from serious material deprivations. So, whatever other dimensions of

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[7]   In her book on the *Politics of Difference* (1990: 24) Young explains why a model of distribution can be and usually is applied to such things as rights and powers, but it does it by seriously misunderstanding the nature of these relations.

justice or equality we might want to envision or cherish, this dramatic scenario does not seem to leave much room for applying them.

However, even if we were to accept the claim that the urgency and importance of basic needs always makes distributive concerns supersede all relational views of justice and injustice, this would simply confirm that Sterba's argument is not intended to provide reasons for equality *from within* the relational perspective, but provides instead reasons for putting any relational concern aside.

This seems indeed the strategy Sterba follows with all the conceptions of justice that exceed the concerns with equal welfare and equal opportunities that he advocates in the name of equality: the urgency of basic needs, once we take into account future generations, makes the mandates of any richer or more complex conception of justice practically irrelevant. It is undeniable that this is a powerful and enlightening argument. However, it hardly can be presented as an instantiation of a convergence model of public justification.

To conclude: if we interpret the argument for equality from libertarian premises that Sterba presents in *From Rationality to Equality* as an exercise in a convergence model of public justification, this leaves us with an unfinished project, since in that case a justification would be provided to libertarians only. Moreover, complementing the libertarian argument by resuming Sterba's past discussions of other doctrines than libertarianism could not contribute to good justification according the convergence model, since those discussions definitely did not provide reasons for equality from within each of the views considered, nor were they phrased in a language that those views would endorse.

3. *Two inclusive interpretations*

Having discarded the interpretation of Sterba's argument according to the convergence model, we should ask now whether the libertarian argument for equality presented in *From Rationality to Equality* could be interpreted instead as a contribution to a consensus model of public justification. This would explain why the libertarian justification is the only one presented in the book, since under this interpretation such an argument from libertarian premises would be meant to provide a public justification of egalitarianism that non-libertarians could endorse as well. I will consider here two such interpretations. I will show that the first one is implausible, while the second is plausible but makes the nor-

mative implications of Sterba's argument utterly indeterminate.

Consider first what we might call the *a fortiori* interpretation. According to this reading of Sterba's argument as it is presented in *From Rationality to Equality*, the conclusion that holds for libertarians should also hold *a fortiori* for non-libertarians. This is because libertarianism, of all the moral ideals one might endorse, is in fact the least altruistic. Therefore, if equality follows from the libertarian argument, which is on the least altruistic side of the moral spectrum, then it should follow *a fortiori* for all the more altruistic moralities. This means that non-libertarians, by being offered the libertarian argument, *are* provided with a justification for equality.

This interpretation, which might be hinted at by how Sterba sometimes describes the nature of his argument (Sterba 2013: 100), can appear plausible initially. However, it rests on very controversial assumptions that we shall now examine.

The first unwarranted assumption is that libertarianism can be described as the least altruistic form of morality. The intuitive appeal of such claim comes from the common sense acknowledgment that libertarian justice does not require that we help others; it only requires that we discharge our negative duties, i.e. duties to refrain from doing certain harms *to* others, while it leaves to private generosity the decision to do something *for* other people. In this sense, it can be seen as a pretty selfish or undemanding form of morality. However, this is an undue inference, and the best place to look at in order to see why this is the case is exactly Sterba's argument for equality. Indeed, one of the main contentions of this argument is that the libertarian doctrine, which forbids the poor to take from the rich, requires an enormous – indeed, an unreasonable – amount of altruism.

The second and related unwarranted assumption of the *a fortiori* interpretation is that all forms of morality can be arranged along a continuum, ranging from the least altruistic to the most altruistic ones. This picture might seem to follow from Sterba's idea that morality is a sort of compromise between egoism and altruism. If that is the nature of morality, then each moral view must contain some specific balance of altruism and egoism, and therefore they can all be lined up along a continuum according to the amount of altruism (or egoism) they contain. Although this account of morality as compromise is rooted in an important tradition, this rendering of its implications is unwarranted. There is no reason to assume that, even if morality were a compromise between selfishness and altruism, all relevant dimensions of morality could be reduced to the

amount of altruism or egoism contained in each of them, and that this is the right way to partition the space of morality. However, even if that were the case, there would still be no reason to suppose that this partition of the moral space could be directly mapped onto the amount of egalitarianism implied by each view. Altruism, i.e. how much self-sacrifice is required from each of us, and egalitarianism, i.e. how much equality there is among us, do not necessarily go hand in hand. This should be obvious if we consider non-distributive accounts of egalitarian justice, because they are focused on the relations that are established between people by institutional arrangements, rather than on counting the amount of resources that people must give up in order to be moral. But even if we endorse a distributional paradigm we cannot assume that altruism can be mapped directly onto social equality. A doctrine may be very altruistic, in the sense that it requires that people be ready to refrain from fulfilling even their basic needs and are not trying to maximize their well-being, and still produce inegalitarian consequences, like many well-known counter-examples to utilitarianism illustrate.

If we wanted to argue that Sterba's justification of equality could also be extended to non-libertarians, then, we could not count on the *a fortiori* argument. Let's consider now a second way we could interpret Sterba's argument so as to make it inclusive to non-libertarians. According to this understanding, Sterba's argument could be seen as offering a *conjectural* justification (Schwartzman 2012), showing that a) there is a path from libertarian premises to normative tenets that libertarians can share with non-libertarian egalitarians, and b) those tenets ground egalitarian policies and institutions.

Conjectural justifications have been advocated in the debate on public reason as a way to facilitate the overlapping consensus on a core of basic political principles in the context of a pluralist society. The idea is that we may try to show our opponents that even if they start from different fundamental doctrines and worldviews from ours, they can share with us the same basic tenets of political justice. Here the role of a public justification is performed by the argument that leads from such shared political tenets to their institutional implications, in the form of principles for institutions. Therefore, we can say that there exists a public justification that we all share and is addressed to each and every citizen. However, each one of us may arrive to those shared fundamental tenets, or may find them acceptable, by following different argumentative paths. In this context, in order to stabilize and reinforce the adherence of each of us to the common core of political tenets, we may build arguments that show

our fellow citizens that such tenets are mandated by, or at least compatible with, their more fundamental views about the right and the good. In so doing, we are not hiding our own reasons for endorsing the principles for institutions of our society, as it would be the case with the convergence interpretation of Sterba's argument. Our reasons for endorsing such principles, indeed, are open and public: they consist in the core political tenets we share with the other members of our society. We are simply helping others see that we can all share the same public justification for our institutions.

We may try to reconstruct Sterba's argument as a conjectural justification in the following way. The core normative assumption we all must share is the principle that "ought implies can", according to the wide interpretation offered by Sterba. Understood in this way, as we have seen, the principle does not only apply to cases in which performing a given action is logically or physically impossible, but also to all those cases in which doing so is impossibly demanding or burdensome. In other words, it amounts to a minimal principle of reasonableness, which requires that institutions do not impose impossibly demanding burdens on people. Such principle is coupled with a) the factual assumption that we do not possess a technological fix that may ensure that our consumption of resources at present will not jeopardize even basic levels of consumption for future generations, and b) the practical assumption that it would be irresponsible to assume that the technological fix will be found in the near future given that at present we have no clue as to how and when this might happen. In fact, given the scarcity of resources that we face now, the "ought implies can" principle necessarily mandates equal and rather frugal levels of consumption.

According to the conjectural interpretation I am considering here, this would be the core of Sterba's argument for equality. The whole discussion on libertarian freedom and on the normative implications of negative rights, according to this interpretation, would not be playing any foundational role, but would be meant to show that even libertarians could accept egalitarian principles for institutions.

Could we be content with this interpretation of Sterba's argument as a public justification for equality? In a sense, once it is seen under this light, Sterba's argument looks even more compelling and universally appealing than, say, classical Rawlsian or Habermasian justifications of public policies. It seems to start from very uncontroversial premises, which look much less contestable than Rawls's understanding of impartiality in the original position or Habermas' discourse principle. The no-

tion of reasonableness employed in his justification is minimal and firmly grounded in such a fundamental formal principle of morality as "ought implies can".

However, two main sources of puzzlement remain about this interpretation of Sterba's argument. The first one is that we may wonder why, if our understanding of the argument is correct, Sterba did not clearly present it in its proper form, by first establishing his principle of reasonableness as the core principle of morality and then showing that even libertarians should accept such principle and its egalitarian consequences.

The second source of worries might be seen as a partial response to the first one. Once we accept that the minimal reasonableness of the "ought implies can" principle can constitute the core of political morality, we soon realize that such a principle, by itself, is unable to issue principles for institutions. In order to establish which institutional arrangements should be established according to such principle, we need first to determine what we should be reasonable about. Which costs for future generations and for us should we consider in devising the reasonable level of consumption at present? How do we prioritize those costs? Which needs are the most urgent ones? In order to reply to these questions we need some theory of what should count in people's lives, or of what goods, status or relations are non negotiable and cannot be compromised. In other words, we need something similar to the doctrine of primary goods in Rawls's social contract argument, or the notion of utility in classical utilitarian arguments. When we are presented with Sterba's argument we do not immediately perceive the lack of such a theory because when we get to the "ought implies can" principle we are already immersed in the libertarian language by which what counts is only negative freedom. This might be a strong rhetorical reason for presenting the argument by starting from libertarian premises, which provides a partial answer to our first puzzlement.

However, although the missing parts and pieces are less noticeable if we follow the argumentative path that starts from libertarian premises, this does not make the conclusion of the argument any less under-determined. This criticism can also be stated in the form of a dilemma. Either Sterba's public justification of equality brings into the argument the libertarian premises on the negative conception of freedom as the core value in morality, in which case it becomes excessively compromised with the libertarian perspective and cannot serve as a public justification for non-libertarians; or it leaves out those premises from public justification and considers them as mere ingredients of a conjectural argument ad-

dressed to libertarians only, in which case the public justification becomes incomplete.

4. *Conclusion*

Sterba's argument from equality to morality is an ingenious and powerful effort to establish the urgency and moral inescapability of equality even for those who do not start from egalitarian premises. In this discussion I tried to take seriously Sterba's commitment to provide, through such argument, not only an insightful philosophical refutation of libertarianism, but also a genuine public justification for egalitarianism; namely, an argument that everybody can endorse knowing that everybody else can do the same, and therefore an argument that can constitute the proper basis for the coercive action of the state.

I argued that, notwithstanding Sterba's apparent conviction that his argument from libertarianism to equality can provide such a public justification, there are serious reasons for doubting that this is the case. If interpreted as an argument from libertarian premises in the context of a convergence theory of public justification, Sterba's argument fails to provide reasons that non-libertarian egalitarians can endorse. If interpreted as an *a fortiori* argument in the context of a consensus theory of public justification, it fails because it rests on problematic underlying assumptions. Finally, if we interpret it as a conjectural argument in the context of a consensus theory, once we put its main steps in the right sequence we realize that its conclusions are under-determined, leaving it unclear which principles for institutions should be publicly endorsed.

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