

---

---

+ • +

---

---

# THE JOURNAL OF PHILOSOPHY

VOLUME CIX, NO. 7, JULY 2012

---

---

+ • +

---

---

## A DEFENSE OF DEMOCRATIC EGALITARIANISM\*

In a recent article in this JOURNAL, Kok-Chor Tan suggests that luck egalitarianism (LE) has been unfairly maligned by critics, including proponents of democratic egalitarianism (DE).<sup>1</sup> He sketches a view that seeks to identify the most plausible and insightful aspects of luck egalitarianism and that is not committed to some of the objectionable claims that have been ascribed to luck egalitarianism by its critics. He provides an account of luck egalitarianism called institutional luck egalitarianism (ILE). He also provides a framework for assessing and comparing egalitarian proposals on the issue of distributive justice. The framework includes discussion of grounding principles and substantive principles.

Tan's contribution clarifies debate on the value of equality, and this paper presents no counter-criticisms of his responses to the democratic egalitarian criticisms of LE. However, in clarifying our understanding of the value of equality with respect to distributive justice, Tan also invites democratic egalitarians to build on this greater clarity by reformulating their approach to distributive justice and attempting anew to state their worries about LE. This paper is one such attempt. It presents a distinct formulation of the relevance of the value of equality to distributive justice. It also presents a distinct criticism of LE generally and of ILE in particular. This is intended as a constructive exercise to draw together insights from both the LE and DE approaches, rather than an argument against LE and in favor

\*This paper builds on work in my doctoral dissertation. Many thanks to Graham Macdonald, Ramon Das, Derek Browne, and Adrian Walsh for discussion on the dissertation. I am also grateful to the readers and editors of this JOURNAL for their perceptive and very helpful comments.

<sup>1</sup>Kok-Chor Tan, "A Defense of Luck Egalitarianism," this JOURNAL, CV, 11 (November 2008): 665–90. Subsequent references to this work are given in the text.

of DE. I do not consider the two views as incompatible or as antagonistic. Rather, I conceive them as jointly clarifying the value of equality.

Section I summarizes Tan's ILE as well as his characterization of DE. In section II I begin sketching a distinct version of democratic egalitarianism, which I label *political egalitarianism* (or PE) in order to distinguish the views. Discussing an example where concerns about distributive justice arise, I suggest that among the egalitarian intuitions invoked by the case are concerns relating to autonomy and domination. Section III proposes definitions of grounding principles and substantive principles that diverge from Tan's. Section IV characterizes PE in terms of Tan's framework, suitably amended as per the definitional divergences of section III. Section V brings together the elements of PE from the previous sections and compares the view to DE as characterized by Tan. Section VI considers PE's position on global distributive justice. In his paper, Tan notes that DE has trouble dealing with global distributive equality, while LE does not. He considers this a point in favor of LE and against DE insofar as egalitarian views go. I contend that PE does not have the same trouble with global distributive justice. Finally, section VII presents a criticism of ILE and argues the need for PE as a grounding principle.

#### I. INSTITUTIONAL LUCK EGALITARIANISM

Tan lists three main characteristics of his view. One, luck egalitarianism is an account of distributive justice and not of the whole of justice or morality. The luck/choice principle is meant to apply only within the special domain of distributive justice. Two, its subject matter is the basic structure of society, and its aim is to ensure that social institutions do not convert matters of luck into social advantages or disadvantages for persons. Three, luck egalitarianism provides a grounding principle for distributive equality and is not itself the substantive distributive principle (675).

Egalitarian concerns about the distribution of advantages can be distinguished from questions of assistance or rescue. These latter questions deal with, for example, provision of resources to persons so that they may meet their needs for basic subsistence. Luck egalitarianism, however, explains why distributive equality matters with respect to economic goods and burdens over and above what persons need for basic subsistence (670).

A substantive principle specifies how to distribute what. In the egalitarian literature, the pattern debate (equality, priority, sufficiency) addresses the issue of how to distribute, and the currency debate (resources, welfare, access to advantage) addresses what to distribute. A grounding principle would explain why distributive equality

matters. ILE is a grounding principle only. A substantive principle that complements ILE would specify the form and content of the commitment to distributive equality and would involve such discussions as the currency of equality (674–75).

Distributive justice deals with the justice of the distribution of economic goods and burdens. The just distribution of economic goods and burdens would be the one that produces the apt pattern of the apt currency. Tan considers egalitarians about distributive justice to be committed to distributive equality but does not define distributive equality. It could be understood as equality of distribution of some good. Alternately, if we wish to include priority and sufficiency views in our purview, we might relax the constraint and treat the phrase “distributive equality” as also including patterns of distribution other than equality (such as priority, sufficiency, or maximin). A rationale for doing this might be that while the intuitions that we commonly call egalitarian initially suggested that our preference was for equality of distribution, further reflection reveals that it is not this pattern but a closely related one that is justified. This relaxed understanding of distributive equality seems in keeping with Tan’s, as he considers Rawls to be committed to distributive equality (667).

Another way to think of a commitment to distributive equality may be as a commitment that certain sorts of inequalities are unacceptable. Luck egalitarian views hold that inequalities (in certain respects) are unacceptable insofar as they result from brute luck rather than from choice. A Rawlsian democratic egalitarianism holds that excessive social and economic inequalities will not be reasonably acceptable to all. Some inequalities are ruled out by the ideal of democratic reciprocity and of a state of affairs that all can reasonably accept.

*Tan’s Characterization of Democratic Egalitarianism.* For Tan, DE holds that the goal of distributive justice is to establish and secure the requisite social relations entailed by membership in a democratic society. He suggests that, as used here, democracy presupposes the ideal of democratic reciprocity. This ideal requires, among other things, that citizens may support and impose on each other only those economic, social, and political institutions that all can reasonably accept. The answer given to the question of why distributive equality matters is as follows. A social arrangement that allows for excessive economic and social inequalities among citizens will not be one that all can reasonably accept. Therefore, the ideal of democratic reciprocity must require, among other things, the regulation of inequalities among citizens via a distributive principle. Distributive equality matters because of an underlying commitment to democratic reciprocity among members of a democratic society. On this

view, an apt distributive principle would ensure that the gap between rich and poor does not exceed that permitted by the ideal of democratic reciprocity (666).

Tan holds that the difference between DE and LE is not in the fact that only the latter relies on the luck/choice distinction. Rather, the difference lies in the purpose for which the two invoke the distinction. Rawls, whom Tan classes as a democratic egalitarian, holds that distributive justice is concerned with contingencies that affect persons' life prospects and that the distribution of goods should not be affected by factors that are morally arbitrary. However, Rawls's commitment to distributive equality lies in the ideal of democratic reciprocity. Rawls proposes that a reason to be concerned with inequality is to ensure the gap between rich and poor does not exceed what is permitted by the criterion of reciprocity.<sup>2</sup> Rawls uses the luck/choice distinction to work out what commitment to distributive equality entails, but not to justify the commitment itself (667). By contrast, ILE holds that the commitment to distributive equality is in order to regulate the impact of luck on a person's life chances via the intervention of institutions (674).

Among the criticisms of luck egalitarianism voiced by the DE camp is the charge that luck egalitarianism has lost touch with why equality matters. Democratic egalitarianism holds that equality crucially deals with social relations and with hierarchical and oppressive relations. Luck egalitarianism is accused of ignoring this social aspect of the value of equality and thereby losing touch with why the value matters. Tan's ILE, however, accepts the inherently social nature of the value of equality. Tan recognizes that the motivation of distributive justice is to secure the relationship among persons that best reflects their equal status with respect to one another. The luck/choice principle is simply an interpretation of what social equality demands. On this view, to relate to one another as equals requires, among other things, holding each other accountable for our choices but not for our luck in matters of distributive justice (685–86). Relating to one another as equals may also require other things in the domain of just relations, but this is compatible with the luck egalitarian understanding of what equality requires in the domain of distributive justice in particular.

Tan suggests that for democratic egalitarians, the value of distributive equality applies only among persons who see themselves as participants in a system of social cooperation. By contrast, luck egalitarianism does not take social cooperation to be a necessary condition of distributive justice commitments. ILE requires the existence of some social

<sup>2</sup>John Rawls, *The Law of Peoples* (Cambridge: Harvard, 1999), p. 114.

engagement mediated by institutions in order to generate claims of distributive equality. The mediating institution would be an institution that turns natural arbitrary facts into disadvantages for a person. These mediating institutions need not be based on social cooperation (688).

This is a crucial point, as it places an added burden on DE with respect to global distributive justice. Democratic egalitarians must first argue that there exists a global or international system of social cooperation and thus a global ideal of reciprocity, if they want to establish any duties of global or international distributive justice. Tan notes that most distributive egalitarians tend to be skeptical of global distributive justice, citing Rawls as an example (689).

Tan contrasts the ILE position on global distributive justice. Here, the case for global distributive equality only requires showing that there is a global institutional order that profoundly affects persons' lives by translating natural arbitrary conditions such as place of birth into highly differentiated life chances (690). It is irrelevant to ILE whether the global institutional order is one based on social cooperation.

## II. INTRODUCING POLITICAL EGALITARIANISM

Distributive justice relates to the justice of the distribution of economic goods and burdens. An egalitarian perspective on this debate is one that holds the justice of this distribution to be related to the value of political equality. For Tan, the egalitarian perspective on distributive justice is as follows. Relations among equals require that people hold one another accountable for choices but not for brute luck circumstances. Justice generally involves a concern with social institutions. If social institutions are such as to make the distribution of economic goods and burdens dependent on brute luck, then the luck egalitarian has grounds for objection.

However, there are other ways in which the value of political equality may be relevant to the justice of the distribution of economic goods and burdens. Egalitarians may object to social institutions for reasons other than that they convert natural arbitrary facts into disadvantages for some.

For instance, an autocracy is objectionable on the grounds of some sort of political inequality between the autocrat and the subjects. If the institution of autocracy is a significant determinant of the distribution of economic goods and burdens (as is likely), then it is relevant to distributive justice as well. Note, the luck/choice principle may well provide an objection to a distribution that results from autocratic institutions because it may be an arbitrary fact that a given person is or is not in the office of the autocrat. However, there is surely an independent egalitarian concern about the hierarchy or

oppression that is incompatible with relations among equals. I elaborate below an understanding of hierarchy and oppression in terms of the two concepts of autonomy and nondomination.

Now consider a system of representative government which enshrines the equality of basic liberties in its fundamental law. A similar egalitarian concern about institutions arises here too. Typically, policy makers and legislators are captured by lobby groups. The influence of lobby groups or special interest groups on policy can take many routes. There may be campaign contributions to officials seeking election. There may be a revolving door between regulators and the industry regulated (such as between government regulators of the financial sector and the sector itself or between government anti-trust watchdogs and the industries they are to regulate). There may be outright bribes. There may be shaping of popular-media presentation of costs and benefits of a proposal to hide the costs to marginalized communities or to society at large while the benefits to society are exaggerated.

Typically, lobby groups represent wealthy interests seeking to shape policy to promote their interests. This often occurs at the expense of ordinary, unorganized voters. Consider an example that is of a relatively common type globally and that connects strongly to global poverty and immiserization. Marginalized groups in developing countries are particularly vulnerable when special interest groups pursue their agenda. Often, they have neither access to national news media to make their plight known, nor the wherewithal (in terms of literacy, experience, wealth, or leisure) to make their case effectively to courts, politicians, or bureaucrats. In India, for instance, tribal peoples (collectively referred to as Adivasi peoples), Dalits, and the landless are among the most marginalized groups. Adivasis comprise roughly 8% of the country's population yet compose more than 40% of persons displaced as a result of development projects. Dalits and other landless people together constitute a similar proportion of displaced persons.<sup>3</sup>

On the other side, among the drivers of projects undertaken in the name of development are companies interested in the region who seek to open a factory here or to mine natural resources there.<sup>4</sup>

<sup>3</sup>See D. Bandopadhyay et al., *Development Challenges in Extremist Affected Areas: Report of an Expert Group to Planning Commission* (New Delhi, India: Government of India, 2008, online at [http://planningcommission.nic.in/reports/publications/rep\\_dce.pdf](http://planningcommission.nic.in/reports/publications/rep_dce.pdf)), p. 15. The report notes that the development paradigm pursued in independent India has disproportionately benefited the dominant sections of the population at the expense of the poor (p. 29). See also Rakesh Kalshian, *Caterpillar and the Mahua Flower: Tremors in India's Mining Fields* (New Delhi, India: PANOS South Asia, 2007), which is an overview of the mining industry in particular as it relates to marginalized groups in India.

<sup>4</sup>In economies with a significant component of state planning, the driver may be primarily the state.

Obtaining their natural resources may require displacing the inhabitants of the land. Deciding to build a factory would involve seeking a favorable location—close to highways, suppliers, and ports. Such land is likely to already be inhabited. The most politically feasible path for the company would be to seek out land inhabited by a marginalized community rather than land inhabited by people who are politically relatively influential. It is easier to displace the politically marginalized.

Such a situation prompts many types of concern, spanning such factors as duties of assistance and rescue, rights to culture or land, procedural injustice, and perhaps others. However, distributive justice issues are also among the concerns. Being uprooted from a traditional way of life, community support, economy, and access to natural resources carries a very significant potential for plunging the displaced into abject poverty.<sup>5</sup>

In this case, one egalitarian concern is that the economic burdens placed upon the displaced result from policy in which they had inadequate say and that this was abetted by policy-making institutions with no effective consultative mechanism. These are egalitarian concerns because they deal with hierarchy and subjugation. These are concerns of justice because they deal not merely with the actions of a guilty agent, but with the failings of social institutions that significantly affect the life chances of persons.

I do not justify my identification of concerns about hierarchy and subjugation *as egalitarian*, because this much is not at issue in a debate with Tan. Recall that he accepts that the value of equality is indeed social. It invokes ideas of nonhierarchical and nonoppressive relations and involves equal status with respect to one another. Tan contends that relating to one another as equals requires, among other things, holding each other accountable for our choices but not for our luck in matters of distributive justice, whereas I unpack relations among equals via notions of hierarchy and subjugation.

Note, while particular culprits can be found in both the autocratic and representative government cases, the relevance to political philosophy is not one of punishing the culprit or stopping relevant actions of theirs. The relevance to political philosophy is in reforming the social institutions so neither the culprits nor anyone else can be in the position to perpetuate the same sort of injustice.

<sup>5</sup>For a list of processes that lead to impoverishment in relation to displaced persons, see Michael Cernea, "Understanding and Preventing Impoverishment from Displacement: Reflections on the State of Knowledge," *Journal of Refugee Studies*, viii, 3 (1995): 245–64, at pp. 251–52.

Thus, we seek not merely to punish the autocrat, but to replace the autocratic political institutions with more egalitarian or democratic ones. The idea is to construct new institutions that minimize the possibility that another autocrat will come to have the same sort of power over others. In the case of representative government, we seek institutional reforms to reduce the ability of lobby groups to influence policy makers; we seek to improve mass-media reporting of such issues from all perspectives so that the politically influential population is well informed about the fates of the politically marginalized; and we seek to improve availability of information and of technical know-how for the displaced to be able to contest such decisions. These are all ways to improve genuine collective autonomy or genuine democracy. We also seek to institute checks and balances and consultative mechanisms to ensure that interests of the marginalized and the displaced are adequately considered by independent agents. These are ways to reduce domination. Let me introduce the two concepts of *autonomy* and *nondomination*. I will return to these two cases of autocracy and representative government in order to discuss them in light of these introduced concepts.

*Autonomy.* By autonomy I mean the authoring of rules, institutions, and policies under which one lives. It is the ideal that we attempt to approximate with direct democracy or by representative government. Least controversially, the subject of collective autonomy would include matters internal to a democracy such as tax policy. However, note that collective autonomy may be applied not only to political institutions, but also economic, legal, and broadly social institutions. Moreover, collective autonomy should not be treated as merely a matter of formal or legal existence of a liberty if, for example, unequal education or unequal wealth means a great disparity in the extent to which persons are able to make use of the legal liberty. This distinction has been usefully parsed as one between liberty and worth of liberty.<sup>6</sup>

The domain of choice includes institutions and policies that significantly affect one's life chances and one's quality of life. This may include political, economic, legal, and more broadly social institutions. It may include institutions where there is no apparent way to democratize the institution, so long as it still makes sense to characterize the wrongfulness of the institution as involving divergence from what would have been chosen had the design of the institution or the policy been a democratic affair with adequate participation

<sup>6</sup> See for example Norman Daniels, "Equal Liberty and Unequal Worth of Liberty," in Daniels, ed., *Reading Rawls: Critical Studies on Rawls' 'A Theory of Justice'* (Stanford: University Press, 1989), pp. 253–81.

from the marginalized. For instance, consider the social institution of casteism. One aspect of the inequalitarian nature of the relationship between higher and lower castes is that, if lower-caste persons had had informed input into a process of decision making that chose whether or not to implement a caste system, it is likely that the caste system would not have been chosen. This reflects inequality in power—the people who are considered part of the higher castes set in motion institutions that garnered the bulk of the benefits (including economic benefits) for them and for their kin, while apportioning the bulk of the burdens (including economic burdens) to others. Yet, there may be no single decision, nor any one formal decision-making institution that brought this system into being, such that we can say that giving members of the lower castes a say in that decision-making institution would remedy the inequality. In this sense, there seems no easy way to democratize the institution, as the institution is a loose set of social practices rather than a formal mechanism with a clear authority and offices of decision making. Nonetheless, there are familiar proposals for remedying this sort of inequality. They include such measures as education of all members of the social institutions regarding the limited avenues of life open to the lower castes and the lack of rationale for caste distinctions, affirmative action in encouraging members of the lower castes into offices not traditionally occupied by them, expanding education and employment opportunities for lower-caste communities, and so on.

*Nondomination.* By nondomination, I have in mind something like Philip Pettit's understanding of the idea. Pettit holds that someone has dominating power over another if

1. they have the capacity to interfere
2. on an arbitrary basis
3. in certain choices that the other is in a position to make.<sup>7</sup>

I submit that if two persons are equals, relations between them must be such that neither has the capacity to interfere arbitrarily in some choices the other is in a position to make. This is distinct from the claim that someone is not in a relation among equals if she is interfered with against her wishes. The focus is not on the act of interference, but on the capacity for arbitrary interference. The former focus concerns an act (of interference) while the latter focus, the one with which I deal, concerns the nature of the relations among people.

<sup>7</sup> Philip Pettit, *Republicanism: A Theory of Freedom and Government* (New York: Oxford, 1997), p. 52.

The concern here is about the position of an individual relative to that of another. This position matters even if the person in the dominating position never exercises her power to interfere arbitrarily in the choices of the dominated one. The aim is not to minimize interference, but rather to minimize the relations of inequality that arise when one person has the capacity to interfere arbitrarily in the choices of another. I use Pettit's term, nondomination, rather than the notion of non-interference, because it allows me to get at this relation between people.

As an aside, let me note that in so doing I do not mean to wholeheartedly endorse Pettit's presentation. Pettit's view has been subject to serious criticisms which suggest the need to develop the notion further and to better understand its limitations. Despite these ongoing discussions around his definition of nondomination, the general validity and usefulness of the notion seem secure. Accordingly, I sidestep the important developments in this literature in order to remain within the scope of my paper.<sup>8</sup>

With these remarks about autonomy and nondomination in mind, let us revisit the discussion of autocracy and representative government above. I contend that the specifically egalitarian factors common to these two cases of autocracy and representative government include (at least) the following. One, in both cases, social institutions are such as to allow some people to dominate others. The autocrat dominates the subjects, and the people represented by the lobby groups dominate those who stand to lose from the decision. The relation of domination is antithetical to that of equality among persons.

Two, in both cases, social institutions are such as to allow a situation where some people (who are among those disadvantaged in the distribution of economic goods and burdens) have inadequate say over the design of major social institutions or in the making of important social policy, while other groups (who are among those advantaged in the distribution of economic goods and burdens) have significant or decisive influence in those areas. Such influence over the design of institutions and of policy is a matter of autonomy. In

<sup>8</sup>For some criticisms, see John Christman, review of *Republicanism, Ethics*, CIX, 1 (October 1998): 202–06; Charles Larmore, "Liberal and Republican Conceptions of Freedom," in Daniel M. Weinstock and Christian Nadeau, eds., *Republicanism: History, Theory and Practice* (Portland, OR: Frank Cass, 2004), pp. 83–103; Christopher McMahon, "The Indeterminacy of Republican Policy," *Philosophy and Public Affairs*, XXXIII, 1 (January 2005): 67–93; McMahon, "Nondomination and Normativity," *Pacific Philosophical Quarterly*, LXXXVIII, 3 (September 2007): 319–27; and M. Victoria Costa, "Freedom as Non-Domination, Normativity, and Indeterminacy," *The Journal of Value Inquiry*, XLI, 2–4 (December 2007): 291–307. See also the collection of articles in *Politics, Philosophy and Economics*, v, 2 (June 2006): 131–252. Developments resulting from these debates may necessitate corresponding developments in PE.

autocracy, the subjects have no influence in policy making. In theory, a representative government provides all citizens equal influence via their representatives. In practice, lobby groups have disproportionate influence over policy, leaving the majority with little influence. Such disproportionate influence over important policy affects the circumstances of the worse off. This inequality of influence is antithetical to relations among equals.

The luck/choice principle identifies an important chord in egalitarian intuitions. However, the notions of nondomination and collective autonomy also identify important chords in egalitarian intuitions. Indeed, these latter notions have been explicitly discussed alongside the idea of equality in political philosophy for centuries. Republicanism, such as in the American independence movement, objects to the subjugation of a colony to an empire. Constitutionalism, as in the move from absolute monarchy to constitutional monarchy, is an attempt to reduce the power of the monarch to dominate subjects. The theoretical rationale for the abolition of slavery likewise objects to the domination of some over others. A relation of subjugation is antithetical to relations among equals. Likewise, relations among equals involve no one having disproportionate say in the design of background institutions and no one having disproportionate say in policy making that affects all involved.

As a quick clarification, while autonomy and nondomination might often appear to entail much the same thing, they are nonetheless distinct concepts. At the very least, they differ in the respect that while a group could collectively decide upon a system of slavery, this would nonetheless be objectionable in terms of domination. It seems to me that both of these notions are involved in the idea of relations of equality. It is a tricky practical issue as to where and how one value trumps the other. We commonly engage with this practical issue, for example, in having certain rights enshrined in a constitution that cannot be overridden by the normal majority required to pass everyday legislation. I do not make any comment here regarding how to balance these two notions of equality in human relations.

I will return to these key notions of autonomy and nondomination when I pull together the various aspects of PE and present it in its entirety in section v. Before that, I must note some definitional differences with respect to Tan's framework.

### III. DIFFERENCES FROM TAN IN DEFINING CERTAIN TERMS

*A Substantive Principle.* Tan defines a substantive principle as a principle that specifies how to distribute what. I propose a different definition. The debate is one of distributive justice. That is, the debate is

about the justice of the distribution of economic advantages and disadvantages. A substantive principle in this debate is one that proposes reforms to alleviate the charge that the distribution of economic product is unjust. However, these proposed reforms need not say anything about the pattern and currency of distribution. Let me explain.

Recall the example case of representative government. I contend one of the reasons that the position of Adivasis and Dalits in the distribution of economic product is unjust is that the distribution results from institutions (i) in which they had inadequate say (lack of autonomy) and (ii) that have inadequate mechanisms to ensure that the decision makers duly consider the interests of the displaced (domination). A reform proposal that aims to ensure that this sort of injustice does not recur would include measures to increase the voice of the potentially displaced in relevant policy making and to improve due consideration of the interests of the displaced. These measures need not specify that anything is being distributed in a particular pattern.

It may be tempting to say that the currencies are autonomy and nondomination and that the pattern is equality, or something similar. However, the pattern and currency debates seem best suited to discrete units capable of interpersonal comparison, such as money and utils. I am not convinced that adopting the language from these debates at all clarifies a position that distributions of economic product are unjust if the worse-off person had disproportionately little influence over the relevant policy and/or was dominated by another agent or group in the making of that policy.

I will treat a substantive principle as one that proposes reforms to alleviate the charge that the distribution of economic product is unjust. Note that this definition encompasses Tan's. It simply allows room for egalitarian approaches, such as mine, that do not discuss distributive justice in terms of the pattern and currency debates.

*A Grounding Principle.* For Tan, a grounding principle would explain why distributive equality matters. He does not define distributive equality, but there are grounds for supposing that he uses the term loosely to include patterns of distribution other than equality (such as priority, sufficiency, or maximin) that have been proposed in the recent (broadly) egalitarian literature.

My amended definition of a substantive principle does not commit itself to discussing any particular pattern. Accordingly, I avoid the term "distributive equality" and the implicit commitment to discussing the pattern of distribution in defining a grounding principle.

I propose instead that a grounding principle is one that explains why the reforms proposed in a given substantive principle are necessary on grounds of justice. Note that this definition of a grounding principle

resorts to grounds of justice generally and not to grounds of distributive justice specifically. The specifically distributive aspect of a candidate view lies in its substantive principle. Recall that I define a substantive principle as one that proposes reforms to alleviate the charge that the distribution of economic product is unjust.

These definitional differences are important partly because they allow proponents of a broader range of views to join luck egalitarians in discussing distributive justice. With these definitions in place, let me describe the substantive and grounding principles of PE.

#### IV. SUBSTANTIVE AND GROUNDING PRINCIPLES

*Political Egalitarian Substantive Principle.* The reason for objecting to the distribution of economic goods and burdens in my account is that it results from unjust social institutions—in particular, institutions that allow domination or that do not allow the worse off a fair influence in relevant policy making. The remedy for this is the general form of the substantive principle I propose: institutional reform should be carried out to reduce the chances of the worse off being dominated in the identified ways and to ensure that the worse off have greater say in the relevant policy decisions.

The means we can use to do this vary, and must be chosen to meet the specific requirements of a given situation. However, the means include at least the following. We may seek rules to prohibit lobbying on certain issues, or to limit the amount that can be spent on particular types of lobbying. We may seek to improve mass-media reporting of relevant issues from all perspectives so that the actions of lobbies become more transparent and so that the plight of the marginalized is more likely to reach the attention of the politically influential majority. We may seek to improve availability of information and of technical know-how for the marginalized to be able to contest decisions. We may seek to legislate further consultative mechanisms to ensure that interests of the marginalized are systematically sought and considered by independent agents.

In practice, such reform may be difficult to achieve, as it often involves encroaching on the influence of powerful interests. A next-best avenue would be compensatory redistribution of income. Note that this does not necessarily erase the injustice—the relation of domination or of disproportionate influence over policy remains. This cannot be erased by compensation, but only by institutional reform.

A related but distinct question is whether compensatory redistribution of income would resolve the issue insofar as distributive justice is concerned even if the accompanying failure to reform institutions left unresolved some broader concerns of justice. It might be thought

that distributive justice can be achieved by redistributing income to match the distribution that would result if the necessary institutional reforms were made. The institutional injustice would remain, but it would not be a factor in distributive injustice.

There is a practical worry here that while we can speculate on which distribution would result if the necessary institutional reforms were made, there is no conclusive way to discover these results apart from a real political process involving the reformed institutions. Confidence in politics as a guide to distributive justice improves as confidence in the justice of the political process improves. Confidence in the justice of the political process is improved as we duly investigate any charges by a marginalized group of insufficient voice in policy making or of domination in policy making and address them wherever we find merit in the charges. To do this would simply be to implement the institutional reforms. Accordingly, we have no way to determine the appropriate compensatory redistribution of income that would match the distribution that would result if the necessary institutional reforms were made.

The practical worry renders dubious the value of answering the question whether distributive justice could be achieved by compensatory income redistribution in the absence of the necessary institutional reforms. Apart from this, I see no conclusive reason for answering the question one way or the other.

*Political Egalitarian Grounding Principle.* Let me turn to the grounding principle for the substantive measures proposed above. The grounding principle explains why the reforms proposed in the substantive principle above are necessary on grounds of justice. What justifies the view that distributive justice involves as a necessary condition (if not a sufficient one) that the distribution result from institutions that exemplify collective autonomy and nondomination? I contend that the justification lies in the field of political philosophy considered broadly rather than in that of distributive justice considered narrowly. I do not state the justification here in this context of distributive justice, since it seems to me widely agreed in contemporary political philosophy that people should not be dominated (subject to the arbitrary whims of others) and that democracy is preferable to autocracy as the way to make laws and to design background institutions. Moreover, it is also agreed that these values have repercussions for our assessment of the justice of the distribution of economic product.

The issues regarding which there is an absence of widespread agreement concern the specification of the domains that the commitments to democracy and nondomination should encompass (for instance, legislation, economic policy, rules of voluntary associations);

what mechanisms are best at constructing democracy and nondomination (representative legislature, checks and balances on executive power); and what sorts of compromises to the ideals of democracy and nondomination are necessary in specific real situations (is it too expensive or onerous to implement direct democracy).

The grounding principle for the substantive reforms I propose is simply that collective autonomy and nondomination are desirable values in the organization of society. Political egalitarianism thus provides both a general substantive principle and a grounding principle.

#### V. POLITICAL EGALITARIANISM COMPARED TO TAN'S VIEW

*Contrasting PE and Tan's View on the Nature of Egalitarianism.* For Tan, egalitarian approaches to distributive justice value distributive equality. The grounding principle of such an approach explains why distributive equality matters, and the substantive principle elaborates on the notion of distributive equality, explaining what we should seek to distribute and how we should distribute it. Tan leaves distributive equality undefined, but it seems likely that it includes priority and sufficiency views as well as equality views and that the details of what distributive equality means for a given egalitarian view can only be settled once a substantive principle is provided.

I propose instead that egalitarian approaches to distributive justice are those which seek reforms to alleviate the charge that the distribution of economic product is unjust and which do so in the name of the value of equality. The substantive principle in an egalitarian view explains the sorts of reforms sought. These reforms may be those which are required to approximate a pattern of some currency of equality. However, we need not speak in terms of the pattern and currency debates. For PE, section IV describes various general types of reforms that seek to alleviate specific charges that the distribution of economic product is unjust. The grounding principle explains why the reforms sought in the substantive principle are necessary on grounds of justice. The luck egalitarian may appeal to the luck/choice principle at this step. Tan links the principle to the value of equality, saying that "...to relate to each other as equals is to, among other things, hold one another accountable for our choices but not for our luck in matters of distributive justice" (686). For PE, the general reforms sought in the substantive principle are necessary in order to uphold the values of autonomy and nondomination. I link these values to equality by proposing that these values are among the things entailed by a conception of relations among equals.

*Comparing PE with Tan's Characterization of DE.* PE diverges from Tan's characterization of DE in several ways. For Tan, DE's grounding

principle is the commitment to the ideal of democratic reciprocity. The ideal requires, among other things, that citizens may support and impose on each other only those economic, social, and political institutions that all can reasonably accept. With respect to distributive justice specifically, the ideal suggests that a social arrangement that allows for excessive economic and social inequalities among citizens will not be one that all can reasonably accept. The substantive principles for democratic egalitarians include, among others, Rawls's Difference Principle and Elizabeth Anderson's advocacy of equality across a wide range of capabilities (685).

PE eschews the pattern and currency debates. Its substantive principle specifies neither a pattern comparable to maximin or equality, nor a currency comparable to primary social goods, income, or capabilities. Instead, it provides an (incomplete) list of reforms that may reduce domination and disproportionate influence in policy making. Such reforms aim to address charges that the distribution of economic product is unjust. PE's grounding principle appeals not to the ideal of reciprocity, but to the values of autonomy and nondomination.

The recent egalitarian literature makes prominent use of the term "distributive equality." It may seem that advocating distributive equality is a defining characteristic of an egalitarian account of distributive justice. Yet, my presentation of PE avoids this term. Let me explain the reason for this and why PE is nonetheless an egalitarian view. I have avoided the term, as it seems to me to connote that any egalitarian approach to distributive justice must, naturally, specify a pattern of distribution and a currency of distribution. I had rather avoid this connotation as I propose a different way to apply the value of equality to distributive justice. I propose that egalitarian views are ones that seek reforms to alleviate the charge that the distribution of economic product is unjust and that do so in the name of equality.

However, the commitment to distributive equality may be understood without this connotation, to mean only a commitment to the view that certain sorts of inequalities are unacceptable. To say that LE is committed to distributive equality might simply mean that it holds that inequalities (in certain respects) are unacceptable insofar as they result from brute luck rather than from choice. To say that Rawlsian DE is committed to distributive equality might only mean that it holds that excessive social and economic inequalities will not be reasonably acceptable to all. Some inequalities are ruled out by the ideal of democratic reciprocity and of a state of affairs that all can reasonably accept. In that case, PE also proposes a relevant view. PE holds that inequalities in holdings of economic product are unacceptable insofar as they are due to the worse off (i) having

unjustly little influence over policy that is a significant cause of their economic disadvantage, and/or (ii) being dominated by others with respect to policy that is a significant cause of their economic disadvantage. This is one sense in which PE is egalitarian.

Another way in which PE is egalitarian is in its efforts to flesh out the notion of relations among equals through the ideas of autonomy and nondomination. This also speaks to why PE is a form of DE despite the differences from the more familiar forms of DE. Consider democratic egalitarians such as Scheffler and Anderson.<sup>9</sup> With Scheffler, I agree that the point of equality is to ensure that relations among persons are such as would be expressed in a society of equals. With Anderson, I advocate a relational theory of equality which views equality as a social relationship. What is specific to PE as a version of DE is the proposal that nondomination and the absence of disproportionate influence over policy are among the characteristics of relations among equals.

#### VI. GLOBAL DISTRIBUTIVE JUSTICE

In Tan's characterization of DE, persons make claims of distributive justice upon one another only if they share a context of social cooperation. He notes that for the luck egalitarian, distributive justice has potentially wider application, as such claims are not confined to institutions that are based on social cooperation. This is a distinct advantage of LE over DE, and so I devote this section to discussing it. Tan illustrates his point in relation to global distributive justice. While a context of social cooperation may exist domestically (at least in some societies), it is less clear whether it exists internationally or globally. Tan links this to the point that many democratic egalitarians, including Rawls, are skeptical of global distributive justice, though they may still favor global duties of assistance (689).

In PE, however, it is unnecessary to establish a context of social cooperation globally in discussing global distributive justice. I present two real-world examples to support the view that domination and insufficient autonomy over policies that significantly affect one's life can rightly be described as instances of injustice even in the absence of a context of global social cooperation. The first case is an example of a political cause of distributive injustice and the second an example of an economic cause.

U.S. government intervention, whether covert or overt, in the politics of other countries to bring to power or to sustain regimes friendly

<sup>9</sup> See for example Samuel Scheffler, "What Is Egalitarianism?" *Philosophy and Public Affairs*, xxxi, 1 (Winter 2003): 5–39; and Elizabeth Anderson, "What Is the Point of Equality?" *Ethics*, cxv, 2 (January 1999): 287–337.

to influential U.S. business interests is an act of domination in the affairs of the foreign populations who bear the brunt of the warfare.<sup>10</sup> There is no practically effective mechanism to ensure that the U.S. government adequately considers the interests of the victim populations.<sup>11</sup> This relation is unequal simply because it exhibits significant domination. Moreover, conflict is obviously a significant contributor to global poverty, in terms of destruction of economies and of basic infrastructure, spread of disease, and malnutrition.<sup>12</sup> This makes this example of domination relevant not only to justice, but also to distributive justice in particular. I submit that our intuitions find this relation of domination a matter of concern independently of whether we determine that the relation is based on social cooperation.

U.S. and EU agricultural producers have lobbied their respective governments to adopt significant import protection.<sup>13</sup> This has been one of the major grievances of developing countries in international trade talks at the WTO. Developing countries have a comparative advantage in agriculture and are able to produce much more cheaply, but their limited access to the vast markets of the U.S. and EU stymies their potential for export earnings. This has significant effects on global distribution of wealth, primarily benefiting a small number of producers in the U.S. and EU (represented by the lobbies) while widely dispersing varying burdens in the developing countries on medium-sized agricultural producers and co-ops as well as on poor peasants and the rural poor more generally.

The international economic and political order is such that the global poor and politically marginalized have little or no influence in decision making on various policies that significantly affect their

<sup>10</sup> For the case that internationally oriented business is consistently the major influence on U.S. foreign policy, see Lawrence Jacobs and Benjamin Page, "Who Influences U.S. Foreign Policy?" *American Political Science Review*, xcix, 1 (February 2005): 107–23. For a summary of U.S. interventions since World War II, see William Blum, *Killing Hope: U.S. Military and CIA Interventions since World War II* (Monroe, ME: Common Courage Press, 1995).

<sup>11</sup> It might be argued that something like UN Security Council approval is a mechanism in theory, but it certainly cannot be argued to be effective in practice. More can be said on this issue. Not only are there no effective mechanisms to check U.S. intervention; there are also institutions that bias U.S. foreign policy and intervention in certain ways. For more, see Sagar Sanyal, "US Military and Covert Action and Global Justice," *International Journal of Applied Philosophy*, xxiii, 2 (Fall 2009): 213–34.

<sup>12</sup> Concerns other than distributive justice and other than equality are, of course, also relevant to this case. Concerns of assistance and rescue are paramount. There may also be concerns of unjust aggression and violation of national sovereignty. My focus on distributive justice and equality simply reflects the scope of the paper.

<sup>13</sup> For a discussion of the basic problem, see for example Paul Krugman and Maurice Obstfeld, *International Economics: Theory and Policy* (Boston: Addison-Wesley, 2006), pp. 228–32.

lives. Moreover, when some decision makers decide and implement a policy that significantly affects the lives of the global poor and marginalized, there are no institutional mechanisms making the decision track the interests of the latter.

When the decision makers, the institutions through which they effect their policies, and those who bear the costs of the policies are in different countries, such issues of justice can raise issues of international or global justice. When the effects of the policies include a redistribution of economic goods and burdens, such issues of global justice may also raise concerns about global distributive justice. There is thus a space for PE to comment on matters of global distributive justice.

In each of the two examples above, the resulting global distribution of economic burdens and goods is unjust because the institutions that produced it are inegalitarian. They are inegalitarian because they give inadequate voice to the worse off and because they have inadequate checks and balances or consultative procedures to ensure that the interests of the worse off are duly considered.

We can and do criticize governments and powerful private interests in our own countries for interfering arbitrarily in the lives of foreign peoples. We can and do criticize them for maintaining international relations that allow subjugated peoples comparatively very little say in the policies and institutions that significantly affect their lives. Some of the most trenchant critiques of Western countries by Western intellectuals over the past couple of centuries have involved issues of empire and colonial subjugation. Yet these supra-national relations can hardly be called relations of social cooperation.

Moreover, these critiques of empire and of colonialism have often implicitly affirmed the relevance of distributive justice. The critiques were not only of the subjugation of a colonized people by a colonizer, but also of the fact that this often resulted in exploitation of the resources of the colony and in the impoverishment of large sections of the colonized people.

The view that it is unacceptable for our governments to dominate and subjugate foreign peoples is pervasive in our political vocabulary. While much the same policy (of domination of foreign peoples) can be practiced under a different vocabulary (perhaps under the rhetoric of liberating others), it seems unlikely that a developed country's government can explicitly present its foreign policy to its own people as one of colonial domination. Yet it seems unlikely that this is because the majority of the voting public in developed countries somehow identify with the residents of foreign lands as being part of the same political or social community. Such considerations support

the view that our uneasiness with one agent being in such a relation of unequal power to another agent does not disappear if the two agents do not share the same community or a context of social cooperation.

Thus PE is a version of DE that escapes Tan's charge that DE has trouble dealing with global distributive justice. At least in this respect, PE is preferable to more familiar versions of DE.

#### VII. POLITICAL EGALITARIAN CRITICISMS OF INSTITUTIONAL LUCK EGALITARIANISM

I turn to a criticism of Tan's ILE as an adequate grounding principle. To make the point, I continue with the two examples from the above section. Consider the case where unilateral belligerence by the government of a country destroys many economic goods and infrastructure to which people in the victim country had access. The belligerent government thereby imposes severe economic burdens on people in the victim country. Let us restrict our attention to the issue of the justice of the distribution of economic goods and burdens and ignore other concerns of morality such as the justice of the invasion itself or duties of rescue and aid. In other words, let us consider this case in relation to distributive justice specifically. Consider our concern over one individual in the victim country whose economic situation has been adversely affected by this event. Both ILE and PE can agree that some institutional changes may be required to help the person as a matter of distributive justice (quite aside from non-distributive-justice duties of aid and rescue). However, the two views differ in the grounding principles offered.

ILE points out, rightly, that it is an arbitrary fact that the individual was born in the victim country rather than the belligerent country. Yet institutions have converted this arbitrary fact into disadvantage in the form of economic burdens. While this is true, it is not the end of the matter.

In this case of poverty caused by unilaterally belligerent military action, it is odd to focus on the luck of the institutions converting the arbitrariness of birth into (and inhabitation of) a region into disadvantage. It is more compelling to focus on the lack of equality in the relations between the aggressor and the victim. In an indirect but significant sense, the poverty in this case is due to the belligerence. Accordingly, the injustice of the distribution of economic goods (and not just the injustice of the war) is due to the belligerence. Our intuitions about the injustice in this case cannot be captured in the terms of ILE alone. PE must also be part of the story.

Similarly, in the case of the international trade rules, ILE can note the arbitrariness of place of birth and the fact that institutions

translate this into economic disadvantage for the poor peasant in the developing country while securing economic advantage for the developed country's interests represented by the agricultural lobbies. These are legitimate concerns. However, more can be said about the justice of this distribution. For, we can note that the lobbies have far greater power than the poor peasants in the decision-making process that yields the trade agreements. It can be argued that the poor peasants did not have sufficient say in these decisions and that their interests were not duly considered.

In these two examples, it is true to say that the relevant individuals' economic disadvantage is a result of luck or of factors beyond their choice. However, to say only this is to trivialize the justice-based grievances of that individual. The more important concern with respect to injustice lies in the fact that the disadvantage is caused by the inequality in decision-making power and in domination. A significant part of the injustice and grievance felt by individuals relates to the way that someone else can impose such costs on them with no apparent consideration of their livelihood (domination) or that such a significant decision about the framework of international trade could be made with no influence from them (collective autonomy).

Consider ILE and PE as two grounding principles available to egalitarians. In judging the relative merits of two rival grounding principles, we are judging the merits of the answers why we should care about the distribution of economic product and what makes the distribution unjust. In explaining to a person suffering economic disadvantage why their economic position is unjust, it is a point against a grounding principle if it trivializes the legitimate justice-based concerns of the person. Conversely, if a grounding principle captures an important aspect of the legitimate justice-based grievance of the person, then this is a point in favor of the principle.

My criticism of ILE is as follows. At least in the two examples being considered, to focus only on the luck/choice principle is to trivialize the legitimate justice-based grievances of the person suffering economic disadvantage. Moreover, some of the other legitimate grievances relate to the value of equality, suggesting that ILE may not be the complete egalitarian account of the distributive injustice in this case. PE's focus on autonomy and domination identifies two relevant aspects of grievances relating to the value of equality. At least with respect to these two examples, PE seems an essential part of the complete egalitarian account of the distributive injustice. For egalitarians to resort only to ILE here would be less than ideal. ILE might identify one aspect of the distributive injustice in these examples, but it ignores others.

I believe that the value of the luck/choice principle to egalitarians has been clearly demonstrated in the substantial luck egalitarian literature on distributive justice, at least if the principle is used in the way that ILE proposes. Accordingly, I see no reason to jettison the principle from the egalitarian repertoire. However, I argue that the repertoire should stretch to include PE as a grounding principle. Alongside this inclusion, I argue for a broadening of the egalitarian understanding of several points along the lines proposed in section v, namely, a broadening in the understanding of distributive justice, of why distributive justice matters, and of the concepts of grounding and substantive principles.

SAGAR SANYAL

University of Melbourne