

---

---

+ • +

---

---

# THE JOURNAL OF PHILOSOPHY

VOLUME CV, NO. 11, NOVEMBER 2008

---

---

+ • +

---

---

## A DEFENSE OF LUCK EGALITARIANISM\*

**L**uck egalitarianism offers one grounding reason for why distributive equality matters (see, for example, the work of Richard J. Arneson, G.A. Cohen, and Ronald Dworkin).<sup>1</sup> For luck egalitarians, the idea of the moral equality of persons requires that each person take responsibility for her choices and assume the costs of these choices. Conversely, it holds that no one should be worse off just because of bad luck. For some luck egalitarians, the aim of a distributive principle is to counter the effects of luck on persons' opportunity for well-being (Arneson and, in a qualified way, Cohen); for others, the aim is to mitigate the effects of luck on the social distribution of goods and resources among persons (Dworkin). But however different luck egalitarians work out its implication, the intuitive idea that they all share is that persons should not be disadvantaged or advantaged simply on account of bad or good luck. As Cohen writes, "there is injustice in distribution when the inequality of goods reflects not such things as differences in the arduousness of different people's

\* Many thanks to students in my graduate seminar at the University of Pennsylvania in Fall 2005; members of the Queen's University Political Philosophy Reading Group; and Greg Hall, Kate Moran, Margaret Moore, Alistair Macleod, Mark Navin, Doug Paletta, Roland Pierik, Kathleen Robel, Christine Sypnowich, Jenny Szende, and Doug Weck. Special thanks go to Karen Detlefsen for her comments and numerous discussions from the start; Samuel Freeman for his criticisms on early drafts and for several discussions that helped shape the arguments here; and Jerry Cohen whose helpful comments indicated further challenges to be addressed as well as rescuing me from some basic mistakes. Finally I am grateful to the readers and editors of this JOURNAL for their suggestions and comments.

<sup>1</sup> Arneson, "Equality and Equal Opportunity for Welfare," *Philosophical Studies*, LVI (1989): 77–93, and "Luck Egalitarianism and Prioritarianism," *Ethics*, CX, 2 (2000): 339–49; Cohen, "On the Currency of Egalitarian Justice," *Ethics*, xcix (1989): 906–44; Dworkin, *Sovereign Virtue* (Cambridge: Harvard, 2000), and "Equality, Luck and Hierarchy," *Philosophy and Public Affairs*, xxxi, 2 (2003): 190–206; also Philippe Van Parijs, *Real Freedom for All* (New York: Oxford, 1995); and Will Kymlicka, "Liberal Equality," in *Contemporary Political Philosophy* (New York: Oxford, 1990), pp. 50–94.

labors, or people's different preferences and choices with respect to income and leisure, but myriad forms of lucky and unlucky circumstance."<sup>2</sup> Put another way, distributive justice should be fundamentally choice-sensitive but luck-insensitive. This distinction between luck and choice is basic to the luck egalitarian position, and for convenience I will refer to it as the *luck/choice* principle.

A competing account of the value of equality may be broadly labeled "democratic equality" (see, for example, Elizabeth Anderson, Samuel Scheffler, Samuel Freeman, and John Rawls).<sup>3</sup> Democratic equality holds that the goal of a distributive principle is not so much to mitigate the effects of luck on people's life prospects as to establish and secure the requisite social relations that membership in a democratic society entails. Democracy presupposes an ideal of reciprocity between citizens, which I will refer to as "democratic reciprocity." Among other things, democratic reciprocity holds that citizens may support and impose on each other only those economic, social, and political institutional arrangements that all can reasonably accept. Because a social arrangement that allows for excessive economic and social inequalities between citizens will not be one that all can reasonably accept, democratic reciprocity must require (among other things) the regulation of such inequalities among citizens via a distributive principle. On this reading, distributive equality matters because of the underlying commitment to democratic reciprocity among members of a democratic order. The motivating aim of a distributive principle is to ensure that the gap between rich and poor does not exceed that permitted by the ideal of democratic reciprocity.<sup>4</sup>

<sup>2</sup> Cohen, *If You're an Egalitarian, How Come You're So Rich?* (Cambridge: Harvard, 2000), p. 130.

<sup>3</sup> Anderson, "What Is the Point of Equality?" *Ethics* CIX, 2 (1999): 287–337; Scheffler, "What Is Egalitarianism?" *Philosophy and Public Affairs*, XXXI, 1 (2003): 5–39, and "Choice, Circumstances, and the Value of Equality," *Politics, Philosophy and Economics*, IV, 1 (2005): 5–28; Freeman, "Rawls and Luck Egalitarianism," in *Justice and the Social Contract* (New York: Oxford, 2007), pp. 111–42. Also Rawls, *Justice as Fairness: A Restatement*, Erin Kelly, ed. (Cambridge: Harvard, 2001), for example, pp. 130–33. Anderson explicitly refers to her alternative to luck egalitarianism as "democratic equality." Scheffler calls his account the "social and political ideal of equality" which treats distributive equality as grounded on the more fundamental concern for the equal status of democratic citizens ("What Is Egalitarianism?" pp. 22–23, and "Choice, Circumstances, and the Value of Equality," p. 8). For Rawls, "democratic equality properly understood requires something like the difference principle" (*Justice as Fairness*, p. 49). I thus use the term 'democratic equality' broadly to refer to these accounts of the point of equality. Rawls is sometimes perceived as a luck egalitarian (for example, Susan Hurley, *Justice, Luck and Knowledge* (New York: Cambridge, 2003)), but for discussions why Rawls is not a luck egalitarian, see Freeman, "Rawls and Luck Egalitarianism"; and Scheffler, "What Is Egalitarianism?" pp. 24–31. See also my comments below.

<sup>4</sup> As Rawls puts it, one reason for "being concerned with inequality in domestic society" is to ensure that the gap between rich and poor "not be wider than the criterion of

It is important to note that the difference between luck egalitarianism and democratic equality is not that the former relies on the luck/choice distinction and the latter not at all. The defining difference is in how each invokes this distinction and the purpose for which it is invoked. For example, Rawls makes use of this distinction, as evinced by his well-known remarks that distributive justice is concerned with “contingencies” that affect persons’ life prospects and that the distribution of goods in society should not be affected by factors that are “arbitrary from the moral point of view.”<sup>5</sup> Yet this does not make Rawls a luck egalitarian because the luck/choice principle does not motivate his commitment to distributive equality. The commitment to equality is motivated by the ideal of democratic reciprocity in the way explained above. The luck/choice distinction is only subsequently appealed to by Rawls for the purpose of working out what the commitment to distributive equality entails, but it plays no role in explaining *why* such a commitment exists.<sup>6</sup> Luck egalitarianism, on the other hand, relies on the luck/choice principle to motivate the commitment to distributive equality. This is one important feature of luck egalitarianism that I will elaborate on below. The crucial difference between luck egalitarianism and democratic equality is properly appreciated only if we treat each to be responding specifically to the question “Why does distributive equality matter?”

There is a certain intuitive appeal to the luck egalitarian ideal that persons should not be disadvantaged simply because of bad luck. After all, if we accept the premise that individuals are equal moral agents, then it seems to follow that individuals can only be held responsible for outcomes that are due to their own choices but not those due to circumstances over which they exercise no personal agential control. In recent debate, however, democratic egalitarians have argued that this intuitiveness of luck egalitarianism is only illusory, that on further investigation luck egalitarianism is in fact a rather implausible account of distributive equality. I will look at two classes of objections that stand out.

One line of objection is that luck egalitarianism has morally absurd implications.<sup>7</sup> Three types of cases are commonly forwarded to support

reciprocity allows” (*The Law of Peoples* (Cambridge: Harvard, 1998), p. 114; see also *Justice as Fairness*, p. 49 and p. 124).

<sup>5</sup> Rawls, *Justice as Fairness*, pp. 55, 130; *A Theory of Justice*, p. 63.

<sup>6</sup> This observation about Rawls has also been made by Andrea Sangiovanni, “Global Justice, Reciprocity and the State,” *Philosophy and Public Affairs*, xxxv, 1 (2007): 3–39, pp. 26–28.

<sup>7</sup> Anderson, p. 296. Scheffler calls luck egalitarianism “morally implausible”—see “What Is Egalitarianism?” pp. 17ff.; also, “Choice, Circumstances, and the Value of Equality,” pp. 14–16.

this claim: one is that the luck/choice principle implies that persons suffering severely due to unwise choices of their own have no claim to social assistance at all; another is that luck egalitarianism has to treat all natural misfortunes as matters of justice and so matters for which persons should be socially compensated, which is absurd; the third is that luck egalitarianism, when it provides assistance to a person who has suffered bad luck, does so by disparaging the worth of that person's life.

The other class of criticism is that luck egalitarians have a mistakenly individualistic understanding of equality. In taking the central goal of distributive equality to be that of mitigating the effects of luck on people's life options, luck egalitarians, unlike democratic egalitarians, fail to appreciate the social dimension of equality and that the point of distributive equality is to ensure that persons are able to relate to each other as social equals.<sup>8</sup> The concern of distributive equality, which luck egalitarians allegedly miss, is not how persons fare individually with respect to their own good or bad luck, but how they stand in relation to each other as members of a just social order.

In defense of luck egalitarianism, I will argue that once the limited domain, the special subject matter and specific justificatory purpose of luck egalitarianism are properly identified, these objections are deflected. I first outline an account of luck egalitarianism with respect to these features (section I); then I elaborate further on these features by addressing the objections that luck egalitarianism is morally implausible (section II) and wrongly asocial (section III). I conclude by highlighting the ways in which my account of luck egalitarianism, even as it departs from some extant accounts, is still significantly a *luck* egalitarian position (section IV).

No doubt a complete defense of luck egalitarianism will have to address other possible objections, as well as, very importantly, clarify its key idea of luck versus choice. Luck egalitarians are well aware of this, and there is a lively ongoing debate among luck egalitarians on what luck is and how to place the cut between luck and choice.<sup>9</sup> But for the

<sup>8</sup> Anderson, pp. 313–14; Scheffler, "What Is Egalitarianism?" pp. 21–22; and Freeman, "Rawls and Luck Egalitarianism," pp. 132–35.

<sup>9</sup> See, for example, the debate between Cohen (*op. cit.*) and Dworkin, *Sovereign Virtue*, chapter 7, on where to draw "the cut" between luck and choice, and (hence) what the appropriate metric of equality ought to be. See also Arneson, *Equality and Equal Opportunity*; Michael Otsuka, "Luck, Insurance, and Equality," *Ethics*, cxiii (2002): 40–54; Kasper Lippert-Rasmussen, "Equality, Option Luck, and Responsibility," *Ethics*, cxii (2001): 548–79; Peter Vallentyne, "Equality, Brute Luck and Initial Opportunities," *Ethics*, cxii (2002): 529–57; and Martin Sandbu, "On Dworkin's Brute-luck–Option-luck Distinction and the Consistency of Brute-luck Egalitarianism," *Politics, Philosophy and Economics*, iii, 3 (2004): 283–312. See Nagel, "Moral Luck," in *Mortal Questions* (New York: Cambridge, 1995), pp. 24–38, for a nuanced discussion of the problem of luck in moral philosophy as a whole.

purpose of getting the luck egalitarian position off the ground, there is sufficient agreement among egalitarians in general concerning the typical cases with which distributive justice is concerned as to whether luck or choice is determinant. For instance, most egalitarians would accept that a person who is worse off because she freely squandered opportunities presented to her is worse off due to her choice, whereas a person who is made worse off because of an unexpected illness or accident that she could not have reasonably avoided is worse off on account of bad luck. Or, to take another example, most egalitarians accept that the social class into which one is born is a matter of luck whereas the offices or positions one acquires through ambition and hard work under conditions of fair equal opportunity can be credited to personal choice and effort. Moreover, it seems to me any plausible egalitarian theory must make use of the luck/choice distinction at some point in its account of distributive justice. It is hard to imagine a defensible theory of distributive justice, particularly one predicated on the capacity of individuals to make decisions and to take responsibility for these decisions, as liberal conceptions are, that does not recognize the difference between matters over which persons can exercise some meaningful choice and those which are beyond their control. As noted above, even though Rawls is not a luck egalitarian in that the mitigation of luck is not that which motivates his egalitarian project, he nonetheless invokes the luck/choice distinction at a later stage in the construction of his theory of distributive justice. The philosophical responsibility to further refine and develop the luck/choice distinction is therefore not borne by luck egalitarians alone.

Still, since luck egalitarians take the luck/choice principle to be fundamental to their position, they have a special responsibility to make more precise the divide between choice and luck. I do not deny this. My two-fold objective is to clarify other important features of luck egalitarianism that are less well examined, and to motivate continuing study and development of the luck egalitarian position by defending it against objections that it is deeply implausible, objections that, if left to stand, would render any effort at refining and developing the luck/choice principle moot.

#### I

*I.A. Its Domain: Distributive Justice.* First, concerning its operational domain, luck egalitarianism should be seen strictly as an account of *distributive justice*, or more precisely as a response to the question why *distributive equality* matters. It should not be seen to be speaking for an account of justice broadly conceived, let alone an account of the whole of morality. Questions of distributive egalitarian justice are

distinct from questions of assistance or rescue, and luck egalitarianism need not attempt to provide answers to questions about the conditions under which a person who is lacking urgent and basic needs is entitled to social assistance or rescue. Instead of claiming such a broad domain, luck egalitarianism should, and can, claim for itself a more limited domain of application. Its purpose is to explain and justify why distributive equality with respect to economic goods and burdens, *over and above those that persons need for basic subsistence*, is required as a matter of justice.

A social order in which all members' basic and urgent needs are accounted for will still have to decide how fairly to distribute social and economic resources among its members beyond what their basic needs demand. This is the distinct question of distributive justice, and in a productive social order it remains a morally salient one even when persons' basic needs are met, for there are fairer and less fair ways of distributing available economic benefits. Limiting luck egalitarianism to the domain of distributive justice therefore does not trivialize it. A theory of distributive justice aims to justify a particular distributive assignment, and egalitarian distributive justice will set limits on the inequalities between agents that would be admissible. As an account of distributive justice, luck egalitarianism is primarily concerned with this question, and it is only with regard to the distribution of resources in the space above the threshold of basic needs that the luck/choice principle is meant to take effect.<sup>10</sup> This does not mean that luck egalitarianism regards the provision of basic needs as morally insignificant. To the contrary, luck egalitarians can accept, as most egalitarians do, that the fulfillment of basic needs takes precedence over the commitment to distributive equality.<sup>11</sup> It only means that their luck/choice principle is not meant to provide guidance for cases involving basic needs.

<sup>10</sup> One could argue that duties of humanitarianism are duties of justice of sorts, or even duties of *distributive* justice given that some distribution of goods is involved in humanitarian cases. But I may leave aside this interesting conceptual question about the expansiveness of justice. For my present purpose, we need only accept that the duty to assist someone out of humanitarian concern has different objectives and impose substantially different demands on agents compared with the duty to regulate inequalities between persons. Call these classes of duties what we want, my claim here is that the luck/choice principle is a principle intended for the latter category of duty. I am grateful to G.A. Cohen for helpful questions on this point.

<sup>11</sup> For example, Rawls points out that his account of social justice presupposes some prior principle of basic needs, "at least insofar as their [basic needs] being met is necessary for citizens to understand and to be able to fruitfully exercise those rights and liberties"—*Political Liberalism* (New York: Columbia, 1993), p. 7; also *The Law of Peoples*, pp. 35, 38, and 65.

This division of moral domains (for example, between that of distributive justice and that of humanitarian assistance) I am assuming is neither eccentric nor arbitrary, but is in fact a commonly accepted idea in contemporary moral philosophy. To take an example, Rawls in *The Law of Peoples* makes the distinction within his theory of international justice between the duty of assistance and the duty of distributive justice, each motivated by different considerations. The former (which he endorses) has as its target that of ensuring that all societies are able to support decent institutions of their own, and hence ceases when that threshold is met; the latter (which he rejects) seeks to regulate economic inequalities between societies and is thus ongoing.<sup>12</sup> Likewise, Thomas Nagel assumes a similar division when he argues that global justice includes a global duty of humanitarian assistance but not a global duty of distributive justice.<sup>13</sup> My point is that, assuming such a division, luck egalitarianism can be understood to apply only within the domain of distributive justice. Indeed, as we will see below, it is advantageous to understand the domain of luck egalitarianism in this limited way.

*I.B. Its Subject Matter: Institutions Not Nature.* Rawls writes that natural facts in themselves are neither just nor unjust; what is just or unjust is “the way the basic structure of society makes use of these natural differences and permits them to affect the social fortune of citizens, their opportunities in life, and the actual terms of cooperation between them.”<sup>14</sup> On this view, social justice is principally concerned with the basic structure of society, that is, its main political and social institutions, and does not deal directly with natural facts as such. Luck egalitarianism, in my view, can and should accept this important point about the subject matter of social justice. Luck egalitarianism ought not to be in the business of mitigating all natural contingencies (due to luck) that people face. As an aspect of social justice, luck egalitarianism is only concerned with how institutions deal with such natural contingencies. Its goal is to ensure that institutions are not arranged so as to convert a natural trait (a matter of luck) into actual social advantages or disadvantages for persons. So, only those natural contin-

<sup>12</sup> Rawls, *The Law of Peoples*, pp. 38, 65, and 113–15. And recall that Rawls holds that some basic needs principle is lexically prior to his two principles of justice, as noted above.

<sup>13</sup> Nagel, “The Problem of Global Justice,” *Philosophy and Public Affairs*, xxxiii, 2 (2005): 113–47, p. 118. More generally, see Nagel, “The Fragmentation of Value,” in *Mortal Questions* (New York: Cambridge, 1995), pp. 128–41.

<sup>14</sup> Rawls, “Kantian Constructivism in Moral Theory,” in *Collected Papers*, Freeman, ed. (Cambridge: Harvard, 1999), pp. 303–58, on p. 337.

gencies which have such an institutional input fall within the scope of luck egalitarianism.

As a simple illustration, it is purely a matter of luck whether one is born with blue or brown eyes. Normally in our society, this contingency in itself does not raise questions of justice because our social institutions are not such that the color of one's eyes determines one's life opportunities. It follows that arbitrariness of eye color is not the sort of luck that exercises luck egalitarians. If, counterfactually, social institutions are designed such that persons with brown eyes are favored with more opportunities or resources and those with blue eyes discriminated against, a matter of luck has become a matter of justice. This is not, however, because one's eye color in itself is a matter of luck that demands the attention of luck egalitarians, but rather because institutions have, in this counterfactual, turned this natural fact into a matter of (in)justice. Luck egalitarians can sensibly say, in this imagined case, that the luck of people's eye color is a matter of justice and demand that institutions be reformed such that this natural fact does not disadvantage or advantage people. But they say this, again, because of how existing institutions are treating this contingency.<sup>15</sup>

Thus, it is the justice of institutions that remains the primary objective of luck egalitarians in that institutions should not be designed in ways that turn natural facts about persons into social advantages or disadvantages for them. This institutional focus is still a luck egalitarian position because it is fundamentally concerned with how institutions respond to matters of luck.

How broadly should we understand institutionally generated advantages and disadvantages? Do these include, say, the good luck of having good parents and the converse, the bad luck of having bad parents? The key here would be whether societal institutions are designed such that a person's luck with regard to her familial background affects her life prospects compared with others. In a society in which there is no decent and mandated public education (and assuming therefore that the educational prospects of its children are determined and limited very much by their particular familial culture and resources), and yet which is also set up such that persons with better education are better positioned to compete for better paying

<sup>15</sup> Some luck egalitarians reject the special institutional focus. See Cohen, *If You're an Egalitarian, How Come You're So Rich?* But Cohen's rejection of the institutional approach is not due uniquely to luck egalitarian considerations but to a more general skepticism of the view that personal choice within the rules of just institutions is not a direct concern of justice. I discuss Cohen's position in "Justice and Personal Pursuits," this JOURNAL, CI, 7 (July 2004): 331–61.

jobs, the luck of familial background effectively results in social advantages or disadvantages for persons that are institutionally generated. This sensitivity to how the luck of family background affects persons' options significantly in a society governed by competitive market institutions is one reason why luck egalitarians would call for public education and other policies to ensure equality of opportunity in the public domain. Generalizing from the above example, it seems to me that given the wide and interconnecting reach of social institutions, many of the typical cases of social and economic inequalities that exercise egalitarians can be revealed to have an underlying institutional explanation.<sup>16</sup>

*I.C. Its Justificatory Role: Why Distributive Equality Matters.* Luck egalitarianism is specifically a response to the question "Why does distributive equality matter?" It is important to recognize that this is a distinct question from the questions "Equality of *what*?" and "How to distribute?"<sup>17</sup> Luck egalitarians are not forced to say, for example, that it is equality of welfare that is fundamental (which has to do with "Equality of what?"). This might be a tempting (though false) inference, because its concern with making up for a person's bad luck may suggest to its critics that luck egalitarianism is ultimately about making everyone equally happy within the constraints of their free choice, or to feel equally lucky. But a luck egalitarian could just as well be concerned specifically that the social and economic resources that people have to pursue their ends not be distributed as luck dictates.<sup>18</sup> It is a further and distinct question as to whether luck egalitarians should be welfare egalitarians of some stripe or resource egalitarians, and so on.

<sup>16</sup> Perhaps one could make the argument that to the extent that all human social institutions are set up on some presumptive notion of normal human functioning or capability, then persons who unluckily deviate from the ideal of normalcy are, in most cases, inevitably disadvantaged by institutions designed for the average person. For example, our society takes stairs rather than ramps to be the operative norm, thereby disadvantaging persons in wheelchairs if no alternative arrangements are also put in place. Given that disabled persons also have a share in our public space, when the majority puts in place an arrangement that limits their mobility, there is an institutional injustice against the disabled. I suspect that many kinds of natural ailments affecting persons can be shown to have an institutionally derived disadvantage in this way, and hence can move luck egalitarians to action. But what about natural disadvantages that are not institutionally influenced but still presents a handicap to the unlucky person? I will comment on this in section II.B.

<sup>17</sup> Amartya Sen, "Equality of What?" in *Inequality Reexamined* (Cambridge: Harvard, 1992), pp. 12–30.

<sup>18</sup> Anderson's discussion in pp. 331–34 seems to me to be a critique of luck egalitarianism via a critique of equality of welfare. For example, Anderson writes that luck egalitarianism, or "equality of fortune," has to rely controversially on "subjective measures of welfare or the worth of personal assets" (p. 333); and that luck egalitarians would want to compensate deaf people for their "less happy" lives (pp. 332–33). Anderson's target luck egalitarian here is Arneson.

As mentioned in the opening of this paper, understanding luck egalitarianism specifically as a response to the question of “why equality matters” underscores what is really distinctive about it as compared to democratic equality.

To put the above comments in a more general way, the luck/choice principle of luck egalitarianism offers a *grounding principle* for distributive equality and not a *substantive principle* of distributive equality. By a substantive principle, I mean the implemented distributive principle that formulates the requirements of distributive justice. It specifies *how* to distribute *what*. To illustrate, Rawls’s difference principle is a substantive principle (in my sense) in that it specifies how to distribute (that is, choose that arrangement that maximizes the situation of the worst off) and presumes a common metric of equality (that is, primary goods like income and wealth). The ideal of democratic reciprocity under democratic equality, in contrast, provides the grounding principle that motivates the commitment to equality that the difference principle is designed to meet. This grounding principle (which holds that equality matters because the gap between rich and poor cannot be greater than that which reasonable persons in a reciprocal relationship can accept) does not by itself specify how to distribute what; the substantive principle does that. Similarly, under luck egalitarianism, the luck/choice principle provides the motivating grounds for a commitment to distributive equality. It holds that some distributive egalitarian commitment matters in order to regulate the impact of luck on person’s life chances via the interventions of institutions. This would in turn require the construction and implementation of some distributive principle to specify the form and content of that commitment. But this substantive principle is not given immediately by the luck/choice principle itself. Rather, it would have to be worked out through further interpretation of the luck/choice ideal, as well as considerations of the different candidates for the metric of equality on their own merits.<sup>19</sup>

Understanding luck egalitarianism to be primarily a grounding principle for distributive equality is important, as mentioned earlier, because it allows us to see what is really distinctive about it. Moreover, as we will see later, some of the challenges against the plausibility of luck egalitarianism mistakenly read it as a substantive principle of

<sup>19</sup> Thus, see the debate between luck egalitarians like Dworkin, Cohen, and Arneson, and also Sen, concerning what Cohen calls the “currency of egalitarian justice.” My point is not that there is no right answer to the “equality of what?” question within the luck egalitarian perspective, but that the starting premise of luck egalitarianism in itself does not *directly* furnish an answer.

distributive equality and thereby unwarrantedly deride it for not doing that which it is not meant to do.

Let me summarize the three features of the luck egalitarian position sketched out above. (a) Luck egalitarianism is an account of distributive justice and not the whole of justice or morality, and the luck/choice principle is meant to apply only within the special domain of distributive justice. (b) Its *subject matter* is the basic structure of society; its aim is to ensure that social institutions do not convert matters of luck into social advantages or disadvantages for persons. (c) Luck egalitarianism provides a grounding principle for distributive equality and is not itself the substantive distributive principle. That is, luck egalitarianism addresses the question “Why does distributive equality matter?” but it does not specify by itself how and what to distribute. I will elaborate more on these features of luck egalitarianism by addressing the objections against it in the next two sections.

## II

I turn first to the criticism that luck egalitarianism is morally implausible. I will consider the three cases put forward in defense of this charge in turn. Along the way, I will take the opportunity to note how my account of luck egalitarianism differs from, but I believe improves on, some influential standard accounts.

*II.A. Indifferent to the Severe Suffering of the Imprudent.* According to critics, because of its luck/choice principle, luck egalitarianism is indifferent to the suffering of people whose plight is due to their own poor choices. But surely, the objection goes, a person who is in dire straits because of her own unwise choice is still entitled to rescue or assistance from the rest of society. People should not be left to perish just because of their imprudence. As Scheffler notes, “[m]ost people do not insist, as a general matter, that someone who makes a bad decision thereby forfeits all claims to assistance.”<sup>20</sup>

But my account of luck egalitarianism evades this objection. The objection attributes to luck egalitarianism a more spacious operative moral domain than luck egalitarians need to claim. Luck egalitarianism is an account of the grounds of *distributive equality*, and nothing about luck egalitarianism so understood rules out other moral considerations in favor of assisting or rescuing persons in dire straits. The luck/choice principle provides guidance for how resources and goods, above the basic minimum people need, are to be assigned, but it can defer to other principles when the case at hand falls under the domain

<sup>20</sup> Scheffler, “Choice, Circumstance, and the Value of Equality,” p. 15; also Anderson, pp. 303–07.

of basic needs. Assuming a division of moral domains, luck egalitarians can easily accept arguments based on, say, basic rights, that persons deprived of basic needs retain a principled claim to assistance in spite of their own bad choices. These basic right considerations do not clash with the luck/choice principle that persons are to be held responsible for their choices because they apply within different domains.

In short, there are moral reasons for assisting persons in distress that are distinct from considerations of distributive justice. Principles of basic rights or human decency can require that a person deprived of basic needs be rescued or assisted, even if the deprivation was due to her own imprudence. The luck/choice principle, designed for the domain of distributive justice, does not kick in here to oppose considerations in favor of rescue.<sup>21</sup>

Thus, the objection that luck egalitarians neglect the imprudent in need of rescuing rests on a category mistake of sorts. It mistakenly applies the luck egalitarian principle to a category of cases (for example, cases of urgent and basic needs) to which it is not designed to apply. Not surprisingly, then, the principle is easily (but wrongly) shown to result in absurdity. The *reductio* objection has to invoke cases of severe deprivation (that luck egalitarians allegedly neglect) in order to demonstrate the alleged absurdity. Yet precisely because of this, the objection misses the target entirely. By shifting the discussion from that of distributive justice to that of basic needs, it changes the subject.

It is in fact curious that democratic egalitarians do not think that an analogous *reductio ad absurdum* could be turned against them. Critics of democratic equality can charge that democratic equality is counter-intuitive because it is not responsive to the severe suffering of non-members of a democratic order. For instance, it seems compelled to say that foreigners deprived of basic needs are not entitled to any

<sup>21</sup> It is plausible that a person's basic needs entitlement be overridden by other considerations under conditions of abject scarcity where trade-offs have to be made. A society may be compelled to provide the absolutely scarce resource to one who has suffered bad luck rather than to another who is equally devastated but is so because of a poor decision freely made. But contra hard-line luck egalitarians, we do not need to say that the person who has made a bad choice has forfeited all claims to social assistance to justify this particular allocation. We can say that this person is still entitled to basic assistance as a matter of principle but under this pressing circumstance, that entitlement cannot be met (but is not invalidated). On my limited domain account, the maker of a bad choice retains her principled claim to basic needs even if this principled claim cannot always be satisfied. So it is possible to allow choice to play some role when basic needs trade-offs must be made, but we do not need to adopt the "hard-line" view that the person who has chosen unwisely forfeits as a matter of principle all claims to social assistance. I presume here Dworkin's well-known point that principles can be overridden without being invalidated—see his *Taking Rights Seriously* (Cambridge: Harvard, 1976), pp. 25–27.

assistance at all from us since we do not stand in reciprocal democratic relation with them. To avoid this embarrassing implication, democratic egalitarians too must presuppose some division of moral domains, and stake the democratic equality principle only within the domain of distributive justice. They must accept something along the lines that although distributive equality commitments apply only among members of a democratic order, there are obligations based on other moral principles to meet the humanitarian needs of all persons.

It is true that some luck egalitarians give the impression that they intend the luck/choice principle to have a general across-the-board application, consequently implying that society has no obligation at all to persons suffering severely because of their own bad choices.<sup>22</sup> To be sure, this “hard-line” version of luck egalitarianism (as Anderson labels it—*op. cit.*, p. 298), concedes that luck egalitarianism allows for the withholding of any assistance from people in dire straits because of their poor choices, and accepts the onerous burden of explaining why this is not an absurdity. My contention is that it is not necessary for any luck egalitarian to assume this burden, nor should any want to. The core of the luck egalitarian doctrine and its distinctiveness as an account of the point of distributive equality can be preserved even as we confine the luck/choice principle to the domain of distributive justice (thus evading the charge of absurdity). Luck egalitarianism can be constructively interpreted in this more morally modest way without losing its important distinctiveness as an account of why distributive equality matters.

My account also deals with the problem of severe deprivation differently from Dworkin’s luck egalitarianism. Dworkin, responding specifically to Scheffler’s challenge, argues that on his egalitarian theory, people “deprived of urgent needs” because of their own decisions would not be left out in the cold, pace Scheffler, because “equal concern requires that everyone be given the benefit of a hypothetical insurance regime that would meet the ‘urgent needs’ [Scheffler] has in mind.”<sup>23</sup> That is, rational and prudent individuals would want to insure themselves against being deprived of urgent needs (even as a result of their own poor choices), and so a just society should replicate the distributive allocation of an imaginary society in which persons have the means and option of taking out such an insurance policy. Thus, for Dworkin, a society has the collective responsibility to provide for persons thus deprived, and so contra Scheffler, a society regulated by luck

<sup>22</sup> For example, Eric Rakowski, *Equal Justice* (New York: Oxford, 1991), p. 153.

<sup>23</sup> Dworkin, “Equality, Luck and Hierarchy,” p. 192.

egalitarian principles does not leave makers of bad choices to their dire fates.

As is clear, Dworkin responds to Scheffler's objection not by limiting the domain of the luck/choice principle (as my account does) but, on the contrary, by showing how the luck/choice principle, aided by his ideal of a hypothetical insurance market, can justify social support for the severely deprived unwise chooser. While Dworkin's approach has the advantage of unity—his luck egalitarianism aims to account for both cases of distributive justice and basic needs—its success turns on the success of his argument that his hypothetical insurance scheme can provide coverage for persons' basic needs even when the deprivation is due to personal choice.

Yet Dworkin's argument is contentious on his own terms, it seems to me, because on Dworkin's own understanding and description of the hypothetical insurance market, it is not obvious that persons will indeed have the benefit of such a policy. Though it is, plausibly, rational and prudent for persons to want to take up an insurance coverage against severe deprivation regardless of past choice, it is doubtful that it would be rational and prudent for any insurance provider to offer such a coverage, for this policy effectively guarantees the basic needs of persons with no consideration whatsoever of their personal conduct. Such coverage would be either too costly for insurance providers to offer, or, if insurance providers were to offer this coverage without loss, its premiums would be too high for the average rational person to want to purchase. Considerations of what insurance policies providers in the hypothetical insurance market would find profitable and prudent to offer are hugely important to Dworkin's theory of egalitarian justice, for they are appealed to in order to set the upper limits on the levels of coverage that are available to individuals in his imaginary world. For example, in the hypothetical insurance market, there can be no policy guaranteeing a person a "movie star's wage" and no policy for "highly speculative and marginal" healthcare because, Dworkin argues, such policies will either be too expensive for rational persons to want to buy or too unprofitable for providers to want to sell.<sup>24</sup> Because these kinds of coverage would not be available for any rational person to purchase in the hypothetical insurance market, individuals in the real world will have no claim against society for such guarantees. Analogously, one can argue that an insurance policy guaranteeing people their basic needs without regard for their habitual conduct would not be available under Dworkin's hypothetical insurance

<sup>24</sup> Dworkin, *Sovereign Virtue*, pp. 88–98; p. 345.

market, and so in the real world individuals cannot have any claim against society to cover their basic needs without regard for their own past conduct. His insurance scheme, invented originally for the purpose of protecting persons against *bad luck*, cannot be extended to protect persons against their own detrimental *bad choices*, and hence does not successfully deflect Scheffler's challenge. My account of luck egalitarianism, even if not all-encompassing in the way that Dworkin's aspires to be, is able immediately and economically to deflect Scheffler's objection by appealing noncontroversially to the background division of moral domains and limiting the luck/choice ideal to the domain of distributive justice.<sup>25</sup>

*II.B. Must Compensate for All Natural Misfortunes.* Consider, next, the charge that luck egalitarianism is absurdly in the business of compensating individuals for any of their natural deficiencies. For example, Anderson argues that luck egalitarians will have counterintuitively to compensate ugly people who find their bad looks distressing, "perhaps in the form of publicly subsidized plastic surgery" (*op. cit.*, p. 335).

But luck egalitarianism need not be committed to this kind of absurdity. First, as mentioned, luck egalitarianism is not necessarily a welfarist position. So, just because a person scores poorly on a welfare scale because of his (real or perceived) bad luck of, say, being born ugly does not mean that luck egalitarians must compensate him for his lower welfare. A luck egalitarian who is an egalitarian about resources, for instance, will not be fazed by the person's ugliness so long as that person does not get less than his fair share of resources on account of his ugliness. So, at best, the objection strikes only luck egalitarians who are also welfare egalitarians.

In addition, a luck egalitarian need not be a resource egalitarian to escape this charge of absurdity.<sup>26</sup> There is a more generic point about

<sup>25</sup> In a recent paper, Shlomi Segall defends luck egalitarianism against Scheffler-type objections by presenting the luck/choice principle as a defeasible principle, that is, as a principle that can be overridden by other moral principles—"In Solidarity with the Imprudent," *Social Theory and Practice*, xxxiii, 2 (2007): 177–98. On Segall's account there is no need to limit the luck/choice principle to the domain of distributive justice; it can still apply across the board to cases of basic needs as well as distributive justice so long as it can be overridden also across the board. But this approach rescues luck egalitarianism by weakening its status throughout, and so is a Pyrrhic victory. The significance and distinctiveness of luck egalitarianism as an account of equality is eliminated, if even in the domain of distributive justice, the luck/choice principle is defeasible. Indeed one can imagine the trumping principle being that of democratic reciprocity, in which case Segall's defeasible luck egalitarianism simply collapses into democratic equality. My approach, to the contrary and advantageously, maintains the primacy of the luck/choice principle within the domain of distributive justice.

<sup>26</sup> Thus though I am partial to resource egalitarianism, my defense of luck egalitarianism in this paper is ultimately agnostic on the currency of equality.

luck egalitarianism that immunizes it against this charge independently of how luck egalitarians understand the currency of distributive equality. As mentioned, luck egalitarianism is not in the business of correcting for every natural misfortune that comes along; rather it can accept the institutional approach to social justice. Accordingly, what luck egalitarianism is concerned with is how institutions deal with matters of luck, not with luck *per se*. A person who is ugly may truly be unlucky, but luck egalitarians have nothing to say about this unless it were the case that social institutions were such that ugly people were in fact put at a social disadvantage.

We accept Anderson's intuition that it would be absurd to compensate people who are ugly because, or so we hope in any case, ordinary ugliness is not a natural trait that institutions in our society turn into actual social disadvantage for persons. Such people may be less happy, but this is not necessarily an issue of justice for distributive egalitarians. It would indeed be absurd if society were obliged to provide those who deem themselves ugly with publicly funded plastic surgery. On the other hand, our consideration of the matter would surely change if it were the case that society did disadvantage ugly people. In this case, luck egalitarians would take ugliness as a concern of justice and this would be far from absurd. They would want institutions and social norms about appearances to be reformed (through education, legislation); or if (counterfactually) social institutions could not help disadvantaging somewhat people perceived to be ugly, then they would want existing institutions to be supplemented by additional arrangements to compensate the ugly for their institutionalized disadvantage. Under this scenario, a matter of natural luck has, because of institutional intervention, become a matter of actual disadvantage and luck egalitarians would, and not absurdly so, be exercised by this, because of how institutions or background norms are treating this brute natural fact, and not because of people's ugliness *per se*. Yet this is still a staunchly *luck* egalitarian position because the concern is with how institutions handle the natural fortunes or misfortunes of persons.

Unlike Arneson's version of luck egalitarianism, which explicitly "*rejects* the idea that nature is *not* the concern of social justice,"<sup>27</sup> my account holds that it is how *institutions* handle nature that is the concern of social justice. On my approach, it is not "the natural fact that people are susceptible to disease, accident, and natural catastrophe" that social justice is concerned with, *pace* Arneson (*ibid.*), but the fact that social institutions are (often) designed such that diseases, accidents,

<sup>27</sup> Arneson, "Luck Egalitarianism and Prioritarianism," p. 346, my emphases.

or natural catastrophes translate into significant disadvantages for persons. It is not, for example, the fact that a coastal city has been unluckily devastated by a hurricane that is unjust; what is unjust is the lack of appropriate governmental anticipation, response, and reaction to the situation, which is an institutional failing.<sup>28</sup> My version of luck egalitarianism which ties natural facts to institutions preserves the attractive central intuition of luck egalitarians, like Arneson's, that the social disadvantages faced by, say, the unfortunate disabled person constitute an objectionable social injustice. Pace Arneson, however, the locus of this injustice lies not in nature or the cosmic order but in institutions—that is, in what institutions make of people's disabilities. My account, by maintaining an institutional focus, advantageously side-steps the charge that luck egalitarians absurdly treat the natural order as a subject of social justice while preserving the core intuition of luck egalitarianism, namely that persons should not be socially disadvantaged because of bad luck.

Some luck egalitarians will object that, by limiting the range of luck egalitarian concerns to those cases of bad luck that have converted by institutions into advantages or disadvantages for persons, I have rendered luck egalitarianism insensitive to instances of bad luck that most luck egalitarians would find intuitively troubling.<sup>29</sup> But this challenge will have to present a case of bad luck that has no institutional influence but that is also not so devastating to the unlucky person such that it falls under the domain of basic needs, on the one side, and on the other, that is intolerable enough that egalitarians should be moved by it. For example, even if we can say that a person who has been unluckily blinded is now at a serious disadvantage independently of any institutional cause, my institutional account of justice can nonetheless accept that this person ought to be assisted on humanitarian grounds.

One might offer an example of a less debilitating misfortune, say, that of a person who is unluckily slightly shortsighted and so is at a

<sup>28</sup> One might object that the failing here is the failure of institutions not rectifying or responding to a natural calamity, rather than that of institutions turning a natural event into a disadvantage, and so is not institutional in the way I am proposing. In reply, I would say that the injustice in this case is the injustice of institutions *not responding* adequately, and this is an institutional injustice because members of a society have the legitimate expectation that the state respond adequately within reason to such events. To fail to do so in a particular case is to allow a natural bad luck, the hurricane in this example, to affect people's lives adversely through an institutional neglect contrary to expectation, and this is an institutional injustice because we hold that institutions should not fail persons in society in this arbitrary way. I thank G.A. Cohen for raising this challenge.

<sup>29</sup> The following is due to a question posed by Cohen. The eyeglasses example below is his.

slight disadvantage compared to others with normal sight. It is plausible, or at least grantable, that this person's disadvantage is not due to any institutional input; and it is plausible to hold that his misfortune is not so severe as to demand humanitarian assistance. So is my institutional luck egalitarian view defective because it seems unable to address this and other similar types of natural bad luck? Not necessarily, I would argue, for we have to ask: Is the slight handicap so intolerable that any egalitarian view that cannot account for it is thereby obviously flawed? In the case of shortsightedness, for instance, I do not think that it is immediately counterintuitive from the perspective of distributive justice to say that a society has no obligation of justice to provide corrective eyeglasses for people (who are not legally blind but simply have less than perfect eyesight). Now if it were the case that the afflicted person would go blind without special care, humanitarian considerations for assisting her would kick in. But it is far from obvious that the bad luck of having marginally poorer eyesight than others in society must entail some form of special social compensation, when eyeglasses are not so prohibitively expensive such that they would be out of reach for persons with the resources or opportunities that they ordinarily would have in an otherwise just society.

Indeed, finding a case of a disadvantage arising from bad luck that is pre-institutional, but which is not so severe as to tip over into the domain of basic needs and yet bad enough to intuitively move egalitarians may be harder to do than it seems. Still I am prepared to grant that there might be such cases (so I am not denying that such cases can exist, but suggesting that they are possibly exceptions rather than the rule). Ultimately, the question for luck egalitarians proposing a trans-institutional approach (as I will call the approach that says natural bad luck in itself can be a matter of justice) is this: What is the alternative? Even if my institutional account leaves certain cases of bad luck outside the purview of justice (because there is no identifiable institutional cause), it seems to me preferable over trans-institutional approaches because the latter will have a hard time evading the Anderson-type challenge that luck egalitarians have to be absurdly compensating persons for all of their natural misfortunes.<sup>30</sup> In other words, the trade-off is between an institutional account like mine that potentially

<sup>30</sup> The trans-institutional luck egalitarian might say that ugliness need not be a social disadvantage at all, unlike myopia, and so need not be a concern of distributive justice, thus avoiding the alleged absurdity. But it seems to me that we cannot properly understand how a condition is a social advantage or disadvantage without reference to how institutions handle these conditions, in the same way we do not know what persons' natural talents are worth without reference to existing economic institutions that determine the "economic rent" of particular natural talents.

ignores some cases of bad luck but is immune to Anderson-type objections, on the one side, and, on the other, a trans-institutional approach that aspires to cover all instances of bad luck (independently of institutional influence) but precisely because of this also stands exposed to Anderson-type objections. Given that Anderson's objection would fatally convict luck egalitarianism of absurdity if it were to hit the mark, my institutional approach seems preferable overall.

*II.C. Disrespectful of Victims of Bad Luck.* Finally, consider the worry that luck egalitarianism is disrespectful of victims of bad luck. According to this worry, when luck egalitarians come to the aid of the unfortunate, the motivating premise is that the victim is living a life that is less worthwhile (due to her misfortune). Rather than expressing equal respect for persons, this reflects some kind of contempt, pity, or disrespect for the unlucky.<sup>31</sup>

From the preceding paragraphs, we have a ready response to this challenge. The objection falsely assumes that luck egalitarians must necessarily be egalitarians about welfare, and so has to impute to the unlucky a life that is going so poorly (perhaps even in spite of her own perception) as to be less worthy. If luck egalitarianism takes the form of a resource egalitarian position, however, then it need not make such judgments about the quality of a person's life. Rather, its concern is with persons' legitimate resource entitlements. Conceived as a form of resource egalitarianism, luck egalitarianism's central point is that persons' legitimate resource entitlement, as this is determined institutionally, should not be distorted by good or bad luck. This commitment to secure for persons their legitimate entitlements is a mark of equal respect for persons rather than a show of disrespect or contempt.

More fundamentally, the objection treats luck egalitarianism as if it were merely a theory of remedial justice, as about giving hand-outs and compensation to the unlucky. For example, Freeman argues that a basic problem with luck egalitarianism is that it is only a principle of *redress* and hence is a "truncated conception" of distributive justice. Distributive justice, Freeman notes, aims to regulate the background norms and rules of society that determine ownership and rightful entitlements; yet the luck/choice principle does not appear to do any of this but functions only to reallocate resources or goods from the lucky to the less lucky.<sup>32</sup> If luck egalitarianism is indeed only

<sup>31</sup> Anderson, pp. 302–07; also Jonathan Wolff, "Fairness, Respect and the Egalitarian Ethos," *Philosophy and Public Affairs*, xxvii, 2 (1998): 97–122, pp. 109–12.

<sup>32</sup> Freeman, "Rawls and Luck Egalitarianism," p. 135; see pp. 132–35. See also Freeman, *Justice and the Social Contract*, pp. 305–08.

a principle of compensation or redress, a form of reallocation to the unlucky to help her weather her bad luck, one can understand why critics would think that it risks undermining the self-worth and self-respect of the unlucky recipients of assistance. It would seem that the assisted is not getting her due as a matter of distributive justice but is simply getting some aid out of compassion in light of her unlucky circumstance.

On the institutional account, however, luck egalitarianism is by design concerned with the institutional norms and background rules of society that establish who owns what. On the institutional reading, luck egalitarians do not want persons' distributive entitlements to be determined by institutions that assign resources to individuals according to natural and arbitrary facts about them. For example, institutions should not be structured such that persons born into wealth continue to gain social advantages, or that persons born disabled are socially disadvantaged because of certain institutional barriers. This is fundamentally a distributive concern and not merely a concern with redress. It is a commitment towards securing what Rawls refers to as "background justice," that is, the justness of "the background social framework within which the activities of associations and its individuals take place."<sup>33</sup> Thus luck egalitarianism does not judge an unlucky person's life to be less worthy and then proceed to compensate her for her poorer life out of pity, much less out of contempt. Rather it seeks to determine (and to protect) persons' rightful entitlements as a matter of justice. A just distributive arrangement, on its view, should reflect persons' efforts and choices but not their good or bad luck. Pace Freeman, the realization of this luck egalitarian commitment must require addressing all the complex questions of institutional design and background justice that Freeman rightly says distributive justice is concerned with, including "the specification of property rights and permissible economic relations, control of capital, limits on concentration of wealth, permissible uses of property" and so on.<sup>34</sup> Any reallocation of resources to the unlucky (who are disadvantaged under a given institutional arrangement) is really a case of adjusting the distributive assignment to better meet what justice antecedently requires.

The claim that luck egalitarianism only offers a principle of redress not only neglects the possibility of luck egalitarianism adopting an institutional focus. It is also, more basically, fueled by the tendency of treating the luck/choice principle, meant as a justificatory or *grounding principle*

<sup>33</sup> Rawls, *Justice as Fairness*, p. 10; Freeman, "Rawls and Luck Egalitarianism," p. 131.

<sup>34</sup> Freeman, "Rawls and Luck Egalitarianism," p. 135.

of distributive equality, as a *substantive principle* of distributive equality. As mentioned earlier, luck egalitarianism is specifically a response to the question, "Why does distributive equality matter?" Its luck/choice principle is meant to motivate and ground the commitment to distributive equality and is *not* offered as a complete expression of what that commitment entails. What substantive principle of distributive justice the luck/choice principle does ground will be distinct from the grounding principle itself but has to be developed from the luck/choice principle, and this can take different forms depending on how the luck/choice divide is defined as well as how different egalitarians interpret the various desiderata of equality. Luck egalitarians such as Dworkin, Cohen, and Arneson have offered different attempts at developing a substantive theory of distributive justice from the luck/choice principle. Whatever the independent merits of each of these attempts, they do each propose a systematic regulation of the distributional institutions of society, as is rightly expected of any theory of distributive justice. It is hardly surprising that the luck/choice principle on its own seems woefully incomplete, if it is wrongly expected to provide a substantive principle of distribution when it is not meant to do so.

It is worth noting that the ideal of democratic reciprocity too does not spell out who is to own what, what the proper terms of ownership and rightful transfers should be, nor other matters of background justice. All the ideal of democratic reciprocity tells us is that inequalities in society must be regulated so as to be reasonably acceptable to members of a democratic order and why this matters. Like luck egalitarians, democratic egalitarians must derive their substantive distributive principle from their ideal of reciprocity. Rawls's difference principle is only one proposed derivation from the ideal of reciprocity. Anderson, on the other hand, proposes a different substantive distributive ideal calling for "equalities across a wide range of capabilities" (*op. cit.*, p. 377). Since the difference principle is a substantive principle, and the luck/choice principle a grounding principle, it is a category mistake to compare the two.<sup>35</sup> The appropriate comparison would be between the luck/choice principle and the ideal of democratic reciprocity, and here luck egalitarianism is no more incomplete than democratic equality. If luck egalitarianism is incomplete on this count, then so too is democratic equality.

### III

According to the second line of criticism, luck egalitarians fail to appreciate the social aspect of equality and so have "lost touch with the

<sup>35</sup>Freeman offers this comparison in "Rawls and Luck Egalitarianism," p. 131.

reasons why equality matters to us.”<sup>36</sup> Luck egalitarians are allegedly fixated on the notion of the equal moral worth of persons, failing thus to see that equality has to do crucially with the “structure and character” of personal relationships (*ibid.*, p. 33). Yet the “purging of the influence of brute luck from human relations,” Scheffler argues, is not the motivating point of distributive equality. The point of equality is to ensure that relations among persons are of the sort that ought to be expressed in a society of equals. Similarly, Anderson argues that democratic equality is a “relational theory of equality: it views equality as a social relationship” (*op. cit.*, p. 313). Unlike luck egalitarianism, Anderson points out, democratic equality has the objective of ensuring that relations between persons are nonhierarchical and nonoppressive.

But luck egalitarianism is not blind to the inherently social and relational quality of equality. On the contrary, it recognizes that the motivation of distributive justice is to secure the relationship among persons that best reflects their equal status vis-à-vis each other. Its luck/choice principle is not meant as an (asocial) alternative to the social account of equality but is rather an alternative interpretation of what social equality demands. Luck egalitarianism holds 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. It is precisely because of the importance of maintaining a relationship of social equality among persons that luck egalitarians hold that a distributive arrangement should not be affected by luck. Indeed, if luck egalitarianism takes the institutional form I am recommending, and its task is acknowledged to be that of regulating the background social conditions of ownership, it cannot but have a social dimension.

Accordingly, we can see why the related criticism, that luck egalitarianism is unable to address pressing issues of social justice having to do with race, gender, and ethnicity because of its asocial character, is baseless.<sup>37</sup> First, in as far as luck egalitarianism (as I have suggested) is also primarily concerned with the basic institutions of society—the norms and background rules of society—it will have something to say about race, gender, and ethnicity in situations where the institutions of society discriminate against or privilege members of particular racial or ethnic groups or gender in the distribution of social and economic goods. Luck egalitarianism as an account of distributive justice surely can have something directly to say about such arbitrary advantaging or disadvantaging of persons on account of their race, gender, or ethnicity through institutional design. So in as far as oppressive social

<sup>36</sup> Scheffler, “What Is Egalitarianism?” p. 23.

<sup>37</sup> See Scheffler, “What Is Egalitarianism?” p. 38; Anderson, pp. 312–13.

relationships are supported by norms of the basic structure of society which distribute goods and resources on the basis of arbitrary factors, luck egalitarians can directly criticize such oppressive relationships.

Second, luck egalitarianism as an account of distributive justice does not deny that issues of race, gender, and ethnicity can raise important questions of political justice, distinct from the impact of such political injustices on the justness of economic distribution. Luck egalitarians focus on distributive equality not because they think “equality is inherently a distributive notion,” contra Scheffler,<sup>38</sup> or that distributive equality exhausts the entire domain of equality and nothing else matters, but because social equality has an inherent *distributive* dimension that has to be addressed. Indeed, it is this specific dimension of equality that luck egalitarianism is designed to address. As mentioned, luck egalitarianism is best seen as a claim about the grounds of *distributive justice*, not about the whole of justice (which includes political justice). Luck egalitarians, on my account, can agree with its critics, like Scheffler and Anderson, that “the basic reason it [equality] matters to us is because we believe that there is something valuable about human relationships that are, in certain crucial respects at least, unstructured by differences of rank, power, or status.”<sup>39</sup> What luck egalitarianism, as I understand it, offers is an interpretation of what such a relationship ought to consist in with respect to economic or distributive justice. That its luck/choice principle is designed to deal mainly with issues of distributive justice does not mean though, that luck egalitarians must treat political justice as secondary or unimportant.

There is a sense, however, in which democratic equality is social where luck egalitarianism is not. A democratic society is understood as a fair system of social cooperation between free and equal members, and for democratic egalitarians it is in this context of fair social cooperation that the ideal of democratic reciprocity applies and where distributive egalitarian considerations can take hold.<sup>40</sup> Only persons engaged in fair social cooperation are in the position rightly to demand from one another certain classes of commitments, including the commitment of distributive equality. That is, only persons thus reciprocally related can ask that inequalities between themselves be those that all can reasonably accept, and that a distributive principle

<sup>38</sup> Scheffler, “What Is Egalitarianism?” p. 28 n26.

<sup>39</sup> Scheffler, “Choice, Circumstances, and the Value of Equality,” p. 17.

<sup>40</sup> For discussion on the idea of a democratic society regarded as a fair system of social cooperation and how fair social cooperation grounds distributive commitments, see Freeman, *Justice and the Social Contract*, pp. 319–20; Scheffler, “Choice, Circumstances, and the Value of Equality,” p. 18; and Rawls, *Justice as Fairness*, p. 133, also p. 6.

be collectively endorsed to regulate inequalities in light of this criterion. Thus, for democratic egalitarians, the value of distributive equality applies only among persons who see themselves as participants in a fair system of social cooperation, which is how a democratic society is to be conceived. Luck egalitarians, on the other hand, disengage the value of distributive equality from that of social cooperation in that they do not take social cooperation to be a necessary condition of distributive justice commitments. On my institutional approach, the existence of social engagement via institutions, when these institutions have the effect of transforming natural facts about persons into social advantages or disadvantages, is sufficient to trigger distributive egalitarian commitments. That these are not institutions based on social cooperation is beside the point.

What is important to note is that this denial that distributive equality matters only in the context of social cooperation is not a denial that distributive equality is a social ideal. Certainly it does not mean that distributive justice cannot have as its end that of regulating *social relations* between persons through the institutional structures of a social order against which they interact. It does not even mean that social cooperation is insignificant for luck egalitarians, for they can very well accept that fair social cooperation is a necessary means of realizing the ends of distributive equality, and demand that cooperative social institutions be established for this sake. Social cooperation is only one form of social engagement, and luck egalitarians deny that distributive equality is of value only among persons already participating in fair social cooperation. Rather than suggesting a mistakenly asocial conception of equality, this rejection of social cooperation as a necessary precondition of distributive justice shows that luck egalitarians have a more inclusive view of the “social” to which distributive justice commitments apply.

That luck egalitarianism takes distributive equality to be of value independently of the practice of fair social cooperation is not by itself a mark against it, for this is the very point of the debate: Why does equality matter, and in what social context does it matter? Does it matter only among persons engaged in fair social cooperation, or does it matter independently of the fact of social cooperation? Of course, I have not settled this issue here; my aim is only to preserve luck egalitarianism as a serious contender in this ongoing and important debate on the value of distributive equality.

#### IV

The luck egalitarian position I have outlined, even though it departs in some respects from well-known extant accounts, is still significantly a luck egalitarian position and distinct from democratic equality. First,

even though it is limited to the domain of distributive justice, within that specific domain it takes the luck/choice principle to be fundamental. Second, even though it takes the subject matter of distributive justice to be social institutions rather than natural facts, it is still a *luck* egalitarian position in that it holds that institutions ought not to turn natural contingencies into social advantages or disadvantages. Third, it offers a different grounding for distributive equality from democratic equality, and hence specifies the conditions under which distributive equality matters quite differently. For convenience, I will label my account *institutional luck egalitarianism*.

The elementary difference between democratic equality and luck egalitarianism is preserved on my institutional account. As mentioned, democratic equality takes distributive equality to matter only when democratic reciprocity also matters. Institutional luck egalitarianism, in contrast, takes distributive equality to matter whenever there are common institutional arrangements that confer differential advantages to persons on account of arbitrary facts about them. That is, distributive egalitarian commitments are activated, on the institutional luck egalitarian view, when there are *affective institutions* that convert natural facts about persons into disadvantages for them. It is immaterial whether or not these are institutions based on democratic ideals.

A consequence of this difference lies in how each position understands the scope or reach of distributive equality. For democratic egalitarians, distributive equality is by definition confined to the social setting where the ideal of democratic reciprocity applies. Thus, while distributive equality clearly matters within the borders of a democratic society, it is not immediately the case that it also matters beyond these borders. For the luck egalitarian, distributive equality has potentially wider application in that it is not confined to the context of a democratic order but can take hold wherever there are affective institutional arrangements in place.

One obvious arena where this difference over scope has potentially important normative implications is in international relations. For democratic egalitarians, the case for global distributive equality, if it can be made at all, is going to be indirect. It will depend on a successful demonstration that the ideal of democratic reciprocity applies globally among persons across state boundaries even in the absence of a democratic global political society. It is not coincidental that in the current debate on global justice, many democratic egalitarians tend to be skeptical of the ideal of global distributive justice.<sup>41</sup>

<sup>41</sup> For example, Rawls, *The Law of Peoples*; Nagel, "The Problem of Global Justice"; Freeman, "Distributive Justice and the Law of Peoples," in *Justice and the Social Contract*,

Luck egalitarians, on the other hand, can argue for global distributive equality more directly. If matters of luck such as a person's place of birth and the distribution of the world's natural resources result in differential life chances for persons, then there ought to be some global distributive commitment to offset the effects of such arbitrary factors. Conversely, it is not surprising that many defenders of global distributive equality subscribe to some luck egalitarian premises.<sup>42</sup> To be exact, on my institutional account, the luck egalitarian will have to refer not just to natural facts about the world and its inhabitants as such, but also point out how global institutions have pervasively turned these facts into actual advantages for some and disadvantages for most. But the case for global distributive equality is still direct, even on the institutional view, in this sense: there is no need to justify global distributive equality by appealing to another value such as the ideal of democratic reciprocity. It is enough to show that there is a global institutional order that impacts persons' lives profoundly and pervasively, specifically by translating natural arbitrary conditions of the world into highly differential life chances for individuals.

How we understand why equality matters has important real world normative ramifications (and the reference to global justice is just one, though very poignant, example). Luck egalitarianism, if it is a correct account of why equality matters, will provide a very powerful case for global distributive equality. Some critics of global distributive equality have proceeded by exposing the luck egalitarian premises in some prominent arguments for global egalitarianism.<sup>43</sup> But if luck egalitarianism is a plausible account of why equality matters, as I have aimed to show here, and is therefore worthy of further philosophical examination and engagement, then its potential as a grounding for global distributive equality should also be further explored and developed and not be too quickly dismissed.

KOK-CHOR TAN

The University of Pennsylvania

---

Joseph Heath, "Rawls on Global Distributive Justice: A Defense," *Canadian Journal of Philosophy*, Supplementary Volume xxxi (2005): 193–226; and Sangiovanni. For an attempt to defend global distributive equality on democratic egalitarian terms, see Charles Beitz, "Does Global Inequality Matter?" *Metaphilosophy*, xxxii, 1–2 (2001): 95–112. I also consider this possibility in "The Boundary of Justice and the Justice of Boundaries," *Canadian Journal of Law and Jurisprudence*, xix, 2 (2006): 319–44.

<sup>42</sup> For two key examples, see Beitz, *Political Theory and International Relations* (Princeton: University Press, 1979 (1999, 2<sup>nd</sup> ed.)), part III; and Thomas Pogge, *Realizing Rawls* (Ithaca: Cornell, 1989), part III.

<sup>43</sup> For example, Freeman, *Justice and the Social Contract*, pp. 287, 309; and Heath, pp. 205–07; and Sangiovanni, pp. 22–25.