

# Justice after Catastrophe: Responsibility and Security

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## 1. Introduction

The issue of justice after catastrophe is an enormous challenge to contemporary theories of distributive justice. By justice after catastrophe, I mean a class of questions concerning distributive justice in the context of compensation for and assistance to survivors and families of victims in the aftermath of natural or industrial disaster. Such compensation and assistance involve the distribution of scarce goods, and thus the idea of distributive justice is relevant here. It is a novel task for theorists of distributive justice to establish justice regarding post-disaster remedy, as described below.

In the past three decades, the controversy over distributive justice has centered on the ideal of equality. One of intensely debated issues concerns what is often called the “equality of what” (Sen 1982[1980]). There are three primary views on this subject: welfarist egalitarians advance equal utility or equal opportunity for utility among people; resourcist egalitarians discuss equality in terms of private goods including money; and egalitarians who take the capabilities approach pursue the equality of basic capabilities. Another major point of dispute can be termed the “equality or another.” Egalitarianism seeks to minimize the disparity of well-being—taken as utility, resource, or basic capability—between individuals. Prioritarianism regards it more important to improve the well-being of a person, as she is worse off in a non-comparative sense. Sufficientarianism maintains that what matters is that anyone does not fall below a reasonably defined threshold of well-being. In these issues of distributive justice, authors focus on a single temporal point at which they assess the existing allocation of well-being among individuals and propose an alternative distribution. In other words, they are concerned with the current difference between the haves and the have-nots or the present situation of the badly-off.

In contrast, it is essential to take account of the *past* distribution of interests as well as the *present* situation to explore questions of post-catastrophe justice. Without looking at the preceding distribution of income, preference satisfaction, or basic capabilities among affected people, which existed prior to a disaster, no present assessment of the damage caused by the disaster could be correct and no proposed remedy adequate. This point can be shown by the following example.

Case 1: Compensations to a multimillionaire and a pauper

Sarah inherited a lavish mansion built on a cliff from her multimillionaire father. An

unexpectedly massive earthquake occurred when she was attending a party at her friend's house, and she lost her mansion. A local government ordinance provides that all affected residents receive the across-the-board amount of public compensation, regardless of the size of their economic loss. Consequently, Sarah was paid the same amount of money as Tom, a destitute man whose small, dilapidated house was also destroyed by the earthquake.

Many people presumably have, as an instance of what John Rawls (1999[1971]: 17–19, 42) calls considered judgment, the opinion that Sarah deserves much more than the amount of compensation she received. Any general distributive principle that is consistent with this opinion needs to take into account Sarah's and Tom's states of affairs prior to the earthquake, as well as their current hardships. However, the challenge of considering each person's past state has been largely unmet in the literature of distributive justice.

Some may disagree with my assessment of the literature by saying that luck egalitarianism, which a considerable number of egalitarians advocate, does take an individual's past into account. Based on the distinction between choice and circumstance, luck egalitarianism holds that a person is entitled to a remedy for the disadvantage that follows from his natural and social circumstances, but he is not entitled to a remedy for the disadvantage that is in part caused by his voluntary choice. It is true that luck egalitarians assess the current distribution among people by referring to the *decision* that each individual made prior to the incident. Yet they pay scant attention to the *situation* in which each one stayed. Therefore, we can legitimately say that most theorists of distributive justice, including luck egalitarians, have failed to give consideration to the past state of each person.

To fill this gap in the literature, the present article explores philosophical questions that arise when we take account of each person's past and present situations in discussing distributive justice regarding public compensation and assistance to survivors and families of victims of natural and industrial disasters. In addressing these novel questions, I utilize, develop, and refine various concepts, ideas, and arguments that have been presented in the study of distributive justice in normal settings. I tackle two tasks, the first of which is to explore the foundation and scope of luck egalitarianism. Despite the moral appeal it has in many cases, luck egalitarianism has been condemned for the allegedly harsh implication that those who suffer from adverse effects of their imprudent choices are to be abandoned. Some luck egalitarians attempt to avoid this condemnation in a pragmatic way by supplementing the luck egalitarian doctrine with the principle of basic needs satisfaction. However, I argue that they do not provide any systematic rationale for this combination. By contrast with such pragmatic responses, I seek to offer a principled argument for holding individuals responsible for their choices only when their basic needs are met. Based on such an argument, I propose a new form of responsibility-sensitive theory, which considers the distribution of well-being existing prior to a disaster as a default position.

The second task I take on is to develop sufficientarianism in the context of post-catastrophe

justice. Luck egalitarianism with boundaries set by the basic needs principle appears to indicate the potential for sufficientarianism. However, major proponents of this view conceive the welfarist assumption, a considerably high standard of well-being, and the controversial treatment of persons staying below the threshold, all of which seem problematic in the post-disaster situation. I try to refine sufficientarianism by replacing these current features with more robust ones.<sup>1)</sup>

Before exploring these questions, a note on the mode of the following discussion is in order. I discuss two large topics—luck egalitarianism and sufficientarianism—in a single paper. Although I am aware that the literature on each of these topics is copious and still growing, and that there are many complex issues related to each topic, I here examine only some points closely connected to the purpose of this article in order to maintain a focused argument. My intention in this paper is modest: I do not aim to establish a wholesale theory of justice after catastrophe; instead, I seek to discuss some of the questions I find essential in this new field.

## **2. Responsibilitarianism and Its Alleged Harshness**

The basic idea of luck egalitarianism has its origin in a distinction between option luck and brute luck, which Ronald Dworkin (2000b[1981]) makes in his resourcist theory of equality.<sup>2)</sup> Option luck is “a matter of how deliberate and calculated gambles turn out,” while brute luck is “a matter of how risks fall out that are not in that sense deliberate gambles” (73). Inspired by Dworkin’s demarcation, Richard Arneson (1989), G. A. Cohen (2011[1989]), and John Roemer (1994[1993]), among others, developed luck egalitarianism. Although these and other writers in this camp present partly different claims and arguments, they share the baseline idea: a person holds a claim to a remedy for the disadvantage that stems from her natural or social circumstances and is out of her control, but she has no claim to a remedy for the disadvantage caused by her voluntary choices. In other words, they maintain that people should be responsible for adverse effects of their voluntary decisions, and yet they should not for those of misfortune. Suppose that I lost my money playing bridge in a country where gambling is legal. Obviously I cannot legitimately claim any compensation because I chose to take the risk of losing money by playing bridge. In contrast, if I were hit and seriously handicapped by an unidentifiable driver, and if my handicap resulted in my performing only a low-wage job, then I would have a moral right to claim public compensation and assistance. This would be because my physical and economic disadvantages were not caused by my decision.

This view is conventionally termed luck egalitarianism, but I suspect the term is misleading. The core idea entertained by so-called luck egalitarians is that the effects of bad luck on people should be neutralized by rendering public compensation or assistance. As Susan Hurley (2003: 148–159) correctly points out, the idea of neutralizing the adverse effects of luck does not necessarily imply that the equal distribution of well-being among people is a default state of affairs. Some proponents of the luck-neutralizing view invoke the idea of equal well-being; others do not.

To take an example, responsibility-catering prioritarianism proposed by Arneson (2000) encompasses the principle of luck neutralization, but it falls under the heading of prioritarianism as opposed to egalitarianism. Since the reverse side of luck neutralization is to hold a person responsible for the consequences of her decision, a more accurate term than “luck egalitarianism” may be “responsibilitarianism.” Luck egalitarianism, along with so-called luck prioritarianism, is included among different versions of responsibilitarianism.

Responsibilitarianism seems plausible in relation to post-disaster reparation, as illustrated by the following story.

#### Case 2: Miser's sufferings

The fairly rich man, Ebenezer purchased a house built on an active fault line at a low price, even though he was well aware of the risk of earthquake damage. To save money, he deliberately decided not to buy earthquake insurance. One day, his house was leveled by an earthquake, so he and his family moved into a suite in a luxury hotel. The next morning, he visited the local government's compensation office. One month later, he received a large amount of financial benefit that enabled him to build a new house in the same place.

Many people presumably think, as a considered judgment again, that Ebenezer received more compensation than what he deserved because he deliberately chose to take the risk of earthquake damage. Responsibilitarianism provides good reason to deny his benefit. Thus Case 2 indicates that this theory justifies the moral judgment many people would make.

Despite its moral appeal in post-catastrophe and many other contexts, responsibilitarianism has received various types of criticisms. Here I focus on one version of moral objection, which is termed the harshness objection or the abandonment objection. Critics argue that responsibilitarianism leads to the cruel judgment that those who suffer from severe consequences of their reckless or risky choices should be abandoned (Fleurbaey 1995: 40–41; Anderson 1999: 295–296; Scheffler 2010[2005]: 214–215, 220–224).<sup>3)</sup> Suppose that a young man enjoyed riding his motorbike without a helmet, even though he fully recognized the risk of accident. One day he incurred a severe injury in the accident he caused, and only an expensive operation that he could not afford would save his life. According to objectors, responsibilitarianism leads to the judgment that this man should be left to die because his injury was brought about by his imprudent choice.

A somewhat different version of Case 2 appears to indicate that the harshness objection is forceful in the context of post-disaster compensation.

#### Case 2': Miserable miser's sufferings

The fairly rich man, Ebenezer purchased a house built on an active fault line at a low price, even though he was well aware of the risk of earthquake damage. To save money, he deliberately decided not to buy earthquake insurance. One day, his house was leveled by an

earthquake, so he tried to book a hotel room, but all of the local hotels were full. Consequently, he and his family spent a cold night in his car. The next morning, he visited the local government's shelter office, yet his application for shelter was rejected. An officer said to him, "You bought a house in such a high-risk place, so you should pay for your choice."

In Case 2', Ebenezer looks to suffer an unjustifiable, ruthless treatment by the shelter office. Responsibilitarianism, which seemingly demands such ruthlessness, appears vulnerable to the abandonment objection.

### 3. Pragmatic Responses Examined

Even before the abandonment objection was raised, some pioneers of responsibilitarianism were aware of the need to prevent the imprudent from falling into dire straits. To meet this need, they suggest institutional mechanisms. While urging that the economic losses that a natural disaster brought about should be borne by the owner who might or might not have been insured, Erik Rakowski (1991: 76 n.4) concedes that there may be sound paternalistic reasons for prohibiting people from dispensing with health and accident insurance. Arneson (1997[1995]: 239) suggests that compulsory government programs that require savings for old age tend to equalize opportunities for welfare between myopic and prudent citizens. Philippe Van Parijs (1995) proposes a system of basic income that would provide everyone with an economic safety net under most circumstances.

More recently, several responsibilitarians have attempted to circumvent the abandonment objection in a pragmatic way by arguing that the principle of luck neutralization should be supplemented by another principle. Their responses to the objection fall into two categories: pluralist and partitionist. In his pluralist defense of luck egalitarianism, Carl Knight (2009: 151–152) contends that there are four reasons why the scenario of abandoning imprudent patients described by opponents would never actually happen in an industrial society. First, luck egalitarianism has a case for enhancing the existing system of public health care. Second, even if this system were removed, charitable donations would cover all negligent victims who could not afford their medical costs. Third, urgent treatment will be usually provided because it is doubtful that those who are responsible for their reckless choices should be held accountable for consequences of the choices. Fourth, the luck-neutralizing government will pay for all reasonably affordable and crucial treatments because of various doubts about responsibility.<sup>4)</sup>

Moreover, Knight (2009: 198–199) makes an extremely hybrid response to the abandonment objection and other criticisms. He says that justice should be partly guided by a great variety of non-egalitarian considerations: utility, charity, solidarity, priority, sufficiency, and basic needs. He starts with the "luck egalitarianism plus basic needs satisfaction" view (199–200), but he finds this combination vulnerable to some problems and paradoxes. The most notable problem is the

levelling down objection raised by Derek Parfit (2002[1995]: 98–99), according to which egalitarianism implies that it is good from at least one perspective to make the better-off worse off without letting the worse-off become better off. To avoid the shortcomings of the view above mentioned, Knight proceeds to suggest the “luck egalitarianism plus maximin” combination (Knight 2009: 212–213), the “luck egalitarianism plus utilitarianism” pairing (214), and the “luck egalitarianism plus utilitarianism plus basic needs satisfaction” tripartite (215) in turn. Finally, he examines and refines responsibility-catering prioritarianism (216–225). How pluralistic he is!

Knight’s attempted defense of responsibilitarianism seems to have several deficiencies. For one thing, the four reasons why the nightmare scenario would not occur are all problematic. He does not explain why luck egalitarianism has a reason to reinforce the current health care system; it is debatable whether donations would suffice to cover all medical expenses of the imprudent needy; the doubt about people’s responsibility for consequences of their choices undermines the responsibilitarian assumption that a person who made a choice is held accountable for its effects; and the dubiousness of responsibility suggested in the fourth reason is self-defeating in that, if it were sound, his pronounced view would collapse. Another problem with Knight’s discussion is that he does not offer any philosophical justification—or even clue to the justification—for his proposed supplements to the luck neutralization principle. He indulges in an intellectual treasure hunt by hybridizing various views through trial and error.

In a similar vein, Shlomi Segall (2010: 64–66) advocates value pluralism to rejoin the harshness objection in the context of health care. He begins by saying that, in designing institutions, we think of not only considerations of fairness or distributive justice but also other considerations. Non-fairness factors include utility, self-respect, privacy, publicity, autonomy, compassion, promise keeping, and cultural diversity, among others. He identifies two types of conflict between these factors and those of fairness: the first is the case in which the former factors simply override the latter. The second type of conflict occurs when demands of fairness are so indeterminate that a policy based on other factors is neither fair nor unfair. He suggests that the abandonment objection points to the second type of confrontation. He then asserts that the combination of luck egalitarianism with other considerations produces a determinate policy, that is, the policy that leads to medical treatment for the imprudent. To supply reason for treating the negligent, he invokes the idea that basic needs, including medical needs, should be met (68–72). It is noted that luck egalitarianism supplemented by basic needs fulfillment entails both egalitarian and sufficientarian strands. This hybrid view, however, cannot resolve the question of which patient—the negligent or the prudent—holds priority for medical care when resources are scarce. Segall’s prescription, which largely relies on luck neutralization, is that we should usually assign priority to the prudent. In the exceptional cases in which the negligent sufferer’s imprudence is rather small, alas, he recommends flipping an imaginary coin.

Putting aside the coin toss, there are at least two flaws in Segall’s pluralist argument. First, he reads the harshness objection as supposing that a policy backed up by basic needs or other non-

fairness considerations is not fair or unfair. But his reading is controversial. It is helpful here to distinguish between weak and strict forms of that objection. The weak version says that responsibilitarianism *allows* the abandonment of negligent patients. This version can be construed as assuming that a policy founded on basic needs is neither fair nor unfair in the luck-neutralizing perspective. In contrast, the strict version, which is suggested by many advocates of the harshness objection, claims that responsibilitarianism *demands* the abandonment. This version is likely to conceive that a basic-needs policy is seen as unfair from that perspective. Second, and more important, he invokes the basic needs principle to preclude the harshness objection, but the question is: what are philosophical grounds for this principle? The challenge for pluralist responsibilitarians is to provide justification for basic needs satisfaction in a way that is compatible with the luck neutralization principle operating when these needs are met. Like Knight, Segall fails to meet this challenge.

The partitionist version of pragmatic response to the abandonment objection is advanced by Kok-Chor Tan (2012: 100–102). He notes that luck egalitarianism is not an account of morality as a whole but that of its special part concerned with distributive justice. Then, he contends that distributive justice is a matter of distributive equality among people, provided that their basic needs are met. It is argued that the question of basic needs goes beyond the scope of luck egalitarianism and pertains to human rights or humanitarian assistance. In other words, he partitions the realm of morality into two divisions: distributive justice and basic needs satisfaction. He regards the fulfillment of the latter requirement as a necessary condition of the former, in which luck egalitarian considerations become salient. By doing so, he attempts to circumvent the charge that luck egalitarians are cruel to the badly-off.

Tan's partitionist strategy addresses the harshness objection in a simpler and clearer way than the pluralist strategy taken by Knight and Segall. The former approach is immune to most of the specific difficulties facing the latter, which are previously described. Nonetheless, Tan's response suffers from the same kind of fatal weakness as those of Knight and Segall. Why should we accept that the domain of distributive justice, within which responsibilitarianism can have force, is limited to the situations in which people's basic needs are met? To support his assumption of the limited domain of distributive justice, Tan refers to Rawls and Thomas Nagel. Rawls (1999b: 38, 65) suggests that the realm of the human right to meet basic needs is distinct from that of distributive justice, which he thinks does not apply to the global context. Nagel (2005) develops Rawls's suggestion by arguing that satisfying basic needs is not a matter of justice but that of humanitarianism. However, a further question arises: why should we accept that Rawls and Nagel are right? The justice–humanitarianism distinction that Rawls and Nagel make has attracted many criticisms, and their followers and objectors have engaged in heated debate. Given its controversial character, the claim that distributive justice presupposes the fulfillment of basic needs requires substantive grounds. Tan fails to offer these grounds.

#### 4. Respect and Rescue

In the previous section, we saw that neither the pluralist nor partitionist version of pragmatic responsibilitarian arguments succeeds to supply good reason to dismiss the harshness objection. A more promising approach may be principled arguments that seek to justify both the luck neutralization principle and the basic needs principle in a comprehensive and consistent way. This section endeavors to sketch such an argument.

I want to begin with what I name humanism, which is distinguished from humanitarianism. By humanism, I mean the assumption that human lives have intrinsic value. It is a truism that, in most cases, a person's life carries instrumental value in relation to others. I sustain my family; I serve the faculty in my university by meeting my administrative responsibilities; and I make, so hope I, contributions to the academic world and society at large through my scholarly writings and public lectures. The life of each person has intrinsic value, whether or not he is capable of working for the sake of others. If I were hit by a car and fell into a vegetative state, my life would still hold intrinsic value precisely because I am human. From the humanist assumption as formulated above, it stems that human life should be enhanced by individual acts and institutional arrangements. Call this requirement the humanist imperative.<sup>5)</sup>

The next step of my discussion is to identify the fundamental characteristics of human life, which should flourish according to the humanist imperative. It seems that human life has two contrastive features: *voluntariness* and *vulnerability* (Usami 2014: 7). Voluntariness here denotes that an individual is able to form various aspects of her life by making choices and decisions. In an industrialized and liberal society, people can choose where they live, what occupation they have, and whom they marry. On the other hand, vulnerability means that a person is under the influences of his natural and social environment. People are vulnerable in a variety of ways and to different degrees. In the biological aspect of human life, everyone is susceptible to his inherent condition. The probability that a person has genetic disorder, such as hemophilia, depends on his genome. In socio-economic respects, some people are more defenseless than others. Low-income households are more vulnerable to their economic environment, such as the labor market, the housing market, and social welfare payments, than middle class households are. It is noteworthy that vulnerability is not necessarily inversely proportional to voluntariness. A person makes choices under the influence of her natural and social environment in terms of relationships with others, social institutions and norms, and genetic conditions, among others.

The humanist imperative as based on the humanist assumption seems to imply that the demands of voluntariness and those of vulnerability should be met (Usami 2014: 7–8). Voluntariness requires social *respect*, namely, the treatment of a person as an independent agent, which includes both protecting her freedom to decide and attributing effects of a decision to her. In the distributive justice context, responsibilitarianism is justified as a position that attributes consequences of a choice to the chooser. In contrast, vulnerability needs social *rescue*, which refers

to the treatment of a person as a susceptible patient. It falls into the category of rescue-based treatment to meet an individual's basic needs, whether her plight follows from her choice or circumstance. The juxtaposition of responsibilitarianism and unconditional needs fulfillment in the same domain of distributive justice would force us into an ad hoc choice between them. Such a quandary can be avoided when we divide this domain into two layers: the lower area of basic needs and the upper field of luck neutralization. Based on concerns about the vulnerability of the disadvantaged, the basic needs principle should have a lexicographical priority over the luck neutralization principle. In other words, people are held to account for effects of their choices if and only if their basic needs are fully met.

Some might object that my argument violates Hume's Law, which states that a normative proposition cannot be derived from a set of descriptive propositions. David Hume (1978[1739-1740]: 469–470) suggests that an ought-statement is so different from an is-statement that it is inconceivable how the former can be deduced from the latter. My critics note that the sentence, "Human life characteristically has voluntariness and vulnerability" is descriptive, whereas "respect the voluntariness of human life" and "rescue the vulnerability of human life" are both normative. In attempting to derive the latter two propositions from the former, so the argument goes, I commit the serious error of breaching Hume's Law. This charge overlooks that the humanist assumption is formulated in an evaluative sentence and the humanist imperative in a prescriptive one, both of which are included among normative sentences. The imperatives of respect and rescue derive not merely from descriptive statements about voluntariness and vulnerability but also from the humanist imperative, which in turn flows from the humanist assumption. Contrary to the allegation, my argument thus observes Hume's Law.

## 5. Responsibility and Reparation

What does the combination of responsibilitarianism and basic needs satisfaction imply in the context of justice after catastrophe? This section explores the implications that responsibilitarianism has, and it is the aim of the next section to examine implications of basic needs fulfillment. As I stressed at the beginning of this paper, the pre-disaster state of each affected resident is of considerable importance in post-catastrophe distributive justice. The relevance of the past state seems to render both luck egalitarianism and luck prioritarianism immaterial to compensating and assisting survivors and families of victims. This is because these versions of responsibilitarianism focus on the distribution of well-being among individuals at the temporal point at which redistribution is conducted, whereas the idea of justice after catastrophe demands that we also pay attention to this distribution at some point prior to the disaster.

To meet the demand of taking account of the past, I propose what I call luck reparativism, a new form of responsibilitarianism that considers the distribution of well-being among affected people at a point preceding the disaster to be a default position. Luck reparativism maintains that a

person is entitled to a remedy for the lost part of her pre-disaster well-being that is attributable to her circumstances, but she is not entitled to a remedy for the loss that is caused by her choices. By remedy, I do not mean the complete recovery of one's pre-catastrophe state; such recovery is indeed impossible. If a mother lost her loved one in a *tsunami*, how can we bring her back to the precisely same level of well-being as in the happy old days? It is one thing to regard one's level of well-being at a certain point in the past as a default; it is quite another to increase one's current well-being to this past level. The former is essential in post-disaster distributive justice, while the latter is unfeasible.

Luck reparativism offers theoretical grounds for the considered judgment many people may have about Case 2. It indicates that Ebenezer does not deserve sufficient reparations to offset his economic loss because the loss was largely the result of his highly risky decisions. More generally, this view implies that, in compensatory policy, each affected person has a moral claim to reparations for his damage in proportion to his pre-disaster level of well-being as measured in terms of income, real properties, and securities, provided that the damage was not caused by his own choices.

Some might complain that it would undermine rather than serve the ideal of justice to provide affected people with benefits in proportion to their pre-catastrophe living standards, unless they were held responsible for their current predicaments. This is because salary, wages, and unearned income more or less reflect various components of circumstance, including gender, race, and parents' wealth. Critics go on to propose that a government should utilize its compensatory policy as a tool to eliminate circumstance-driven biases in incomes of those living in disaster-stricken areas.

This objection includes a truth: how much one earns or receives in part depends on many factors that are out of one's control. However, if the government tried to interfere in incomes of a particular group of people—survivors and families of victims of a disaster—through its compensatory scheme, then its interference would give rise to imbalance between the target group and populations in non-disaster-stricken areas. Suppose that, in Case 1, the local government refused to pay any compensation to Sarah for the reason that she acquired her mansion thanks to the wealth of her late father. The government would be undoubtedly treating her unjustly in that it disadvantaged only her, while leaving other multimillionaires intact. The task of reducing circumstance-driven biases in incomes of citizens is better performed through other policy tools, such as anti-discriminatory employment laws and inheritance taxes.

## 6. From Sufficiency to Security

Let us turn to the basic needs principle in the context of post-catastrophe distributive justice. This principle, unlike luck reparativism, considers the current situation of affected people. More specifically, it focuses on the present level of well-being of each affected person, not the disparity between such persons. The idea of unconditionally satisfying human needs within a lower division

of the domain of distributive justice suggests the relevance of sufficientarianism.

One critic of sufficientarianism makes a useful distinction in articulating this group of theories (Casal 2007: 297–299). The critic notes sufficientarianism consists of two theses: the positive thesis affirms that everyone has enough to remain above a threshold, and the negative thesis denies that equality or priority has any role to play above the threshold. To put it another way, this view ensures the well-being of every person up to a reasonably defined threshold, while leaving the distribution of well-being among the advantaged unchanged. It is immune to the levelling down objection because it allows no measures that make the better-off worse off. Sufficientarianism is advanced in its full blown form by Harry Frankfurt (1988[1987]), who objects to economic egalitarianism and proposes the doctrine of sufficiency as an alternative. Another representative proponent, Roger Crisp (2003) finds egalitarianism untenable because it is susceptible to the levelling down objection. He also sees prioritarianism as unsound since it favors the worse-off group over the better-off even when both groups are fairly well off. As the best theory of distributive justice, he develops sufficientarianism.

Sufficientarianism requires refinements in several respects if it is to disprove the harshness objection by establishing the basic needs principle. Three issues are crucial. The first can be called the metric of sufficiency, which covers both positive and negative theses. Many authors on distributive justice have debated which metric is appropriate with regard to the ideal of equality, as indicated by words and phrases referring to the debate, including the “equality of what,” the “currency of egalitarian justice” (Cohen 2011[1989]) and “equalisandum” (5–6). On the other hand, sufficientarianism confronts egalitarianism and prioritarianism in the controversy over the goal of distribution. Since metric and goal are logically independent, we can raise the questions of the “priority of what” and the “sufficiency of what.” As to the latter question, Frankfurt, Crisp, and many others (e.g., Huseby 2010) explicitly or implicitly rely on the welfarist basis, while several notable sufficientarians (e.g., Anderson 2010) take the capabilities approach.

Although it has attracted wide support among scholars, welfarism has been accused of involving various paradoxes and problems. Particularly relevant to the basic needs principle are difficulties surrounding individual preference, only two of which I mention here. First, the expensive taste argument made by Dworkin (2000a[1981]: 48–59), according to a common understanding, notes that welfarist egalitarianism allows those who have developed money-consuming tastes and plans to receive income transfers from those who have not.<sup>6)</sup> Suppose that there are two persons: Richey, who loves Dom Pérignon champagne and Beluga caviar, and Lessie, who can find bliss in beer and pizza. Welfarist egalitarians seem to approve of income transfer from Lessie to Richey in order to equalize their utility levels, but such transfer may be counterintuitive for many people. The second difficulty concerns the idea of adaptive preference formation, which refers to the fact that people tend to prefer a less favorable option when the set of feasible alternatives is severely limited (e.g., Elster 1983: 109–139). In Case 1, Tom might not be so depressed about his lost house because he has probably experienced numerous deprivations and

degradations so far in his life. Welfarism in its naïve form cannot exclude adaptively formed preferences from its utility calculation procedure.

These difficulties do not face resourcism or the capabilities approach, neither of which counts individual preferences. The question thus arises: which theory is more desirable, resourcism or the capabilities approach? This is a point of prolonged controversy (e.g., Anderson 2010; Pogge 2010). I find several limitations in the capabilities approach, and thus I prefer a version of resourcism. However, it is beyond the purpose of this article to scrutinize the former and to defend the latter.

The second crucial question in the refinement of sufficientarianism is that of where the threshold of well-being should be set. This question concerns the line between the space of positive thesis and that of negative thesis. When he says that a person has enough money, Frankfurt (1988[1987]: 152) means that this person is content—or it is reasonable for her to be content—to have no more money than she has. To Frankfurt, having enough money obviously goes much beyond having enough money to avoid economic misery. In basing sufficiency on the notion of an impartial spectator's compassion, Crisp (2003: 755–763) cites his intuition that eighty years of high-quality life is enough and plausibly more than enough. These suggested high standards of living are unnecessary and unfeasible in the moral space of basic needs. More helpful is the model of two sufficiency levels proposed by Robert Huseby (2010: 180–182). He says that the maximal sufficiency threshold equals the level of welfare at which a person is content and that the minimal threshold denotes a means to subsistence. The idea of minimal threshold pertains to the basic needs principle, yet it seems inconsistent that the maximum line is defined in welfarist terms and the minimum line in resourcist terms.

A still more pertinent model may be to set only the minimal threshold that provides people with various resources enabling them to live decent lives. It seems useful here to distinguish between survival and decent levels of basic needs (Usami 2013: 15). The survival level of basic needs encompasses food, water, clothes, shelter, and primary medical care; the decent level arguably covers these items plus primary and secondary education, job opportunity with a living wage, and some leisure equipment and opportunity, among others. In the post-catastrophe context, every affected person should be secured the decent level—not merely the survival level—of resources. Since it proposes a system of material and financial security for a decent life, this model can be called securitarianism.

The third issue concerns the order in which individuals who stay at different levels of well-being below the threshold should be rescued. This issue, which relates to the positive thesis, is crucial since budget, staff, and equipment are often limited in disaster-stricken regions. Frankfurt (1988[1987]: 144–145) offers one answer—what some writers call the head count view—which urges the maximization of the number of individuals residing above the threshold. The head count view is implausible, however, because it does not consider how low each person's level of well-being is below the threshold. Crisp (2003: 759) presents the weighted priority view, which grants priority to the worse-off over the better-off on one hand, and takes into account the number of those

who receive benefits below the threshold on the other.<sup>7)</sup> The weighted priority view is more accommodating to the badly-off than the head count view. However, it leads to the unsound judgment that a small worse-off group be abandoned when a better-off group is considerably larger. The difficulties involved in the two views are overcome by the pure priority view, which favors the worse-off group irrespective of its size (Usami 2014: 12). The pure priority view helps to completely escape the harshness objection by rendering priority rescues to those who are more vulnerable.

## 7. Conclusion

The objective of this paper was to explore justice after catastrophe by using concepts, ideas, and arguments that have been developed in the study of distributive justice in normal settings. To achieve this objective, I began with the observation that, in the context of post-disaster compensation and assistance, one should pay attention to the past state of each affected person as well as her present hardships. Next, it was noted that responsibilitarianism holds a moral appeal in this context, but the harshness objection should be addressed. Then, the pluralist and partitionist versions of pragmatic response to this objection were closely examined. Based on my negative assessment of these pragmatic replies, I sought to take a principled approach by invoking the ideas of respect and rescue, which respectively correspond to the voluntariness and vulnerability of human life. Moreover, I divided the domain of distributive justice into the space of the luck neutralization principle and that of the basic needs principle. In the former space, I advanced a responsibilitarian theory—luck reparativism—which aims to neutralize effects of bad luck, considering the distribution of well-being at a temporal point prior to a disaster as a default position. In the latter, I proposed securitarianism, based on sufficientarianism, which secures the threshold of resource that enables a decent life and gives priority to the worse-off below the threshold. The combination of luck reparativism and securitarianism avoids the harshness objection that persistently dogs other responsibilitarian theories. Although it requires further elaboration, my discussion revealed that this combination is a promising approach to the challenge of post-catastrophe distributive justice.

### Notes

\* Earlier versions of this article were delivered at a meeting of the Research Group for Distributive Justice in Post-Disaster Reconstruction Policy held at Kyoto University, Kyoto in 2013 and at the International Conference on “Social Justice and Catastrophe: Risks, Responsibility and Reciprocity” held at Ritsumeikan University, Kyoto in 2014. Some concepts and ideas utilized in the article were presented at the 2nd Global Conference, “Living Responsibility: Ethical Issues in Everyday Life,” held in Michna Palace, Prague in 2012 and at the 9th East Asian Conference on Philosophy of Law held at Hankuk University of Foreign Studies, Seoul in 2014. I am grateful to participants on these occasions for their numerous comments and questions. I also benefited from the insightful and informative presentations made by Akira Inoue in the former two

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- 1) In earlier versions of this paper, I explored the idea of solidarity in the context of post-disaster justice, but I refrain from doing so here to sustain a focused discussion.
- 2) Dworkin in turn seems to draw inspiration from Rawls's view that a person's life prospects and opportunities should not depend on morally arbitrary factors such as his natural talents and parents' income (Rawls 1999a[1971]: 86–88). Nevertheless, Rawls cannot be construed as a pioneer of luck egalitarianism. This is illustrated by the difference principle, which stipulates that basic social institutions be arranged in such a way that socio-economic inequality maximizes the interest of the least advantaged, whether their current low incomes follow from their choices or circumstances (65–70, 266). Dworkin is often considered as a proponent of luck egalitarianism, but he separates himself from this position.
- 3) The harshness objection is just one of moral arguments against responsibilitarianism. Another argument asserts that this view expresses contemptuous pity for its supposed beneficiaries because it maintains that these beneficiaries are entitled to compensations based on their inferiority to others (Anderson 1999: 305–306). A related criticism says that responsibilitarian policy requires a possible beneficiary to make shameful revelation (Wolff 1998: 113–122). Still another charges that responsibilitarianism implies absurd policy proposals, such as publicly funded plastic surgery for those who are unfortunately ugly (Anderson 1999: 303). Besides these moral objections, there are at least three criticisms of responsibilitarianism or luck egalitarianism more specifically. The first is conceptual: it is objected that, contrary to the luck egalitarian conception of equality, the point of equality is not to neutralize the effects of misfortune on peoples' lives but to regulate the relationship between citizens in a democratic society (Anderson 1999: 312–321; Scheffler 2010[2005]: 225–233). The second objection is metaphysical: it is argued that responsibilitarianism relies on the libertarian assumption of genuine choice, which is groundless according to determinism (Fleurbaey 1995: 38–40; cf., Scheffler 2010[2005]: 215–220). The third is logical: one critic points out that responsibilitarianism requires the regressive reasoning that, if a person is responsible for something, it must be the case that she is also responsible for its causes, and the causes of its causes, and so forth (Hurley 2003: 113–114, 168–174). If such recursive process of causality goes on, no one can be eventually responsible for anything. Responsibilitarians respond to these criticisms from a great variety of perspectives. However, I refrain here from examining debates on different aspects of responsibilitarianism to focus on the harshness objection.
- 4) See the objections to responsibilitarianism mentioned in note 3.
- 5) The assumption of humanism does not imply the foundationalist claim that the statement of humanism is the non-inferential justified statement, from which all other normative statements ultimately derive. On the contrary, I suppose that the humanist proposition is supported by other propositions, which refer to a variety of values including justice, liberty, and equality. In my discussion on the relationship between justice and efficiency, I briefly depict the mutual support system in which different values rely on one another (Usami 2011: 12–15).
- 6) The argument Dworkin makes is more complex than generally understood.
- 7) Huseby (2010: 185) offers a similar idea in regard to different groups residing between the maximal and minimal thresholds.

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