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Reply to critics

Kasper Lippert-Rasmussen

Introduction

I would like to express gratitude to the other contributors to this symposium for their excellent articles. I have learned a lot from their criticisms and constructive reflections. While I do not agree with all of their objections to the views I espouse in *Luck Egalitarianism*, my book would have looked quite different had I read the symposium before writing the book. Since the six articles respond to different parts of my book, I will respond to them one at a time.

Groups

Sara Amighetti and Siba Harb scrutinize my view on the scope of principles of egalitarian justice. On that view, inequality between individuals can be unjust, but inequality between groups is not unjust *per se* – that is, it cannot be unjust over and above the unjust inequality between individuals that must exist for there to be inequality between groups. However, Amighetti and Harb think that the scope of egalitarian justice extends to inequalities between groups: ‘[T]here are good reasons to think that (a) inequality between groups matters, and that (b) groups can make choices which are relevant from a luck egalitarian perspective’ (Amighetti and Harb, pp. 1-2). As this formulation helpfully shows, the scope question applies both to the equality part and to the luckist part of luck egalitarian principles.

Why do Amighetti and Harb think group inequality matters non-instrumentally from a luck egalitarian perspective? Let me start with the scope

question in relation to the equality bit of luck egalitarianism. One argument that they offer is the following:

1. One part of that which should be distributed equally is collective goods.
2. If (1), then egalitarian justice requires an equal distribution of collective goods across groups.
3. Thus, egalitarian justice requires an equal distribution of collective goods across groups (p. 7).

Collective goods are ‘goods which can only be held (or enjoyed) jointly by a set of individuals, i.e. collectively’ (p. 7), e.g., conviviality at a party and self-determination of a political community.

I agree that there are collective goods in Amighetti and Harb’s sense and that they are important – sometimes more important than individual goods. I also agree that many individuals care non-instrumentally about some collective goods, and not unreasonably so. Accordingly, I should have discussed them in *Luck Egalitarianism*. However, I am not persuaded by the argument above.

First, the value of collective goods might be completely reducible to their value for individuals, e.g., the value of communal self-determination might be exhausted by how self-determination promotes members’ well-being. It does not follow from the fact that if any member of a group enjoys a certain good then all members do so that the value of the relevant good is not reducible to its personal value to the members of that group.¹

¹ I agree with Amighetti and Harb that collective goods ‘do not result from the aggregation of a good that the individuals who make up the group hold severally’ (p. 8). This is not saying, however, that the value of the collective good is not determined

Second, Premise 2 is either false or, alternatively, appealing to it implies that the argument begs the question of whether egalitarian justice requires an equal distribution of collective goods across groups. It is false if the value of collective goods is exhausted by their value for persons. In that case, setting aside issues about responsibility, luck egalitarianism enjoins us to make sure that everyone has equal amounts of some overall metric of justice. An equal distribution of this kind might obtain even if some individuals enjoy more collective goods than others – e.g., they enjoy the self-determination of their political community, while others do not – provided that the former individuals are worse off than the latter in terms of non-collective goods. Alternatively, if Premise 2 is true the argument begs the question, because I would submit that even if collective goods are included in the relevant egalitarian *equalisandum*, it is not the case that we should distribute them equally. Rather, we should distribute them in such a way that everyone is equally well off in terms of the overall metric. To defeat this view, Amighetti and Harb must come up with an argument that does not rest on a premise that simply asserts what I deny.

Here is an argument which might be thought to satisfy this description: to support my individualist view of the scope of egalitarian justice, I contend that we should not be willing to trade off greater inequality between individuals in favour of lesser inequality between groups. However, Amighetti and Harb think that ‘when it comes to collective goods no similar trade-off arises and Lippert-Rasmussen’s reasoning for restricting the scope of the equality claim to individuals no longer applies’ (p. 9). This cannot be right. Suppose that the relevant egalitarian has two components: self-determination of the group of which one is a member and individual

by an aggregative function of the personal value of the collective good for each member.

hedonic welfare.² Suppose, for the sake of argument, that men and women are groups, inequalities between which matter non-instrumentally. Suppose all members of one republic are women, and all members of another are men. Suppose, finally, that we can either bring about an equal distribution between men and women, which involves some degree of inequalities between individuals, or a distribution which will involve some degree of inequality between men and women, but also a lower degree of inequality between individuals. Even if the relevant metric includes the collective degree of self-determination, we can still say that, *ceteris paribus*, there is no degree of inequality between individuals such that the former distribution is preferable justice-wise.³

Turning now to the scope question in relation to the luckist bit of luck egalitarianism, Amighetti and Harb contend that I implausibly fail to ascribe any significance to corporate choice, i.e., choices of groups that have ‘an internal organisational structure for decision-making’ (p. 15). To show this they consider a case in which two corporate agents, A and B, make different decisions, as a result of which A ends up worse off than B. If we take corporate agents to be moral agents, plausibly there is nothing unjust about A’s being worse off than B. Also, on some

² Presumably, it is valuable for me that my group is self-determining and not valuable, or at least not equally valuable, for me that groups of which I am not a member are self-determining.

³ Amighetti and Harb think that my individualist view on scope might be false even if no one cares non-instrumentally about collective goods, because ‘equality between groups’ could be ‘a necessary (non-contingent) mean to achieve equality between individuals across group’ (p. 13). I have some difficulties following their argument here. They suggest that if an equal distribution of non-collective good X is non-instrumentally valuable, and if an (un)equal distribution of collective good Y ‘almost always’ leads to an (un)equal distribution of X, then an equal distribution of Y is also non-instrumentally valuable. But, first, an ‘almost always’ relation cannot ground a claim about necessity. Second, even if an equal distribution of Y were a necessary condition of X being equally distributed, that, in itself, would not imply that there is anything valuable about an equal distribution of Y.

accounts of ‘the conditions for distributing liability onto group members... *all* individuals forming the group [are: KLR] liable’ (p. 17).

Suppose that the relevant structure for decision-making is collective deliberation followed by a majority vote. Some members of A – say, Andrew – argue and vote against an irresponsible policy, and some members of B – say, Beatrix – argue and vote against the responsible policy. Andrew ends up worse off than Beatrix because of the relevant corporate decisions. On my account, this inequality is unjust. I am unsure if I disagree with Amighetti and Harb at this point. In part, this is because I could – and do – agree that there is ‘a *pro tanto* reason’ to hold Andrew and Beatrix liable for the decisions of the respective collectivities of which they are members. However, I would not say that this is a reason of distributive justice. Hence, perhaps we agree about what ought to be done, all things considered, and perhaps we also agree about what would be best, e.g., it would be better if, through some fluke event, Andrew ends up as well off as the responsible majority of members of B and better if, through some fluke event, Beatrix ends up as well off as the irresponsible members of the irresponsible majority of members of A.⁴

Justice between birth cohorts

Axel Gosseries addresses another scope issue – justice between birth cohorts. *LE* defends the broad-scoped view that inequalities between generations, e.g., between French people born at the time of Jeanne d’Arc and French people born at the time Mitterrand took office, are unjust because they are unfair to the much worse off medieval generation of French people. Hence, on my view it would be better in one

⁴ Amighetti’s and Harb’s use of the term ‘liability’ suggests that they accept that it would be better if Andrew were unaffected by the irresponsible decision of the corporate agent of which he is a member.

respect if the Mitterrand birth cohort levelled down, i.e. made themselves worse off, in order to reduce the amount of unjust intergenerational inequality, even if, all things considered, it would be a bad thing if they did so and they are under no duty to so.

Gosseries analyses a stylised version of this intergenerational inequality (p. 4-6) and defends the claims that ‘the scope of egalitarian justice extends across all generations’ (p. 3) and that, given certain assumptions, ‘*some* intergenerational inequalities with the past ... [are] pro tanto unfair’ (p. 12). Among such intergenerational inequalities, Gosseries mentions a case where a generation saves, thereby making the next generation better off, but at the cost of the worse-off people of the first generation. Gosseries contends this would be unjust according to leximin egalitarianism applied across generations. However, Gosseries leaves open whether *all* intergenerational inequalities are unjust.⁵ Indeed, he thinks that most intergenerational inequalities involve intergenerational savings and, thus, do not represent injustices done to later generations by earlier generations (p. 12). He also believes that, typically, better-off later generations have no duties to reduce the inequality between them and worse-off previous generations – a claim I agree with in accordance with my pluralist luck egalitarian response to the levelling down objection.

I accept most of Gosseries’ insightful analyses of intergenerational injustice. Therefore, I shall largely add some complexities to Gosseries’ discussion. According to Gosseries, ‘leximin egalitarians’ should oppose generational dis-savings – one birth cohort leaves fewer goods for the next birth cohort than it received from the previous birth cohort – as well as generational savings – one birth cohort leaves more goods for

⁵ One reason is that he leaves open that inequalities reflecting differential brute luck that no one ever could have done anything about are not unjust (p. 7). I claim that such inequalities are unjust, because they entail that some are worse off than others through their bad luck.

the next than it received from the previous birth cohort. Generational dis-savings violate a duty to the next generation, who will end up worse off. Generational savings violate a duty to the worse-off contemporaries of the first generation: '[i]f a generation anticipates the existence of a surplus by the end of its existence compared to what it inherited, it should distribute it to the least well off members of its own generation rather than to the next generation as a whole' (p. 5).

While Gosseries' prohibition on intergenerational (dis-)savings is warranted for the most part, I think that it does not always apply. Consider a case in which intra-generational inequalities will decrease over time from one birth cohort to the next. Here a leximin concern for 'an intergenerational world in which the least welloff will be as well off as possible' (p. 5) might imply that intergenerational dis-saving is permissible, since in its absence those who are worst off – the worst off among the first birth cohort – would be even worse off. Consider next a case in which intra-generational inequalities will increase from one birth cohort to the next. In such a case intergenerational savings might be required from the point of view of leximin. In pointing to these two possibilities, I do not express disagreement with Gosseries. Rather, I am simply rendering a certain implicit assumption of his explicit.

Similarly, I want to qualify Gosseries' claim that 'in a generational *savings* scenario, whenever we find it unfair, it is generally because of the opportunity cost for the least well off among our contemporaries... *Intergenerational* inequalities can thus be unjust without being *intergenerationally* unjust' (p. 8). Setting aside the complications addressed in the paragraph above, this might be true if we are thinking of a two-generation case where the first generation does the savings. If we think of multi-generations cases, where the saving is done neither by the first nor by the last generation, according to the broad-scoped luck egalitarianism that I have defended

generational savings are typically unjust, because they result in greater inequality between past, now dead, generations and future generations.

Gosseries submits that the fact that ‘an intergenerational inequality is unjust *does not* tell us that *we* acted unjustly toward the now dead generation. The existence of an intergenerational inequality does not entail that it is the *current* generation’s decision that lead to it. To the contrary, in the endogenous dis-savings scenario, but also in the savings scenario, it is the now *dead generation* (or some of its members) that can be blamed for the injustice, not us’ (p. 7). I agree with the first sentence, because it might be the present generation (Gosseries’ ‘us’) that is worse off. However, what follows does not establish what Gosseries claims in the first sentence. Even if it is not the present generation’s decision that resulted in the past-present inequality, it could still be the case that the present generation’s failure to eliminate the relevant inequality suffices to show that its members act unjustly. Moreover, we cannot determine who acts unjustly by looking at who is to blame, though blame might be an indicator thereof. More generally, it seems that Gosseries here, as elsewhere in the paper, is concerned not so much with the question of whether unequal distributions are unjust, but with the question of who, if anyone, unjustly brought about a certain (unequal) distribution.

Towards the end of his article, Gosseries draws an interesting parallel between compensation for slavery and compensation for past intragenerational injustice towards the worst off in the intergenerational savings case. Gosseries entertains the thought that these two cases should be treated symmetrically and yet he observes that people often reject these two putative compensatory duties for different reasons. In the slavery case, the reason typically offered is that the present generation is not responsible for the past injustice, whereas in the intragenerational case the reason

offered for why descendants of the past generations' worst off victims should not be compensated is that this will not benefit the worst off members of the past generation.

I agree that, from the point of view of distributive, as opposed to compensatory, justice, there is no difference between the two cases, and in my book I only discuss distributive justice. Second, I agree that the two cases really are different and I take Gosseries' comparison to show that it is not biological descent which matters in the compensation for slavery case – that relation obtains in both the case of slavery and in the intragenerational injustice against worse-off people. Rather, I suspect compensation is due in the first case because this is a way of eliminating or mitigating present (racial) injustice, whereas compensating descendants of past generations' worst off, some of whom might be better-off than most, is not a way of eliminating or mitigating present intragenerational injustice against worst off people.

Social relations and the role of political philosophy

David Axelsen and Juliana Bidadanure take issue with my implicit views on the nature and aims of political philosophy. Their point of departure is my treatment of the social egalitarian critique of luck egalitarianism. They helpfully note that I deflect this critique by means of two strategies: the *externalizing strategy* – showing how the concerns of social egalitarians are valid but reflect concerns other than egalitarian justice – and the *internalizing strategy* – showing how the concerns of social egalitarians are valid but can be accommodated within a luck egalitarian framework, e.g., by showing how a complaint about hierarchical social relations can be seen as one about an unequal distribution of social standing (p. 4). Axelsen and Bidadanure deem both strategies problematic. The main flaw of the externalizing strategy is that it casts doubt on the relevance of luck egalitarianism – because the theory itself tells us

nothing about how the value of distributive justice should be weighed against other competing values and prevents it from being ‘action-guiding in the way social egalitarians think egalitarian justice should be’ (p. 7).

Before moving on to the putative flaws of the internalizing strategy, let me note, *tu quoque*-style, that if irrelevance is a problem, social egalitarianism has a similar problem unless social egalitarianism incorporates all values and normative principles that bear on how societies should be organised. And, surely, social egalitarians do not believe that if only people would relate to one another as equals, society would be perfect. Hence, social egalitarians must address issues about how to weigh relational equality against other, potentially conflicting values, and social egalitarianism itself does not say anything about how this should be done.

Turning now to the flaws of the internalizing strategy, Axelsen and Bidadanure describe my attempt to capture a concern for social standing in distributive terms by defining ‘the good of having social standing’ (p. 8): ‘Mary and John have equal amounts of this good if, and only if, they relate to one another as equals. Mary has more of this good than John has if, and only if, [Mary] relates to [John] as a superior individual to an inferior individual and *vice versa*’ (p. 8; quote from Lippert-Rasmussen 2015, 238). However, this ‘redescription represents social standing as if it were something that is purely measurable in individual holdings (something that can be *had*) when, in fact, it is *internal to a relation* and cannot be captured adequately by looking *only* at John or Mary individually’ (p. 9).

I do not think my redescription is flawed. Indeed, if we are to answer the question ‘Does Mary have greater moral standing than John?’, my account implies that the basis for an affirmative answer to this question depends on facts not only about John or, alternatively, facts only about Mary. If the two persons have equal

social standing then, on my definition, that is because they relate to one another as equals. Hence, I can accept Axelsen's and Bidadanure's claim that the good of social standing is internal to social relations.

Perhaps the problem here is that there are two different senses of 'having something' in play. In a concrete sense of having a good – 'the holding sense' which Axelsen and Bidadanure have in mind – having something is like having a book. A book is a physical thing and you, or other agents, can redistribute it. In an abstract sense of having a good, having a good is a matter of some fact being true about you which is also good for you. The good of being the most popular person in your department is something you can have in this abstract sense – 'the attribution sense' – and in saying that one has this good, no suggestion is being made that departmental popularity can be redistributed in the way books can, or that we can determine whether one has the relevant good independent of information about people other than the person who possesses the good. When I talk about the good of social standing, I have the attribution sense of 'having a good' in mind and I do not see why one cannot acknowledge the social and interpersonal nature of such goods.

Axelsen and Bidadanure make an additional criticism of the internalizing strategy. It comes out in their complaint that by 'focusing *only* on how individuals are affected, the luck egalitarian redescription fails to capture one important feature of equal and respectful relation – namely, [their: KLR] intrinsic value... A society, in which people relate to each other as equals, has intrinsic value as well – and undermining this can be *wrong*, even if it harms no one' (p. 9).⁶ Perhaps equal

⁶ In the first sentence luck egalitarians' redescription is said to fail to capture equal and respectful relations. Now, if relating to one another as equals included relating to one another in respectful ways, adding 'respectful' would be redundant. The fact that it is added suggests that Axelsen and Bidadanure too are pluralists, and that they care about values other than relating to one another as equals.

relations have impersonal value. However, nothing in my luck egalitarian redescription prevents me from saying that the good of social standing is good for the person who enjoys it, but over and above that that it is also good if, within the relevant context, everyone has equal amounts of social standing.

In sum, I am unpersuaded by Axelsen and Bidadanure's critique of the two strategies. Interestingly, however, they tie it to deeper methodological and political critiques of luck egalitarianism. This critique departs from my complaint that social egalitarians' 'accounts of their ideal are more sketchy and incomplete than one might have wished for' (p. 11, Lippert-Rasmussen 2015, p. 181). Axelsen and Bidadanure temporarily grant me 'the relative indeterminacy of the social egalitarian ideal' (p. 11), but they think this is not a deficiency. Rather it reflects that the purpose of political philosophy is not to develop 'principles whose implications are intuitively correct in all possible worlds. Rather, the point is to offer moral tools and clear normative arguments to make better sense of what is unjust in current states of affairs' (p. 12). They connect this view with Anderson's recent critique of 'ideal theorizing' (p. 12), submitting that, unlike luck egalitarianism, social egalitarian theory has diagnostic precision, i.e., it manages to 'correctly and precisely determine what is wrong in situations of injustice *as they actually occur*' (p. 13). The luck egalitarian concern with responsibility illustrates this. Under certain ideal situations, it might well be that choice warrants being worse off. However, 'in life... [being worse off] is hardly ever because of irresponsible choices but (mainly) as a result of oppressive or exclusionary social structures, norms and practices. By focusing on responsibility, [luck egalitarians] obscure rather than illuminate the real causes of justice' (p. 15).

Axelsen and Bidadanure are on to something quite important here. However, I have some concerns about the way in which they describe the landscape. First,

theorists who self-identify and/or are identified by others as social egalitarians (or luck egalitarians) do not subscribe to any uniform view about the aims of political philosophy. Moreover, there is nothing in the view that people ought to relate to one another as equals that rules out the view that one should strive for abstract precision.⁷

Second, even if the previous points are false, there are two different distinctions at play in Axelsen and Bidadanure's critique – one between precise and imprecise accounts, and another between ideal and non-ideal theory. Non-ideal theory might be precise or imprecise, as might ideal theory. Presumably, Axelsen and Bidadanure's preference for 'diagnostic precision' is a preference for non-ideal theory that aims to identify feasible improvements – call this non-ideal theory *diagnostic* (as opposed to non-diagnostic, non-ideal theories that make no attempt to identify feasible improvements). I see no reason why one cannot be luck egalitarian and agree that political philosophers ought to focus on such theories.

Finally, even if it were true that, by virtue of their social egalitarianism, social egalitarians are committed to focusing exclusively on non-ideal theories of a certain activist sort and true that, by virtue of their luck egalitarianism, luck egalitarians are committed to focusing exclusively on ideal theory, this would simply be orthogonal to the concerns Axelsen and Bidadanure have about the in- and externalizing strategies. For instance, their arguments for the irreducibility of a concern for social relations to a concern for the distribution of social goods appear independent of the precise/imprecise, ideal/non-ideal, diagnostic/non-diagnostic distinctions.

Moving on to Axelsen and Bidadanure's political critique of luck egalitarianism, they praise social egalitarians for providing 'arguments that are more

⁷ Interestingly, Axelsen's and Bidadanure's claim that equal social relations have intrinsic value (p. 9) extends much beyond rigorous analysis of 'what is wrong with the mechanisms of actual injustices' (p. 16).

politically employable in subverting injustices and less liable to appropriation' (p. 18), e.g., by not giving responsibility a cardinal role. In their view, political philosophers should not be apolitical, but should be concerned with the consequences of their theorizing.

I share the view political philosophers should take into account what effect expressing their theories has on the world. If, unrealistically, publishing the true principles of justice in academic journals would result in a more unjust – perhaps a significantly more unjust – world, they ought not do so. Thus in that sense I do not think 'principles should be considered and developed in complete isolation from their ... influence on politics' (p. 17). However, when it comes to identifying which principles are true, such separation is warranted in the sense that it is never an objection to the claim that a certain principle is true that believing that the principle is true has bad consequences. Axelsen and Bidadanure ascribe a 'commitment to the strict separation of moral truth and political practice' to luck egalitarians, so given the dialectics of their article, one might (mistakenly?) take this to indicate that they reject such separation. If so, I fail to see what their reasons are.

Pluralism and relevance

Luck Egalitarianism discusses the value of distributive justice (or, even more narrowly, the value of egalitarian distributive justice) on the assumption that distributive justice is one value among others, all of which bear on what we should do all things considered. In some cases the value of distributive justice comes into conflict with other values, but I do not say much about what we ought to do, all things considered, in such cases. While Tim Meijers and Pierre-Etienne Vandamme are sympathetic to luck egalitarianism, they take me to task for this omission.

Their critique has a negative part, in which they argue that my failure to address cases of value conflict condemns my account to irrelevance – something which detracts from its plausibility because normative political philosophy ‘must have the ambition, in one way or another, to guide political action’ (p. 1; cp. Axelsen and Bidadanure). Their critique also has a positive part, in which they argue that one *can* say something about how a number of clashes between different values should be resolved on the basis of my account of moral equality of persons. That constructive part of their critique is very ingenious (too), but, unfortunately, what I have to say about it is more half-baked than what I have to say about the negative part.

Starting with the negative critique, Meijers and Vandamme characterize what I shall call the practical commitment of political philosophy in different ways. First, in some places they submit that political philosophy must offer guidance (p. 1), which presumably it does if it offers imperatives. In other places they suggest that it must result in statements that have or are likely to have an impact.⁸ These two requirements are different. A theory might satisfy the first requirement, because it tells people what they ought to do, and yet fail the second requirement because, say, the theory is very demanding and people feel alienated from it such that they end up acting no differently than they would have if they had never been exposed to the theory. There might be moral objections to proposing theories of justice that fail to live up to a practical commitment in the latter sense. But the fact that a theory fails to do so is no

⁸ Cp. their discussion of Cohen’s recognition of ‘practical ambitions’ (p. 4); their praise of Rawls’ approach for being a ‘useful tool for the political quest of justice’ (p. 4); and their assertion of the need for political philosophy to have ‘political potential’ (p. 5).

reason to think that the theory is unlikely to be the true or the correct principle of justice (p. 5).⁹

Second, focusing on the first of the two senses in which political philosophy must be practically committed, they demand that it must be practically committed in a quite specific way. The relevant imperatives must be *all things considered* imperatives (or at least ‘most things considered imperatives’, since even Meijers and Vandamme’s positive suggestion only purports to show how one should resolve [some] clashes between equality and efficiency and, obviously, pluralists might subscribe to many more values). Also, they must be imperatives that apply to *actual, real-life situations*. Presumably, if theories of justice only delivered all things considered imperatives for worlds in which everyone complies fully with moral demands, they would be a bad ‘tool for the quest’ of justice.

My view is that if all other things – e.g., degree of coherence, intuitive fit – are equal, we have no more reason to accept as true a theory of justice that includes a set of all-things-considered, actual-world imperatives than we have to accept a theory of justice that includes a comparable set of *pro tanto*, ideal-world imperatives.¹⁰

However, I also think that to the extent that a theory merely offers *pro tanto* imperatives about what we should do under very ideal circumstances or circumstances which are much less complex than our actual situation it is incomplete, and a less incomplete theory is preferable to a more incomplete theory from a purely theoretical point of view. Consider a theory about what caused the extinction of dinosaurs some 60 million years ago that identifies one causal factor, but does not say anything about

⁹ Perhaps I am not voicing any disagreement with Meijers and Vandamme here, since they note that the gratuity of a theory – i.e., having no practical ambition in the second sense – of justice is ‘intellectually legitimate’ (p. 5).

¹⁰ By a ‘*pro tanto*’ imperative I mean an imperative such that if no other imperatives bear on what one should do, one should do as the *pro tanto* imperative says.

how important this factor is relative to other factors. This theory has no practical ambitions in Meijers and Vandamme's sense and yet we can, for purely theoretical reasons, think that, *ceteris paribus*, a theory about the extinction of dinosaurs that identifies all relevant causal factors and ranks them in terms of importance is a better theory. In similar way, it is a limitation of *LE* that it does not say much about how those clashes of different values that I concede are possible should be resolved.

Consider next Meijer's and Vandamme's positive suggestion regarding how one could speak to this issue. I suggest that 'the moral equality of persons is grounded in their capacity to be non-instrumentally concerned with things in a distinctive way, say, one that involves long-term planning' (p. 51). While Meijers and Vandamme voice some concerns about this view (p. 10n13), they contend that:

if, like Lippert-Rasmussen, we think that the capacity to non-instrumentally care about things grounds moral equality, it would be odd to claim that the extent to which this capacity is protected and can be put to good use is irrelevant to wrong-making features (p. 11)

This, they believe, can help resolve conflict between equality and efficiency in levelling-down situations. Suppose, for instance, that we must choose between:

Impoverishment: equality at a very low level such that persons are prevented from caring non-instrumentally about things.

Flourishing: inequality at a very high level such that everyone has a very high capacity to care non-instrumentally about things (cf. p. 12).

In this situation, Meijers and Vandamme contend that '[p]ursuing fairness at this cost... goes *against* the spirit of what makes people moral equals and hence against what made that fairness was [sic] required in the first place' (p. 12).

My main worry about this suggestion is that we can consistently think that persons ought to be treated as equals on the ground I have proposed without being committed to saying that failing to promote the capacity to care non-instrumentally about things is a wrong-making feature. Suppose that persons are afflicted with a certain condition such that over time they slowly lose their capacity to care non-instrumentally about things in the way persons typically do. There is no inconsistency if I contend that all persons should be respected as equals and yet it is not wrong not to try to counteract the deterioration of the relevant caring capacities in oneself or others. Nor is it inconsistent to say the former and say that we ought not to bring about more persons with the relevant capacity. To say that there is a deontic requirement that persons ought to be treated as equals in virtue of certain capacities does not entail that their having these capacities is valuable or ought to be promoted. One can think that two criminals who have committed wrongs of the same magnitude should be punished equally severely, without thinking that one should protect or promote the doing of these wrongs.

Why be luck egalitarian?

Luck egalitarians are often criticized for focusing on the 'Equality of what?' question, instead of asking the more basic question of whether justice requires distributive equality. I address this criticism in *LE*, suggesting that one of the ways in which one answers the basic question affirmatively is by showing 'that the view follows from or justifies other views that one holds and finds attractive' (Lippert-

Rasmussen 2015, p. 7). I illustrate this way of supporting luck egalitarianism through Rawls' so-called intuitive argument for the difference principle. In setting out this argument Rawls writes:

The existing distribution of income and wealth... is the cumulative effect of prior distributions of natural assets – that is, natural talents and abilities – as these have been developed or left unrealized, and their use favored or disfavored over time by social circumstances and such chance contingencies as accident and good fortune. Intuitively, the most obvious injustice of the system of natural liberty is that it permits distributive shares to be improperly influenced by factors so arbitrary from a moral point of view... The expectations of those with the same abilities and aspirations should not be affected by their social class (Rawls 1999, pp. 62-63).

I note that Rawls does not put too much weight on this argument and that some theorists find it 'seriously misleading to see luck egalitarian motifs' in the intuitive argument (Lippert-Rasmussen 2015, p. 7). But instead of addressing such 'exegetical worries' I write: 'regardless of how Rawls himself uses the argument', 'many have found... [that] it is a compelling argument for something like luck egalitarianism' (Lippert-Rasmussen 2015, p. 7).

Robert van der Veen argues that the intuitive argument does not support luck egalitarianism. He finds that whether it does so is of 'key importance' given 'Rawls' profound influence' and is of interest because the difference principle, which the argument is supposed to support, 'has little in common with luck egalitarianism' (p. 3). My basic reaction to van der Veen's article is that some of his claims about the

correct interpretation of Rawls might be true, but that even if they are, I can still say what I say in my book. Let me explain.

Van der Veen thinks that I cannot set aside exegetical issues about how Rawls' intuitive argument should be understood. The reason is this:

There are... two ways in which [Rawls' view of justice] can support [luck egalitarianism]. Luck egalitarianism is either shown to be an indispensable premise in the reasoning for the competing view's final principles of justice, or luck egalitarianism, in addition to being premised, is shown to be a constituent part of those final principles (p. 4).¹¹

Van der Veen rejects the first possibility. His main reason for doing so is that Rawls' view rightly construed implies 'that brute luck inequality need not be unjust in any respect' (p. 6). Hence, if luck egalitarianism is a premise in an argument for Rawls' view, then that argument is an invalid argument in that one of its premises is true, only if the conclusion of the argument is false.

Still, in the passage from Rawls quoted above, he does indeed seem to be saying that, intuitively, it is unjust – not unfair, as van der Veen prefers to put it – that some are worse off than others due to morally arbitrary reasons, i.e. luck. The fact that he thinks equal opportunities for people who are equally talented and motivated is what it takes to eliminate the improper influence of social class suggests that 'improper influence refers to differential effect of luck on people (in terms of primary

¹¹ 'Indispensable' should have been omitted. Suppose I offer an argument for the difference principle using the luck egalitarian principle of justice as a premise. Suppose that this premise is dispensable – I could have derived the difference principle using other premises. The fact that I used the argument I did, rather than the alternative one, is a *prima facie* reason to think luck egalitarianism is a plausible principle.

goods). However, in accordance with the method of reflective equilibrium, Rawls might say that our initial luck egalitarian intuition should be rejected, since the idea that luck-induced inequalities *per se* are unjust is not part of our moral beliefs, once we have reached reflective equilibrium. Even so, this is consistent with my claim in *LE*: it is a reason – a *prima facie* one, that is – to accept luck egalitarianism that Rawls and others have defended competing principles of justice by appeal to the claim that, intuitively, inequalities due to differential luck are unjust.¹²

Van der Veen is less sceptical of the second possibility, though ultimately he rejects it. The option he allows initially is that one premise in an argument for Rawls' theory of justice is that brute luck inequality is unfair and that this argument results in a theory of justice, which, presumably, includes as a component that brute luck inequality is unfair (or unjust), albeit not unjust all things considered. Van der Veen thinks there are good exegetical reasons to believe that Rawls neither thinks that brute luck inequalities are *in any way* unjust, nor subscribes to the luck egalitarian notion of fairness.

Van der Veen's response misses my point in a number of ways. First, when I said that I wanted to set aside exegetical issues I meant to convey in part that by the 'intuitive argument' I do not mean the argument that it is most reasonable to ascribe to Rawls given what he writes (and does not write) about the argument, the conclusion he wants it to justify and all other part of the Rawlsian architectonic. This is what van der Veen seems to take me to mean when, in the indented passage, he

¹² Van der Veen cannot reply that a *prima facie* reason is merely a reason that appears to be one and that in the light of Rawls theory of justice as a whole we can see that the brute luck intuition is not a reason in favour of luck egalitarianism. He cannot say that, because luck egalitarians might have a better – from the perspective of reflective equilibrium – account of how the relevant intuition fits into a wider network of our considered moral beliefs etc., in which case it is a reason to embrace luck egalitarianism and not just a *prima facie* one.

refers to what *Rawls' view of justice* can support. Rather, I meant something like arguments expounded by Rawls or others as the Rawlsian 'intuitive argument'. Hence, suppose a number of theorists, e.g., Will Kymlicka, have expounded, say, the intuitive argument for the difference principle arguing that, really, it supports luck egalitarianism. Suppose also that in so doing, they mistakenly believe that they are accurately representing Rawls' argument. Still, this would suffice to make my point – to show that luck egalitarianism is a plausible principle. Hence, even if everything van der Veen says in support of why, correctly understood, the intuitive argument does not indirectly support luck egalitarianism, that would not undermine my general point.

Second, van der Veen's core point is that there is a distinction between unfairness and injustice such that Rawls (and van der Veen himself) can acknowledge that brute luck inequalities are unfair, but nevertheless are not unjust. Because brute luck inequalities are unfair, presumably, the relevant Rawlsian view agrees with luck egalitarianism that it would have been better, *ceteris paribus*, if such inequalities had not existed. Hence, the question is what the difference is between saying that something is unjust and that something is unfair. Van der Veen does not really speak to this question. He could not say that justice tells us how we ought, all things considered, to arrange the basic structure of society, since luck egalitarians, who are pluralists, could concede that *in this sense* not all brute luck inequalities are unjust.

Finally, van der Veen's view regarding the sole two ways in which Rawls' view can support luck egalitarianism is rather artificial and narrow. Artificial because Rawls does not set out his view as a set of premises that logically entail his two principles of justice, and narrow because there are many other ways in which 'Rawls' view' could support luck egalitarianism. For instance, part of Rawls' view is his arguments against alternative views of justice, e.g., mere formal equality of

opportunity. If, in order to defeat this view, he appeals to their seeming unjust in ways in which they would be unjust if luck egalitarianism is true, then this appeal does not involve ‘indispensable premises’ in an argument for Rawls’ principles of justice. Even so, the fact that Rawls would defeat alternative principles in this way does attest to the plausibility of luck egalitarianism.

Impersonal concerns and generosity

Some concerns are self-regarding, e.g., that I get a pay rise; while others are not, e.g., that the Grand Canyon is preserved for posterity. It is difficult to draw a sharp distinction between the two types of concerns, but one crucial idea is that whether the world happens to conform to one’s non-self-regarding concerns, or, if you like, ‘impersonal’ concerns, does not affect the quality of one’s life; e.g., my life is not worse if, say, five hundred years from now the Grand Canyon is filled and turned into a parking lot despite my concern for its preservation.

Most luck egalitarians believe that impersonal concerns are irrelevant from the point of view of justice. In *Luck Egalitarianism* I take the opposite view, arguing that if two persons have different impersonal concerns and it so happens that the world is almost exactly as the first person is impersonally concerned that it should be, while very far from the way the second person is concerned that it should be, justice requires we do something to cater to the first person’s impersonal concerns.

In her thoughtful article, Zofia Stemplowska explores a number of issues in this connection. She is sympathetic to extending the luck egalitarian *equalisandum* to impersonal concerns, but she thinks that providing full compensation is being too generous, since a policy of full compensation is not sensitive to the fact that individuals also occupy the position of having to fund the compensation due to others.

More specifically, she thinks that full compensation is too generous to ‘concern monsters’ – individuals whose concerns are much more costly to satisfy to a given degree than those of others – and to racists, who are worse off than others due to their frustrated involuntarily acquired and involuntarily retained racist preferences (or, for short, involuntary racist preferences). With the aim of describing a scheme which includes compensation for deficiency in terms of impersonal concerns, but is not too generous in the ways indicated, Stemplowska explores a modified version of Dworkin’s hypothetical insurance-based model – a version which, however, she argues at the end of her article is indeterminate, since there are many different ways to make people bear the costs of their choices and egalitarian justice on its own does not tell us which of these we should embrace.

I find much to agree with in Stemplowska’s article, especially in relation to her point about indeterminacy (cp. Lippert-Rasmussen 2015, pp. 189-190). I limit myself to some remarks on the problem of ‘concern monsters’ and my generosity towards frustrated involuntary racists.

As Stemplowska rightly points out, I do not say anything about how we can determine whether two persons’ impersonal concerns are met to an equal degree, nor about, to the extent that they are not, how we can determine the size of the gap between these two degrees of satisfaction. For the main argumentative purpose in the book – to show that impersonal concerns *are* part of the *equalisandum* – it is not necessary to do so. Moreover, Stemplowska’s ‘concern monsters’ objection relies on some such account being possible:

For simplicity, suppose we consider just one concern per person, the one she deems most important to her. Although each concern is most important to each

person, it does not follow that each person cares equally that the concern be fully satisfied. Suppose my most important concern is to publish one academic paper while your most important concern is to write a novel that surpasses those of Nabokov. It is possible, then, given the fact that my goal is modest and yours so ambitious, that I (and you) will consider my life a failure unless I meet my goal fully while you (and I) will consider your life a success if you advance your goal just a bit (say, you publish a very good novel). And suppose we would say that you've advanced your goal by a quarter while I advanced my goal by three quarters (say I have a positive R&R). Is it defensible to require me to give up some of the resources I need to advance my goal so that you can advance your goal further? After all, we agree that my life is more of a failure (Stemplowska, p. 4).

While I have some inclination to share Stemplowska's intuition about this case, I do not think it shows that the full compensation view is mistaken. One reason why this is so is that most people have a strong self-regarding preference that they live a fulfilling life and, in any case, a strong self-regarding preference that they avoid the frustration that follows from realizing that one lives an unfulfilling life. Hence, even if the two concerns mentioned in Stemplowska's example are our most important concerns, it seems we are likely to have other concerns, of which it is true that they make it less unreasonable for me to request that Stemplowska provide me with some additional resources. To eliminate the possible influence of this factor on our assessment of her case, consider a version of her case that specifies that we have no preferences regarding how fulfilling our lives are. On this assumption it does not strike me as implausible that if someone has a resource that she can either give Stemplowska, in

which case Stemplowska's concern will be fully satisfied, or give me, in which case my concern will be half-satisfied, respecting us as equals implies that she should give me the resource.

Perhaps I am barking up the wrong tree. Insofar as Stemplowska's counterexample has any force, it is not just a counterexample to the full compensation view. Rather, it is a counterexample to any view which somehow determines people's distributive shares on the basis of the degree to which people's actual concerns – personal or impersonal – rather than concerns that are in some sense reasonable, are satisfied. Consider a simple, implausible view, which will however serve present presentational aims, and according to which if people have modest concerns they should be fully compensated, whereas if they have extravagant concerns they should only receive three quarters of full compensation. Suppose that in Stemplowska's example, her concern is modest and mine is extravagant. On the present non-full compensation view it could still be the case that she should transfer some resources to me, since my deficiency relative to the level I should have is greater, comparatively speaking, than her deficiency. Any reason to doubt the full compensation view on the ground that it recommends that Stemplowska transfers resources to me is a ground for rejecting the present less-than-full compensation view.

Suppose that, despite what I have said, Stemplowska's example is decisive. In that case, we should say something about what concerns are reasonable in the relevant sense. Stemplowska briefly addresses this, mentioning Dworkin's view that 'to have a sense of whether advancing a concern facilitates a fulfilling life, we need already to know what we are entitled to' (Stemplowska, p. 4). On the one hand, she says that this view has some 'intuitiveness'. On the other hand, she also mentions that 'I can certainly develop a taste for George Clooney marrying me whether or not I know if I

am asking for more than I am entitled to' (Stemplowska, p. 5). The latter point is spot on. Even if it is true that to 'develop tastes prudently' we must know which resources we command, this is different from knowledge of which sources we 'are entitled to'. What we can expect to get might be different from what we are entitled to get.

Whatever Stemplowska's position on the relation between development of tastes and knowledge of (normatively) available resources, the idea that we develop tastes introduces the idea of responsibility, and, like me, Stemplowska thinks that at least some compensation is due to people on account of their being involuntarily disadvantaged on account of their tastes, or aspects about their tastes, e.g., that they are socially unacceptable. This brings me to Stemplowska's objection concerning frustrated involuntary racist preferences.

Stemplowska thinks that equality of concern errs in recommending compensation to frustrated racists, who are not responsible for their racist tastes:

What remains objectionable at the bar of equality alone about any transfer towards the oppressor is that the victim ends up with lesser entitlement simply because the oppressor sees her as inferior and entitled to less. So while the rationale for the position adopted by Lippert-Rasmussen is egalitarian – avoiding shortfalls due to bad luck – the required egalitarian transfers end up accommodating oppressive preferences: they respond to oppressors – who experience relevant shortfalls only because they want their victims to have less and themselves to have more – by giving the oppressors some of what they want (Stemplowska, p. 8).¹³

¹³ By 'oppressor' Stemplowska means someone who harbours a racist preference, not someone who is actually oppressing others. Indeed, it could be that oppressors in the

Insofar as this passage is intended as an objection to the view I take in *Luck Egalitarianism*, it fails – in part because it mischaracterises the view I defend. The ‘victim’ here is not someone who is actually harmed by racist preferences, but someone who is the object of a racist preference. The object could be one whom the preference holder has a racist preference *in favour of*, e.g., I am Danish and harbour a frustrated racist preference for Finns being better off than Danes. Here the victim (in Stemplowska’s sense) of my preference is Finnish people. Moreover, the victims of racist preferences in Stemplowska’s sense might actually be better off than they would have been had the racist not had his frustrated racist preferences, e.g., because the frustration causes him to be more productive in ways that benefit everyone. Hence, Stemplowska does not voice a disagreement about compensation for frustrated involuntary racist preferences *tout court*.

Finally, Stemplowska is not right that providing compensation for frustrated involuntary racist preferences gives ‘oppressors some of what they want’ *per se*. Suppose I harbour a racist preference for Danes having higher welfare than Norwegians, and that preference is frustrated such that I have less welfare than Norwegians and non-racist Danes. In that case, compensating me for my welfare deficiency such that I end up exactly as well off as Norwegians does not give me what I want.¹⁴

Suppose instead that I harbour a preference for Danes having more resources than Norwegians, and suppose that it is frustrated such that my welfare is lower than

standard sense are free of racist preferences, whereas those whom they oppress harbour racist preferences against their oppressors.

¹⁴ Do not object that compensation gives me *some* of what I want, because it brings me a tiny bit closer to Danes having more welfare than Norwegians. On that view, not making my life, and other fellow Danes’ lives, as hellish as possible gives me some of what I want.

Norwegians. Suppose I am then given more resources such that my racist preference is satisfied, thus I achieve the same level of welfare as Norwegians. Is that objectionable? I think not, and I am not sure Stemplowska is entitled to disagree given what she says about her own amended Dworkinian view. Note first, however, that I would be an odd fetishist racist if, in response to someone pointing out that my level of welfare is no higher than that of Norwegians, I would shrug my shoulders and respond: ‘I don’t care. What I care about is that they have fewer resources than we do’. Even setting that aside, Stemplowska concedes that, on the amended Dworkinian insurance market that she favours over equality of concern, people should be allowed to insure themselves against the frustration that results from frustrated racist preferences. She allows that because she thinks this only *directly* accommodates preferences for avoiding the frustration that comes from having unfulfilled racist preferences (Stemplowska, p. 8) and does not directly accommodate the racist preference itself. Why cannot concern egalitarians say the same about the present case, i.e., that they do not *directly* accommodate my racist preference for having more resources? Their ‘rationale’, as Stemplowska puts it, is simply to make sure that no one is worse off concern-wise than others through no responsibility of their own.¹⁵

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¹⁵ I thank the editors of this symposium for helpful comments.