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Precis of *Luck Egalitarianism*

Anna lives a short, unhappy life due to a genetic disease. Beatrice does so as well but the cause of her so doing is her foolishly exposing herself to risk for no good reason. Cedric lives a long happy life through sheer good luck. Some would say that the world would have been more just, if Anna and Cedric had lived equally good lives and better lives than Beatrice. Luck egalitarianism – the topic of my book – supports this view. In it, I offer an overview over that theory of distributive justice and add some important new twists to existing accounts of thereof. Basically, I am sympathetic to luck egalitarianism and offer responses to some of the main critiques of it. In particular, I argue that luck egalitarianism can accommodate many of the views held by proponents of relational egalitarianism.

It is surprisingly difficult to find a canonical formulation of luck egalitarianism that is adequate and generally used. In Chapter 1, I set forward what I call a core luck egalitarian claim:

It is unjust if some people are worse off than others through their bad luck (p. 1).¹

This is a ‘preliminary definition’ that I ‘qualify later’ (p. 1). Some people normally seen as luck egalitarians do not subscribe to this view. Moreover, outcome egalitarians, who think that any kind of inequality—even inequality that is not the result of luck—is unjust, might subscribe to the present claim and yet they are not *luck* egalitarians (cf. xi).

¹ All references without an author’s name is to *Luck Egalitarianism*.

Luck egalitarianism so defined is not a complete account of justice—e.g., it does not say anything about retributive as opposed to distributive justice—let alone a complete account of what is morally good, required, or permissible—e.g., luck egalitarians might think that there are ways to bring about an outcome, which is distributively just, that however violate independent moral constraints, e.g., killing everyone who is better off.

Among theories of distributive justice, some differ from luck egalitarianism because they ascribe no significance to luck, while others differ because they favour a baseline, distributive pattern other than equality, and some differ from it in both ways. Outcome egalitarianism differs from luck egalitarianism in that it ascribes no normative significance to the distinction between luck and non-luck. Luck sufficientarianism differs from luck egalitarianism in that its baseline distribution is one in which everyone has enough. Outcome sufficientarianism differs from luck egalitarianism in both ways (cf. pp. 28-29).

Some theories of distributive justice are egalitarian in the broad sense that they favour more equal distributions over more unequal distributions, *ceteris paribus*. Arguably, prioritarianism—the view that we should maximize moral goodness and that the goodness of an outcome is determined by the sum of well-being weighted by how well off the relevant individuals are (pp. 29-30)—is an egalitarian theory in this broad sense, while utilitarianism is not.

Having set the stage for the rest of the book in Chapter 1, Chapter 2 proceeds to ask the question about what justifies equality as the baseline distribution, deviations from which egalitarian justice endorses only to the extent that they reflect differential exercises of responsibility. I distinguish between two questions:

In virtue of which properties do all persons have i) equal moral standing and ii) a moral standing, which is different from that of non-persons?

Why is it desirable that persons with equal moral standing are treated equally or are equally well off in the absence of considerations about differential responsibility that motivate unequal treatment or inequality (pp. 48-49)?

The first question is *the question of moral standing*, while the second is *the question of equal treatment*. The second question is most naturally asked once we have identified those individuals, who enjoy the equal moral standing of persons.

Moreover, that question is a question for almost any account of justice. For instance, it is as pertinent to demand that outcome sufficientarians, who think that all persons have an equal moral standing, which is elevated relative to non-persons (p. 49), answer this question, as it is to demand that luck egalitarians do. Hence, the difficulties involved in providing a satisfactory answer to the first question do not form a reason to reject luck egalitarianism in particular. Indeed, once we have the difference between my two questions clearly in mind we can reformulate the latter such that it wears its implicit contrast on its sleeves:

Why is it desirable that persons with equal moral standing are treated equally, *and not unequally*, or are equally well off *and not unequally well off* absent considerations about differential responsibility motivating unequal treatment or inequality (p. 52)?

Once reformulated in this way the question is easier to answer. It is unfair that people who have an equal moral standing should be unequally well off, when there is nothing about how they exercise their responsibility that could justify this inequality.

In response to the first of my two questions, I tentatively argue that the equal moral status of persons is grounded in the fact that persons all have the capacity to care non-instrumentally about things in a way that is distinctive of persons, e.g. in a way that involves planning over extended periods of time (p. 51). This suggestion coheres well with my answer to the ‘Equality of What?’-question, which I provide in Chapter 4.

While Chapter 2 focuses on defending equality as a baseline, Chapter 3 focuses on the other central component of the core claim of egalitarianism, i.e. the notion of luck. Because luck egalitarians assess relativities in people’s distributive positions very differently depending on whether they reflect differential luck or whether they reflect non-luck factors, a full account of luck egalitarianism must provide some account of what distinguishes luck from non-luck. One crucial distinction I make in the chapter—drawing on work by Susan Hurley—is between thin and thick luck:

To say that something is a matter of *thin* luck for someone is to say merely that this person does not stand in a certain moral relationship to a certain object, where such moral relationship essentially involves this individual in his or her capacity as a rational agent. To say that something is a matter of thick luck is to say this *and* to commit oneself to a certain account of the non-moral properties in virtue of which this moral relationship obtains (p. 57).

One prominent account of thin luck says that something is a matter of luck for a person if this person is not morally responsible for it. One prominent account of thick luck says that something is a matter of luck if this person did not control it. The latter account is a thick account because control is a non-moral relation.

Having offered a conceptual map over different conceptions of luck, I turn to Dworkin's influential distinction between brute and option luck: 'Option luck is a matter of how deliberate and calculated gambles turn out—whether someone gains or loses through accepting an isolated risk he or she should have anticipated and might have declined' (Dworkin 2000, p. 73). Brute luck is 'a matter of how risks fall out that are not in that sense deliberate gambles' (Dworkin 2000, p. 73). Roughly, Dworkin thinks that while differential brute luck is unjust, justice requires that differential option luck is left to stand. I argue that his analysis of the distinction, as well as his view of its relevance from the point of view of justice, needs to be refined in various ways. For example, his formulation must be revised to take account of cases where two individuals can each affect the other individual's distributive position and, *ceteris paribus*, both leave the other person worse off than others through sheer indifference to the plight of the other. On Dworkin's account this would come out as a case, where these two individuals are worse off than others through bad brute luck. However, I contend that it is a case of inequality, which is not unjust. This supports a desert-focused account of luck according to which one's distributive position is a matter of bad brute luck to the extent that one is worse off than other people, whose moral desert is no greater than one's own. Similar support is forthcoming from consideration of cases of persons, who knowingly make (or risk making and actually make) themselves worse off in the course of helping others in ways that are morally required (p. 68). On Dworkin's account, this

would come out as a case of inequality due to bad option luck, whereas I contend that, intuitively, it would be unjust for them to be worse off than others.

Chapter 4 asks what people should be equal with regard to, assuming that people should be equal in terms of something. I start out with a so-called anti-fetishist argument suggested though, ultimately, not endorsed by Dworkin, which seemingly favours a welfarist account of the egalitarian currency:

The currency of egalitarian justice is something that each of us cares about non-instrumentally.

Each individual cares about her own welfare non-instrumentally.

Thus, the currency of egalitarian justice is welfare.²

The first premise of the argument is quite intuitive, since, presumably, people being equally well off in terms of something they value only instrumentally, e.g. their income, is compatible with their being extremely unequal in terms of something they care about non-instrumentally and if they are the latter, then it is hard to see that egalitarians could be content. The second premise, however, is false and as I argue in the chapter, there are things people care about non-instrumentally, e.g., the welfare of other people, and there are people who care only instrumentally about their own interests, e.g., true idealists. Hence, simplifying somewhat the anti-fetishist concern embodied in the first premise coupled with this fact really suggests a different account of the currency of egalitarian justice:

² The argument is invalid, but it has presentational value nevertheless.

The currency of egalitarian justice is something that each of us cares about non-instrumentally provided we do not have reason not to care about it (p. 99).

Even though I ultimately reject welfarist accounts of the currency of egalitarian justice much of chapter 4 defends a welfarist account against standard objections. For instance, I distinguish between expensive preferences—preferences, which are such that their holder requires a larger bundle of resources than others in order to achieve the same level of welfare—and snobbish tastes—preferences for goods *qua* their being more expensive than goods preferred by others. Some luck egalitarians believe that people who are involuntarily stuck with frustrated expensive preferences ought to be compensated on luck egalitarian grounds, whereas people who are involuntarily stuck with snobbish tastes ought not to be so. However, treating the two kinds of preferences differently is unwarranted from the point of view of luck egalitarianism and both cases involve just claims to compensation (pp. 93-98). Moreover, the belief that people who have involuntary, frustrated snobbish tastes do not deserve compensation is best explained by relational egalitarianism, since, generally speaking, snobbish tastes reflect not regarding and, thus, not treating others as equals.

Chapter 5 explores Parfit's distinction between two forms of (luck) egalitarianism: telic and deontic egalitarianism. While the former says that it is in itself unjust and, thus, bad if some people are worse off than others, the latter claims that it is 'the way in which [the inequality] was produced', which is unjust (Parfit 1995, p. 9). This distinction is important for two reasons, Parfit thinks. First, unlike deontic egalitarianism the most natural scope of telic egalitarianism is the broadest possible and, second, unlike telic egalitarianism, deontic egalitarianism is not

vulnerable to the so-called levelling down objection. The levelling down objection appeals to the possibility of a situation, where you can go from an unequal distribution to an equal one, where everyone is worse off. According to telic egalitarianism, levelling down is good in respect of equality. However, how can an outcome be in one respect better than another if there is no individual for whom it is in any respect better? Deontic egalitarianism is immune to this objection, because it is not a view about the goodness of outcomes.

In response, I argue that the distinction between telic and deontic egalitarianism is more tricky than Parfit thinks. Also, it is neither clear why it should matter to deontic egalitarian justice whether individuals who treats others unequally belong to the same community (pp. 122-129). Nor is it clear that deontic egalitarianism is not vulnerable to a challenge analogous to the levelling down objection, to wit, how can it be in any way unjust to treat people unequally, when doing so is bad for no one in any respect (pp. 140-147)?

Chapter 6 focuses on an issue that was addressed as one among others in the previous chapter: the issue of the scope of egalitarian justice. First, I argue that the scope of equality ranges over the whole lives of people, not segments thereof. Anticipating parts of the discussion in Chapter 7, I argue that some of the intuitions appealed to by Dennis McKerlie, among others, against the whole lives view are best explained through relational egalitarianism. For instance, he thinks that equality condemns if old people live undignified lives when young people thrive even if the former lived thriving lives when they were young and the latter will eventually live the same kind of undignified lives that old people do presently (cf. p. 152). Next, I argue that equality ranges across generations. This means that there is something bad about our being better off than our ancestors and, accordingly, that it would be in one

respect better if we were worse off. For those who are convinced by the levelling down objection this might seem like a knock down argument against the scope of equality extending indefinitely into the past (p. 157). However, I construct a case where we can affect the level of welfare of past generations positively or instead benefit members of a present much better off generation. Here it is intuitively plausible to say that egalitarian justice favours doing the latter.

The chapter also defends the view that egalitarian justice is concerned with relations between individuals. This means that inequalities between groups, e.g. men and women, are not as such of any concern from the point of view of equality (p. 163). This is not to deny that the presence of social inequalities between salient social groups—such as men and women—is a reliable indicator of there being large and unjust inequalities between individuals. The focus on individuals also supports a cosmopolitan account of egalitarian justice.

In the closing parts of Chapter 6 I return to the issue of individuals who are not persons: Do they fall within the scope of equality? If so, it implies, implausibly, that egalitarian justice recommends massive transfer of resources away from persons towards non-persons, e.g., mice, who live lives that are much worse than ours through no responsibility of their own (p. 174). I make no claims to solve this daunting problem. However, I note that similar problems face most other accounts of justice as well as accounts of morality in general. Also, I describe a possible intermediate position on the present scope issue:

On this view, inequalities between all individuals matter. However, inequalities between persons matter more from the point of view of justice than otherwise comparable inequalities between non-human animals. Also,

inequalities between persons matter more than inequalities between persons and non-human animals (p. 176)

This position accommodates a number of intuitions, e.g., notably that inequalities among non-persons are not irrelevant from the point of view of justice. Nevertheless, I do not endorse the intermediate view. Hence, Chapter 6 ends on a somewhat inconclusive note.

Chapter 7 addresses the challenge to luck egalitarianism mounted by relational egalitarians. Part of the chapter presents Elizabeth Anderson's two main objections to luck egalitarianism, i.e. that it has implausibly harsh implications with regard to victims of bad option luck and that it expresses objectionable attitudes towards victims of bad brute luck, whom it compensates on grounds of their inferiority (pp. 189-194).

I argue that not all forms of luck egalitarianism, if any, are vulnerable to these objections. For instance, the view that people's relative positions should reflect nothing but their comparative exercise of responsibility in itself leaves open the size of the gap in terms of the relevant currency of egalitarian justice between those who are most and those who are least responsible (or morally deserving). Hence, the first of her two objections might have no bite.

More generally, I contend that Anderson's critique of luck egalitarianism is theorist-focused, i.e., she attacks certain views held by theorists labelled luck egalitarians, and not theory-focused, i.e. she does not argue that implications of a certain view defined as luck egalitarianism are implausible (p. 184). A theorist-focused critique is not illegitimate, but it does not address positions, which are luck

egalitarian but have not been defended by anyone and, thus, cannot defeat luck egalitarianism *as such*.

While much of chapter 7 is critical of relational egalitarians and its critique of luck egalitarianism, the general upshot of it is not. First, while genuine differences remain, e.g. in relation to whether purely natural inequalities can be unjust, I also argue that many of the concerns voiced by relational egalitarians can be accommodated by luck egalitarianism. For instance, the concern that members of certain minority groups cannot appear in public space without shame is a concern that luck egalitarianism can accommodate, even if no luck egalitarian theorist has explicitly addressed it (p. 195). Such a predicament is surely a disadvantage for which their members are not responsible and, thus, something, which luck egalitarians resent. Second, unlike what Anderson surmises the differences between luck egalitarianism and relational egalitarianism is not rooted in some deep underlying differences in whether justification is second- or third-personal and, thus, it is possible to adopt a pluralist account of egalitarian justice, which consists of both luck egalitarian and relational egalitarian elements (pp. 201-206). Hence, my overall conclusion in Chapter 7 is that luck egalitarianism stands undefeated by the critique of relational egalitarians.

In the first seven chapters of the book I try to determine the most plausible account of luck egalitarian justice. I do so on the pluralist assumption that this value might have to be balanced against other values such that sometimes, it is morally justified to bring about an outcome that is more unjust from the perspective of luck egalitarianism, but which is sufficiently better from the perspective of other values. Chapter 8 looks at five values that might either conflict with egalitarian justice or constrain what can count as luck egalitarian justice: freedom, the concern for justice

not being unreasonably demanding, community, stability, and publicity. I argue that since freedom is one of those goods, which can either be distributed equally or unequally, there is a category mistake involved in the view that egalitarian justice and freedom as such can clash with one another (p. 216). I also mount an argument against the view that stability and publicity constrain luck egalitarian justice such that, say, only forms of inequality that can be eliminated through the use of policies etc. that comply with publicity, and stably so, can count as unjust. However, I concede that luck egalitarian justice might come into conflict with various desirable forms of community (pp. 220-226) and, hence, that the value associated with the existence of such relations can motivate a deviation from luck egalitarian justice. Since I would recognize moral values in addition to those discussed in Chapter 8, e.g., welfare, I subscribe to a pluralist view of morality of which luck egalitarianism is just one part.

Luck egalitarianism is by no means uncontroversial and I am under no illusion that my arguments in its favour settle the issues. Still, luck egalitarianism is a frontrunner candidate for a plausible theory of distributive justice worthy of further fruitful discussion. To my mind, whatever else they show, the contributions to this symposium show that much, if not much more.

Note on contributor

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