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Luck Egalitarianism Interpreted and Defended

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In recent years some moral philosophers and political theorists, who have come to be called "luck egalitarians," have urged that the essence of social justice is the moral imperative to improve the condition of people who suffer from simple bad luck. Prominent theorists who have attracted the luck egalitarian label include Ronald Dworkin, G. A. Cohen, and John Roemer.[1] Larry Temkin should also be included in this group, as should Thomas Nagel at the time that he wrote *Equality and Partiality*.[2] However, each of these theorists asserts a different position. The common ground, if any, is obscure. The idea of luck that is invoked is not transparently clear. Anyway, the term "luck egalitarianism" was coined by a critic of the doctrine, and tendentiously defined to denote an extreme version of the view that looks implausible from the start.[3] With some justice Ronald Dworkin, perhaps the chief architect of the luck egalitarian position, has denied that he is a luck egalitarian.[4]

In this essay I shall characterize a family of views in a way that highlights what I take to be the core luck egalitarian idea and the variety of forms it can take. Luck egalitarianism strikes me as very much a work in progress. Like many philosophical projects, its first rough formulations have provoked dismissive criticisms that assert that the entire approach is mistaken or ill-conceived.[5] None of these criticisms is sound, I submit. This essay defends luck egalitarianism from its critics mainly by pointing to plausible versions of the doctrine, against which the criticisms have little or no force.

VARIETIES OF LUCK EGALITARIANISM

Luck egalitarianism as I conceive it is a broad family of views arranged in four main variants. There are two substantially independent components, call them "luckism" and "egalitarianism." Each component comes in two main versions, so there are four broad possibilities. One version of egalitarianism is the idea that everyone should have the same, in some respect, or alternatively that we should bring it about that people reach a condition that is closer to, rather than further from, everyone's having the same, in some respect. The other version of egalitarianism is prioritarianism.[6] A prioritarian holds that one ought to maximize the aggregate of human good or benefits to persons weighted by greater priority for achieving a gain of a given size for a person, the worse her condition. In other words, one ought to act so as to maximize the moral value of benefits to humans, the moral value of a benefit to a person being greater, the greater the benefit, and greater, the worse the person's condition.

Luckism is the idea that the strength of any moral reasons there might be to alter the condition of some individual for the better or for the worse (if the latter, this is to be done for the sake of improving the condition of other individuals) can be amplified or dampened by some factor involving an assessment of individual responsibility. For example, if one is considering taking wealth from one person in order to benefit a less wealthy person who needs the money more, one might hold that the moral reasons that favor this expropriation diminish if the wealth to be taken derives from earned rather than unearned income. Also, the moral reasons that favor this expropriation and transfer are amplified if the potential beneficiary from this transfer is badly off because she was born into poverty and never had any realistic opportunity to escape it, and lessened if the potential beneficiary is badly off because she squandered the wealth and privileges and opportunities to which she was born. The factor of personal responsibility identifies some dimension of individual conduct and asserts a standard for assessing the individual's conduct along that dimension. In addition let it be stipulated that (1) one is not (properly held) responsible for what lies beyond one's power to control (call this "the control principle"), and (2) one is less responsible for what is harder and more painful to control (if one fails to control it) (call this "the extension of the control principle").

Consider in this connection Larry Temkin's canonical statement of the egalitarianism he endorses: "It is bad—unjust and unfair—for some to be worse off than others through no fault [or choice] of their own."[7] This claim evidently differs in meaning from the simple egalitarian claim that it is bad—unjust and unfair—for some to be worse off than others. The qualification about fault or choice introduces the modification of egalitarianism by the

personal responsibility factor that I am calling "luckism." The phrase "fault or choice" suggests two different possible modifications of egalitarianism, call them Desert and Choice.

Desert: The badness of inequality is lessened, the more it is the case that the relative level of good fortune that people reach is proportionate to their desert.

Choice: The badness of inequality is lessened, the more it is the case that inequality arises via people's voluntary choices within a fair framework for interaction.[8]

The basic ideas of Desert and Choice can be attached either to equality or priority, but these luck-oriented ideas need to be formulated differently, depending on whether we aim to be luck-oriented equality or priority advocates.

Voluntary high-stakes gambling illustrates the difference between Desert and Choice. In a two-person world, the initially equally well-off agents voluntarily engage in high-stakes gambling. The choices to gamble might be either reasonable or unreasonable. The only constraint is that if the choices are unreasonable, they must be sufficiently considered by their agents, so they qualify as voluntary (voluntary enough). One emerges from the gambling badly off, the other very well off. Choice says that this outcome is not bad, or at least less bad than the same distributive outcome brought about by sheer luck unmediated by choice. Desert disagrees. According to Desert, we need more information about the agents' deservingness in order to evaluate the situation. It could be that the two agents are equally deserving—their gambling decisions are, for example, equally prudent, or equally altruistically virtuous to the same degree. Or the agents might be behaving in ways that render each one undeserving and if so, to the same or different extents. If the agents' gambling choices are equally virtuous or meritorious, then desert egalitarianism finds no mitigation of the badness of the resulting inequality. If we should reduce or eliminate undeserved inequality, we should reduce or eliminate the undeserved inequality between the equally deserving gamblers who happen to end up unequally well off. There might be other moral reasons, such as respect for personal sovereignty or concern for boosting aggregate well-being, that tend to support letting stand the results of voluntary gambling, but so far as desert egalitarianism is concerned, inequality among equally deserving or equally undeserving gamblers is inequality that is bad. Risky entrepreneurial activity will elicit opposed responses from Desert and Choice in much the same way.

For another example illustrating the difference between Desert and Choice, suppose that Mother Teresa has available to her a morally permissible course of action that would leave her no worse off than others. Perhaps she has many morally permissible and attractive options from which to

choose, any of which would leave her no worse off than others. Instead she devotes herself to the poor of Calcutta in what we shall just suppose are acts of altruistic virtue that render her more deserving than other people. Choice does not find the resultant inequality between Mother Teresa and others who are now better off than she is to be bad. Or at least, her fully voluntary choice not to follow a reasonable (attractive and morally permissible) course of conduct that would have made her no worse off than others lessens any badness in the resultant inequality. Again, Desert and Choice disagree about such cases.

Another way of formulating the notion of Choice appeals to the idea of opportunity. If an individual had a reasonable opportunity to attain a level of quality of life that the relevant egalitarian social justice doctrine specified, but did not use that opportunity to gain for herself that quality of life, making good the shortfall between what initial just arrangements made available and what she actually reached is a matter of lesser moral priority or moral importance than making good the same shortfall for another person who never had such an opportunity to attain the level of quality of life that social justice specified for her. Versions of Choice differ on the issue, what counts as reasonable provision of opportunity for a given benefit level.

There are no doubt many possible views as to what constitutes a person's being deserving in the way that is relevant to the Desert component of luck egalitarianism. One divide is between objective and subjective conceptions. Suppose a deserving person is one who orients her will in the appropriate way, steadily toward the right and the good, over the course of her life. Does this mean she orients her will toward the right and the good as she believes them to be or toward the right and the good as they really are? In other words, does one become deserving by being conscientious, striving sincerely for what one takes to be right and good, or by striving toward what is in fact right and good (whether or not she takes these to be right and good)? On a subjective conception of deservingness, it's the former, and on an objective conception, the latter. A third possibility is that to become deserving one must strive both toward what is objectively right and good and at the same time toward what one subjectively takes to be that. I shall just mention that on my view, the subjective conception is the best one for the luck egalitarian to adopt, because it evidently does better toward satisfying the control principle. Striving sincerely to do what morality demands, I may fail correctly to identify the correct moral principles through no fault or choice of my own.

Degree of responsibility for states of affairs that result from what one does can be affected by the issue of aggregating overall responsibility given a string of actions over time. One particular choice can be fateful and cause one's lifetime expected quality of life to plummet. Even if one bears a high degree of responsibility for this choice, according to either Choice or Desert,

the loss of expected good can be out of proportion to any reasonable finding of the degree to which any one or few choices, however voluntary, can offset the badness of the unequal situation that results in comparative disadvantage for the individual.

This issue is raised by an objection that Marc Fleurbaey urged against a version of Choice.[9] To pose the objection, imagine that we have arranged a society so that Bert, a young adult, has available to him a course of conduct that over the course of his life would render him no worse off than others. He then engages in a brief spurt of self-destructive, viciously imprudent behavior. He drives a car recklessly, say, on an abandoned road (no one is endangered except him), and he has neglected to purchase accident insurance. He has bad luck and suffers a bad accident. His lifetime expectation of quality of life is now extremely poor unless we give him an expensive medical operation that would restore his lifetime functioning. But to bestow extra resources on Bert at this point would appear to violate equal opportunity for well-being (the version of choice under review). Society would be bestowing on Bert a greater than equal opportunity, using resources that are owed to others.

In the vocabulary of Choice, one might say that in the end (ex post) Bert is far worse off than others, and the badness of this inequality in outcomes is only partially lessened by the degree of responsibility for his fate that accrues to him from a single voluntary lapse. In the vocabulary of Desert, one might say that Bert behaves in a way that renders him somewhat undeserving, but he also suffers very bad luck. After all, many of us engage in reckless drunk-driving sprees as teenagers without causing harm to self or others. His "punishment"—the quality of life he gets after his accident—does not fit his "crime"—the brief lapses of judgment. The most plausible versions of Choice and Desert will both yield the judgment that in this sort of case, the Berts of the world are owed extra assistance in the name of egalitarianism.

LUCK EGALITARIANISM IN CONTEXT

Practices of holding people responsible for their choices and actions in various ways might be justified for their instrumental or their intrinsic value (or both). One holds people responsible for choices and actions by attaching positive or negative sanctions to their outcomes. In this sense, a business firm might hold a sales representative responsible for selling a certain volume of goods each month, and society might hold those tempted to assault and injure their neighbors criminally responsible by imposing jail sentences on those convicted of such conduct. Responsibility practices that are well designed can induce people to alter their behavior in ways that lead to desirable consequences. The prospect of gaining such consequences can serve as

instrumental justification for establishing or sustaining the practices. Social life is laced with responsibility practices that claim such instrumental justification. Social justice theorists consider whether existing responsibility practices might be reformed in some respects, to better serve agreed ends. We can consider tinkering with responsibility practices at the margin, but the idea that instrumental justifications for responsibility practices might fail in some wholesale way is a nonstarter.

The luck egalitarian position affirms that holding people responsible for their choices and actions by imposing sanctions on them can be *noninstrumentally* morally valuable. That is to say, it can be morally valuable for its own sake to punish a person who is guilty of a crime rather than an innocent person even in circumstances in which the consequences of imposing punishment on the innocent would be equally as desirable as the consequences of punishing the innocent (apart from the one feature that it is the guilty or innocent person who is being punished). This idea appeals to many in the particular context of criminal justice judgments, but the luck egalitarian position is controversial by virtue of extending the idea to the distributive justice domain. Luck egalitarianism is a theory of justice. But this classification leaves open many questions about the scope and character of the doctrine. It might be propounded as a norm for the guidance of individual conduct or for the assessment of institutions and societies. Its scope or jurisdiction might be wider or narrower. It might take its place in either a deontological or consequentialist moral doctrine. It might prescribe equality or priority along any of a variety of possible dimensions of assessment.

This last-mentioned issue has been the focus of considerable discussion under the heading "equality of *what*?" In principle, the equalisandum in a theory of distributive equality could single out any of many morally significant aspects of people's condition. For example, one might propose an account of basic individual rights, and hold that society should be arranged so that everybody is accorded the same basic rights and the rights of all are equally protected and fulfilled. In the actual development of luck egalitarian views, the relevant aspect of people's condition has been taken to be either a measure of their all-purpose resources generally useful for fulfilling people's generic needs or for fulfilling their individual plans of life or a measure of people's freedom to achieve the good or a measure of people's actual attainment of enjoyment or desire satisfaction over the course of their lives—resources, capabilities, and welfare.

Another conception should be added to this set of alternatives: well-being. A person attains well-being to the extent that she attains a life that is good for her, with what is good for a person here understood according to an Objective List or perfectionist account. On these accounts, if one attains the items that are objectively worthwhile, enhancing the quality of one's life, one's

life goes well for oneself, and the more it is the case that one attains these items, the better one's life goes, regardless of one's subjective opinions or attitudes regarding those items. (For example, if friendship and pleasure are items on the list, then if one attains friendship and pleasure, these attainments enhance the quality of one's life, even if one happens to subscribe to odd philosophical theories that disparage these candidate goods and claim them to be worthless and even if one under the influence of these theories does not desire these goods.) A full theory of well-being would specify the set of items, getting which intrinsically makes a person's life go better for her, and specify the relative value of gaining any amount of any of these items or combination of these items, and defend these specified listings and weightings.

Resources, capabilities, welfare, and well-being are alternative standards of interpersonal comparison for a theory of justice that supposes that what we owe to people by way of policies, actions, and institutional arrangements depends on an assessment of the condition of individuals and how we might secure benefits and avoid harms for individuals. I hold that well-being offers the most promising approach to the issue of interpersonal comparison for the theory of justice, but for purposes of this essay, this claim remains an undefended, bald assertion. The point to note here is that to give luck egalitarianism a fair hearing, one needs to put together the package of components that renders the overall position most coherent and plausible.

IS LUCK EGALITARIANISM GUILTY OF CONFUSION REGARDING RESPONSIBILITY AND AGENCY? FOUR VERSIONS OF THE CHARGE

The luck egalitarian project is to develop a plausible account of personal responsibility and integrate it into an egalitarian conception of social justice. For example, a doctrine of justice that holds that institutional arrangements should be set to maximize the benefits accruing to the worst-off members of society invites the objection that the worst off are a morally heterogeneous group and that the claims of the undeserving and irresponsible members of the group are owed less consideration than the claims of the deserving and responsible. The luck egalitarian seeks to take the measure of this objection.

This project has struck some philosophers as unviable from the start. One broad line of criticism finds luck egalitarianism taken on its own terms to be morally unattractive. The final two sections of this essay canvass this line of criticism. A second line of criticism finds luck egalitarianism to be not merely unattractive but confused about the very notion of responsibility that is supposed to be its inspiration. In Susan Hurley's words, "The black box of responsibility that luck-neutralizing accounts build into the heart of egalitarian

distributive justice turns out, when opened, to be something of a Pandora's box."[10] Moreover, according to Hurley, luck egalitarians oddly ignore the advances in understanding the concept of moral responsibility that recent sophisticated work on the metaphysics of free will, determinism, causality, and moral responsibility has achieved. According to this criticism, the luck egalitarian misunderstands human agency and the basis of individual moral responsibility. The contents of this Pandora's box have in fact received rigorous analysis, but for the luck egalitarian, it's all a buzzing, blooming confusion. This section of this essay addresses four versions of this line of criticism.

1. LUCK-NEUTRALIZING

One criticism merits quick dismissal. Susan Hurley associates luck egalitarian authors with the idea that "the fundamental motivating aim of egalitarianism is to neutralize luck," and argues that "the aim to neutralize luck cannot provide a basis for egalitarianism." She has in mind two different ways in which the idea of providing a basis might be understood. The aim of canceling the impact of (certain kinds of) luck does not tell the egalitarian how to distribute goods and resources. Nor does this aim provide a justification for egalitarianism. So argues Hurley.

The luck-neutralizing approach to social justice as Hurley characterizes it is obviously a nonstarter. Any inference from (1) *the impact of luck should be undone* to (2) *equality should be instituted* is clearly fallacious. Nor does (1) seem in any way to support or justify (2). Also, the aim of undoing the impact of certain sorts of chance events is pretty clearly not by itself going to tell us what pattern of distribution conforms to what justice requires. These points can be and should be accepted by the luck egalitarian. They leave it entirely an open question whether egalitarianism should be qualified by one of the ideas I have identified with the doctrine of luckism to yield luck egalitarianism.

2. THE REGRESSION REQUIREMENT

Hurley develops another line of thought to the conclusion that the pairing of an ideal of equality with an emphasis on individual responsibility in luck egalitarianism is ill conceived. This line asserts that in luck egalitarian theory the term "responsibility" is actually used in a variety of senses, and since the theorist fails to appreciate the differences, she ends up sliding between several notions of responsibility and failing to notice that she is talking about several things as though they all amounted to the same idea. As a consequence of failing to register the nuances within the family of responsibility notions, the luck egalitarian's ideas become haunted by their cruder versions. In particular, she urges that in the background of luck egalitarianism, unstated but assumed, is what she calls the "*regression requirement*: It claims

that to be responsible for something you must be responsible for its causes." This requirement is recursive: to be responsible for anything, you must be responsible for its causes, and the causes of its causes, and so on. However, when this requirement is stated clearly, it is obvious that it could never be satisfied, so thinking about responsibility on this model immediately generates the result that no one could be responsible for anything. The luck egalitarian inconsistently asserts claims that imply regression without seeing clearly that such claims eliminate all personal responsibility in a single rash stroke while they purport to make room for it.

In reply: Notions of responsibility are indeed numerous and diverse, so arguments employing any of these notions are always liable to suffer from equivocation. However, the luck egalitarian program as such does not founder on equivocation.

The luck egalitarian appeals to the moral arbitrariness of the natural lottery. Our talents broadly construed are due to our genetic inheritance and the character of our early socialization, neither of which redound to our credit or discredit, since they are uncontroversially beyond our power to control. To the degree that sheer luck brings it about that people who make roughly comparable efforts are differentially productive in their contributions to economy and culture, to that same degree those who end up better off cannot claim "I deserve my superior position" or "I'm entitled to my superior position" is egalitarian imperatives call for redistribution.

On its face this line of thought is not hostage to the vicissitudes of recent analyses of the relationship between free will and determinism (and more broadly the causality of agency) and moral responsibility. So far as I can see there is one slim link. If some version either of free will libertarianism or of compatibilism between the causation of human choice and moral responsibility for choice proves acceptable, the questions the luck egalitarian wants to address under the heading of luckism remain wide open and amenable to the various answers luck egalitarians offer. If (1) the causation of human choices and attribution of moral responsibility for choices are incompatible and (2) human choices are caused events are both shown to be correct, then luckism folds its tent and luck egalitarianism collapses into one or another version of straight egalitarianism. Since these issues are still unresolved in the free will and moral responsibility literature, it is appropriate for the luck egalitarian to investigate the moral terrain of luckism pending their resolution.

The luck egalitarian is wondering what we owe to one another, in general, by way of provision of the opportunities, liberties, and resources that fall under the domain of distributive justice. The question is, what are our fundamental responsibilities or obligations to provide for one another's needs. In the luck egalitarian view, the obligation that falls on all of us to provide for others is fixed along with fixing a complementary obligation that also falls on

all of us, as potential recipients of such provision, to behave in ways that do not wrongfully swell the demands our needs place on the rest of us in the role of required providers. These complementary responsibilities or obligations will presumably involve limits: we are obligated to a certain extent and no further. Where those limits are reached, we can speak of responsibility in a closely related, residual sense. Where responsibilities as obligations end, we say things like, "In this context, in these respects, I am responsible for my own well-being." In this last sentence being responsible does not mean I am obligated to pursue my own well-being with any set degree of assiduousness, but rather that no one else is obligated to do anything further than has already been stipulated to advance my well-being, so the self-affecting consequences of my choices will fall on me and will appropriately be left to stick on me.

Responsibility enters the luck egalitarian account of distributive justice in yet another place: as an excuse reducing the discredit that attaches to me given misconduct (if I do the wrong thing) or amplifying the credit that should attach to me (if I succeed in doing the right thing). Suppose it is granted that when captured by thugs and tortured, I morally ought to keep silent and not give out important information, and suppose that we are persuaded by either free will libertarianism or compatibilism that I am morally responsible for my choices. Suppose I confess. Still, the question surely remains, *to what degree* am I responsible for this choice, and I suggest the luck egalitarian pursues this question guided by the control principle and its extension. The more difficult and painful it would have been here to do the right thing, the less discredit showers on me, given that I have done wrong.

My guess is that Hurley supposes that the luck egalitarian, being committed to what I am calling the control principle and its extension, must be committed to the obviously wrongheaded regression requirement. This is not so, or at least not obviously so. On its face the control principle and its extension are vanilla requirements, and need not be interpreted as containing or implying the regression requirement. Something might lie within my power to control, in the appropriate sense, even though I am not responsible for its causes and the causes of its causes, and so on, back to the beginning of time. There might be causes and causes, good causes and bad causes as it were. Only the bad causes are incompatible with the control principle and extinguish responsibility altogether. Here one might avail oneself of familiar compatibilist strategies. Being determined by normal causes is consistent with being responsible, but being determined by abnormal causes is not. I don't say that such strategies must succeed, and unlike Hurley, I am open to the possibility that the fact that human choices are caused events will ultimately be revealed to be deeply and irrevocably incompatible with common-sense notions of agency, moral responsibility, and human action. The luck egalitarian can invoke division of philosophical responsibility and leave this issue to the free will and determinism metaphysicians.

Samuel Scheffler has also articulated a version of the suspicion that luck egalitarianism is enmeshed in confusions or outright mistakes on the topic of free will and moral responsibility. He finds it morally unacceptable to hold that the misfortune suffered by those who get the short end of the stick of an unequal distribution should be remedied if and only if the plight of the unfortunate is chosen rather than unchosen. In fact he finds it so palpably and unquestionably unacceptable that he searches about to find an explanation of how any moral philosophers could be drawn to such a position. The conjecture he proposes is that the line between what is chosen and what is not, the line of personal responsibility as he sees the luck egalitarian drawing it, could be sensibly thought to have the make-or-break moral significance the luck egalitarian attaches to it only if one was in the grip of a wrongheaded libertarian metaphysics of free will. If individual human beings were seen as somehow by their free choices breaking altogether free of the natural world of spatiotemporal events governed by causal laws, one might impute transcendent moral importance to such choices. They could determine profoundly and at the deepest level how one ought to treat others and be treated by them. However, it is evident that this libertarian metaphysics of free will and ultimate moral responsibility cannot be made coherent and plausible. The luck egalitarian position is tied to the stone of libertarian metaphysics and sinks with it.

Scheffler asserts that the "core idea" of luck egalitarianism is "that inequalities in the advantages that people enjoy are acceptable if they derive from the choices that people have voluntarily made, but that inequalities deriving from unchosen features of people's circumstances are just."[11] This position sounds extreme, but more moderate versions of the doctrine are ready at hand. At any rate, as I have argued, luck egalitarianism is fully compatible either with compatibilism or free will libertarianism and has no stake in the debates between these rivals. Nor is it the case so far as I can see that adoption of free will libertarianism should reasonably incline anyone to take an unforgiving, hard line on personal responsibility issues and to give inordinate weight to responsibility concerns as against competing social justice values. Even if agents possess free will, it remains true that individuals are born with unequal value-selecting and choice-making and choice-executing abilities, which manifest themselves in choices of uneven quality, for which the chooser is at most only partially responsible. Nothing in the animating spirit of luck egalitarianism blocks it from seeking reasonable accounts of excuses, exculpation, and diminished responsibility. By elaborating on the control principle and its extension, the luck egalitarian aims to accord voluntary choice—which varies by degree along several dimensions—its appropriate moral weight and impact, no more and no less.

This pair of norms, which I take to be central to the ideal of luck egalitarianism, is inadequate as stated to this point, for reasons clearly stated by Susan Hurley. This criticism forces a revision, not outright rejection, of the control principle and its extension.

Consider once again the idea that to the extent that making and executing the right choice is difficult or painful or both for an agent, to that extent the agent is less blameworthy if she fails to make and execute the right choice, and correspondingly gets extra credit if she does succeed in doing what is right.

The objection is that for all that has been said so far, the fact that in one's circumstances doing the right thing would be difficult and painful may play no role whatsoever in the actual process through which the agent comes to act wrongly. Suppose, for example, that in my circumstances I should conscientiously seek employment, but I do not: I shun work like the plague. The labor market is tight, so seeking employment with jobs few and far between and potential employers picky and highly critical of the skills and personal character traits I present for consideration would be difficult and painful for me. Seeking employment in this job market would be like running a gauntlet. But these facts are entirely irrelevant to my actual decision not to seek employment. In fact I culpably subscribe to a silly ideology that says work is for suckers and sissies, and I shun work from commitment to this ideology. I would continue to shun work like the plague even if the labor market conditions drastically shifted so that seeking employment conscientiously would be, for me, easy and painless. The supposedly excusing conditions that according to the extension of the control principle get me off the hook of responsibility are just an idle wheel in my decision making and activity. But then the extension of the control principle gives the wrong verdict in this sort of case. The control principle and its extension should be qualified to apply only when the factors that are beyond the agent's power to control or only partially within her control are causally relevant to the agent's actual choices under review.

STIGMA, SHAMEFUL REVELATION, AND BAD MORALISM

Critics of luck egalitarianism have seen in its principles a blueprint for state policies they find odious. Put in practice, luck egalitarianism thus shows itself disfigured by nasty flaws. Moreover, the luck egalitarian state inevitably would take on functions that go beyond the legitimate functions of the state according to reasonable political liberalism. So the critics urge.

According to luck egalitarianism, what we owe to each other depends in part on how each of us conducts her life, the moral quality of what we do with the cards fate has dealt us. The critics suppose any implementation of these principles would involve state agencies in making official moral assessments of aspects of individuals' conduct of their own lives that are normally not matters for public scrutiny. The standards for making these assessments as well as their application in particular cases would inevitably be highly controversial. Basing state action on such controversial general and particular moral judgments renders the state in violation of a sound liberal norm of moral legitimacy. This liberal legitimacy norm requires that the state not use its coercive power to treat people except in ways to which they could not reasonably reject. The luck egalitarian state violates liberal legitimacy.

State policies to implement luck egalitarianism must treat its citizens unfairly and indecently—both those who end up being denied benefits under these policies and those who qualify for benefits by luck egalitarian criteria. As an example of the former, suppose I need a liver transplant, and apply to a state agency, which then denies my request on the ground that I am a drunken bum who has brought his own troubles on himself. Jonathan Wolff describes a seemingly compelling example of the latter type of wrongful state policy. Suppose that in a prosperous economy with a tight labor market and many good employment opportunities available, I fail to secure paid employment. To qualify for luck-equality-mandated aid to alleviate my poverty in these circumstances, I would have to demonstrate to a state agency that I am incompetent, unable through no fault or choice of my own to obtain employment that would provide for my needs. To demand as a condition for receipt of aid that one show that one passes the luck egalitarian criteria of eligibility is to require shameful revelation of one's negative traits, Wolff avers. He insists that a decent society (a society that conducts itself according to minimally decent moral standards) does not impose shameful revelation on any of its members.

In reply: I shall consider the objections as they would bear on prioritarian versions of luck egalitarianism. We should distinguish two levels of discussion: fundamental moral principle and policy. Principles as I conceive them fix what one morally ought to do, what is morally right and wrong. They do not necessarily function as practical guides to decision making in particular circumstances or as guides to policy formation. They rather serve as standards for the assessment of guides to choice of action and policy. In particular, state policies at their best will be coarse-grained instruments that will not perfectly function in practice to fulfill correct moral principles. (Beyond a certain level of complexity, if one tried to make policies more fine-grained, in order more perfectly to bring about what morally ought to be done, the policies would become too cumbersome to administer, and correct

moral principles would be less well fulfilled.) The best policies will optimize the fulfillment of what morally ought to be done, but the best policies will still dictate some state actions that will be anomalous or inadequate from the standpoint of moral principle.

Correct moral principles may well be controversial among the well-intentioned members of society. When generally reasonable people disagree, some or all may be making mistakes in reasoning and judgment. If you control state power and use it to bring about (as well as can be done given limits of policy) the fulfillment of correct principle, you do not impose on me on the basis of principles that qua fully rational person I would reject. Actually being an imperfectly rational person, I may reject the principle you are acting on or the policy derived from it, but if these are correct, you do me no wrong in using state power in this way. If the liberal legitimacy norm disagrees, and holds it is morally illegitimate to impose coercively on someone on the basis of norms they could somewhat reasonably but mistakenly reject, the liberal legitimacy norm should be rejected.

Regarding the imposition of stigma, the visible marker of degraded status, the luck egalitarian should recognize that being stigmatized is almost always a serious evil for an individual to suffer—so there is always reason to seek policies that avoid the imposition of stigma. But this is one reason to be weighed against others in the morally sensitive cost-and-benefit calculation that determines correct policy, which I hold is fixed by prioritarian principle. All things considered, choice of a policy that either deliberately imposes stigma or inflicts it as a foreseen byproduct of pursuing other moral goals cannot be ruled out. Sometimes stigma is imposed on an individual as part of a package that is overall beneficial to that individual and justified on that ground. Sometimes stigma is harmful to the one on whom it is imposed, but this harm is outweighed by benefits to others, so on balance no unfairness is perpetrated. "No imposition of stigma, whatever the consequences" is not a plausible candidate for the status of norm fit to be included in the set of fundamental moral principles.

The objection to luck egalitarianism under review here has been formulated as an objection to bad moralism. The vice of moralism is being excessively concerned with making and enforcing moral judgments and assigning them a greater role in conduct and policy than they ought to have. Critics of luck egalitarianism claim to discern in this perspective on social justice the vice of moralism.

In reply: Of course excessive or inappropriate concern with morality is viciously moralistic, but the question becomes, what level and kind of concern is excessive and inappropriate? Stated baldly, the objection just denies what the luck egalitarian asserts. To make further progress, one would need to investigate the likely candidate versions of luck egalitarianism, pinpoint the best version of the doctrine, and examine its principles and their practi-

cal recommendations for policy and what can be said for and against them. I cannot pretend to be carrying out that thorough investigation here.

The bad moralism charge gains unwarranted credibility if one supposes that the most plausible version of luck egalitarianism is an extreme doctrine that holds that if one has behaved badly or squandered precious opportunities to make something good of one's life, one entirely forfeits all claim to aid from others. This is the extreme doctrine that Marc Fleurbaey rightly criticizes, but the rejection of that doctrine tells not at all against any of an array of moderate versions of the doctrine. One element in a plausible moderate luck egalitarianism is an efficiency constraint: If it is possible to make someone better off without making anyone else worse off, one should always do so (or bring about an altogether different state of affairs about which this complaint cannot be made), no matter how undeserving the person who would benefit from action to satisfy this constraint, and no matter if improving this person's condition renders the distribution of good fortune across persons overall less proportionate to their deservingness. It is always wrong to refrain from bringing about an improvement in the condition of a sinner if the refraining does no good for anyone else, saint or sinner.[12]

WRONG FOCUS

This objection targets the egalitarianism component of luck egalitarianism. The complaint is that the entire approach is misguided, because it wrongly supposes that social justice at its core requires the equal distribution of some stuff or alternatively the distribution of some stuff so that all members of society end up equal by some measure. The opposed hunch is that social justice is not fundamentally a matter of distribution at all. Those critics who articulate this objection are inspired by an alternative idea of what does fundamentally matter for social justice.[13] Their idea is that the equality that fundamentally matters morally is an equality of human relationships. The question we need to be asking is, what social arrangements are needed to establish and sustain a society of democratic equality, a society in which people interact as free and equal. Alternatively stated, the idea is that what we owe one another is the maintenance of social conditions that enable each individual to be a full and equal participant in modern democratic society. On this view the regulation of distribution is a subsidiary, derivative concern. The distribution of resources should be arranged so that it promotes equality of relationships among members of society. This is the ideal of justice as democratic equality.

The accusation that some egalitarians go wrong by making a fetish of distribution of resources has historical resonance. Back in the nineteenth century,

criticizing egalitarian opponents, Karl Marx makes the exasperated comment that "it was in general a mistake to make a fuss about so-called *distribution* and put the principal stress on it."

The fetishism objection has varying force against different versions of luck egalitarianism that propose different answers to the question, what is it that social justice is concerned to distribute? If the proposed fundamental moral principles say that we ought morally to be concerned above all with the distribution of something that has no great moral significance, the inadequacy of the proposed principles is patent. However, the objection then invites us to ponder what matters morally. If luck egalitarianism is formulated so it is anchored to what matters morally, the fetishism objection does not stick.

Consider a prioritarian desert-oriented version of luck egalitarianism with well-being as the distribuendum. On this view, morality bids us to arrange actions and policies so as maximally to improve human well-being, the quality of individual human lives, along with the fair distribution of well-being. Fair distribution is understood as involving catering specially to the worse off and to the more deserving. This conception of morality presumes that there are objectively correct answers to questions about what in human life is noninstrumentally choiceworthy and constitutes a person's life going better for her, and indeed that the answers vindicate a cardinal interpersonal standard of the good life. To say the least it is an open question whether or not this presumption can be sustained. If it can, the further claim that morality requires maximizing a function of human good that favors more rather than less aggregate good, gains in good to the worse off, and gains in good to the more deserving arguably is directing our concern to what really matters morally and not deflecting our concern to what is not fundamentally worthwhile.

Those who press the fetishism objection have up their sleeve an alternative idea of what sort of equality is fundamentally valuable for its own sake. In this spirit Elizabeth Anderson observes that social arrangements should provide for all members of society what is needed for each and every one to be able to participate fully on equal terms in democratic social life. In this same spirit Samuel Scheffler observes that when we conceive equality as a substantive social value, "the basic reason it matters to us is because we believe that that there is something valuable about human relationships that are, in certain crucial respects at least, unstructured by differences of rank, power, or status."[14] This value is asserted to be both instrumental and intrinsic. The value attaches to human relationships of varying sorts including as an important case the relationship of equal status across all members of a modern democratic society.

The critics who propose that the equality that should matter to us is equality in human relationships not distributive equality of any sort are rais-

ing a profound issue. Readers will await with anticipation the further articulation of the democratic-equality-in-human-relationships ideal. At this early stage of the discussion, any verdict is bound to be premature. However, there are reasons for doubting that democratic equality will be a viable rival to luck egalitarian conceptions of social justice.

One reason for doubt is that in the general case, equality does not seem to be an essential feature of good human relationships. Take friendship. Good friends like each other, enjoy each other's company, value some of their personal interactions, and are disposed to promote each other's good (within the constraints of morality).[15] Inequalities of rank, power, and status are often impediments to forming and sustaining a good friendship, but nothing in principle rules out the possibility that the aristocrat and the commoner or the wealthy Nobel Prize winner and the unlettered impoverished janitor will become good friends. Nor do these inequalities in and of themselves lessen the value of a given friendship. Being far more beautiful, intelligent, well positioned in society, and charming than I am, Sally has more power, rank, and status, so being friends with her makes me vulnerable, but this may not detract at all from the quality of our friendship, because in the circumstances I reasonably trust that she will not exploit her superior unequal position to my detriment. Why not?

What holds true in personal relationships holds true also, I would submit, at the society-wide level. Take the ideal of political equality. It merits acceptance on instrumental grounds. For contingent but deep-seated reasons, sustaining a democratic political order is more likely over the long run to bring it about that human well-being fairly distributed is maximized than would alternative feasible elitist and aristocratic political institutions. If a feasible hierarchical political order along the lines of communist party rule were able to promote more appropriately weighted well-being, make human lives go better, than any feasible democratic arrangement, in my view we should (in that counterfactual scenario) drop our endorsement of a democratic political constitution. More important, it is reasonable to hold that the degree to which a political order should be made to conform to a strict ideal of democratic political equality should be determined according to the moral value of the consequences of making society more politically egalitarian or less. In short, I would argue that the Scheffler and Anderson view that democratic equality is fundamental and the distribution of resources and opportunities and the like should be set so as best to promote democratic equality gets matters upside down. The luck egalitarian ideal of maximizing the quality of life for people, with extra weight given to gains for the more deserving and worse-off individuals, is the fundamental justice ideal, and our assessment of various feasible social orders involving varying degrees of equality along the line of rank, power, and status should be made entirely with a view to the question, what social order would be the best means to the luck egalitarian end?

Notice that the prioritarian version of luck egalitarianism will agree with Scheffler and Anderson that equality in the distribution of resources, utility, well-being, opportunity for well-being, capabilities, or anything of the sort is not what we should care about as morally of fundamental importance. For the prioritarian, it is not morally important that everyone has the same or enjoys the same condition in any respect. How one person's condition compares to the condition of other people is not, for the prioritarian, intrinsically morally important. Of course, the prioritarian denies that equality of human relationships matters intrinsically any more than equality along any other dimension.

Although luck egalitarianism can be held to apply with broader or more narrow scope, I believe there is no good case for narrow scope. If we care about equality, we should care about equality among people everywhere at all times. If we care about priority, our concern should in a similar way be global not localized in space, time, or social connections. In contrast, the democratic equality ideal around which some critics of luck egalitarianism rally is most plausible if its scope of application is restricted to single political societies or political communities. In this contrast a further reason for taking luck egalitarianism to be the morally fundamental norm emerges. Imagine a world in which the democratic equality ideal is perfectly satisfied country by country worldwide. Within each country, distribution is set so that inequalities of rank, power, and status are controlled so that all members of the country participate as equals in its social and political life. Whatever exactly participation as equals requires, it evidently does not require much by way of desirable quality of life. We could function as democratic equals while life is bleak, even squalid, for all of us. So the perfect satisfaction country by country of the democratic equality ideal is consistent with enormous global inequalities in resources that are needed for well-being and great avoidable misery in the lives of billions of the globe's inhabitants. It does not seem merely fetishistic to prefer the world in which the luck egalitarian distributive ideal not equality of human relationships is fulfilled.

Against the critics who subordinate distributive concerns to the democratic equality ideal, I have sketched some reasons for doing exactly the opposite, and subordinating democratic equality and related ideals of human relationships to (an appropriate version of) the luck egalitarian principle taken as the master principle of morality. This so far is a light sketch, and hardly a conclusive one. In particular, my purely instrumental attitude toward the ideal of political equality of democratic citizenship is highly controversial. It is important to understand that the case for luck egalitarianism against the critics does not require agreement with the line of argument I have lightly sketched. One can defend luck egalitarianism not as a master moral principle but specifically as a principle for the distributive justice com-

ponent of social justice. Defending luck egalitarianism specifically for the distributive sphere leaves it an entirely open question, what moral principles are appropriate as fundamental regulators of other spheres of justice including the political sphere. In particular, one might combine luck egalitarianism in the distributive sphere with democratic equality very much along the lines proposed by Scheffler and Anderson and others in the political sphere. The strategy for defending luck egalitarianism against the "wrong focus" objection can in other words be ambitious or moderate. The moderate defends luck egalitarianism only for the distributive sphere regarded as one domain of justice among others. The domains might be regarded as free-standing or requiring to be integrated but not in a way that elevates luck egalitarianism to the role of master moral norm. Ronald Dworkin has elaborated a plausible version of the modest strategy; no doubt there are others.[16]

NOTES

1. Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge, Mass.: Harvard University Press, 2000); G. A. Cohen, "On the Currency of Egalitarian Justice," *Ethics* 99 (1989): 906–44; John E. Roemer, "A Pragmatic Theory of Responsibility for the Egalitarian Planner," in his *Egalitarian Perspectices* (Cambridge: Cambridge University Press, 1994); Roemer, *Theories of Distributive Justice* (Cambridge, Mass.: Harvard University Press, 1996); Roemer, *Equality of Opportunity* (Cambridge, Mass.: Harvard University Press, 1998). See also Eric Rakowski, *Equal Justice* (Oxford: Oxford University Press, 1991); Richard Arneson, "Equality and Equal Oportunity for Welfare," *Philosophical Studies* 56 (1989): 77–93; Arneson, "Luck Egalitarianism and Prioritarianism," *Ethics* 110 (2000): 339–49; Arneson, "Luck and Equality," *Proceedings of the Aristotelian Society,* supp. vol. 75 (2001): 73–90; and Peter Vallentyne, "Brute Luck, Option Luck, and Equality of Initial Opportunities," *Ethics* 112 (2002): 529–57.
2. Larry Temkin, *Inequality* (New York and Oxford: Oxford University Press, 1993); Thomas Nagel, *Equality and Partiality* (Oxford and New York: Oxford University Press, 1991).
3. Elizabeth Anderson, "What Is the Point of Equality?" *Ethics* 109 (1999): 287–337.
4. Ronald Dworkin, "Equality, Luck, and Hierarchy," *Philosophy and Public Affairs* 31 (2003): 190–98.
5. The roster of significant critics includes Elizabeth Anderson (see n. 3); Samuel Scheffler, "What Is Egalitarianism?" *Philosophy and Public Affairs* 31 (2003): 5–39; Jonathan Wolff, "Fairness, Respect, and the Egalitarian Ethos," *Philosophy and Public Affairs* 27 (1998): 97–122; S. L. Hurley, *Justice, Luck, and Knowledge* (Cambridge, Mass.: Harvard University Press, 2003); Marc Fleurbaey, "Equal Opportunity of Equal Social Outcome?" *Economics and Philosophy* 11 (1995): 25–55; and Kasper Lippert-Rasmussen, "Egalitarianism, Option Luck, and Responsibility," *Ethics* 111 (2001): 548–79. Fleurbaey and Lippert-Rasmussen criticize versions of what I am calling luckism, not egalitarianism.
6. On prioritarianism, see Derek Parfit, "Equality or Priority?" reprinted in Matthew Clayton and Andrew Williams, *The Ideal of Equality* (2002).
7. Temkin, *Inequality*, 13 and n. 21.
8. This formulation is not quite right as it stands. Consider four persons who start in the same initial condition. One has no opportunity to make a choice, and his condition remains unchanged. The other three make a voluntary choice, and each of the three ends up worse off than the first. Of these three, one makes a risky investment in a fair framework for

interaction. He loses $500. Let's suppose that for these three, money correlates perfectly with resources or well-being or whatever is thought to be the best measure of benefits and losses. The remaining two are subjected to armed robbery. One behaves prudently and reasonably in this situation and loses $500. The other behaves imprudently and unreasonably in this situation and loses $1,000. Being subjected to armed robbery removes one from a fair framework for interaction, but I suppose that plausible conceptions of Desert will say it is morally more important to aid the prudently responsive armed robbery victim than the imprudent victim, and plausible versions of Choice will agree. The responsibility factor plays a role in determining the moral urgency of aiding those who suffer from as it were an unfair framework of interaction. The fact that the person who loses money on his investment chooses in a fair framework of interaction and the reasonably responsive robbery victim does not renders it the case that it is morally more important, other things being equal, to aid the robbery victim. Of course "fair framework of interaction" here is a slogan that needs to be interpreted.

9. Marc Fleurbaey, "Equal Opportunity or Equal Social Outcome?"
10. Hurley, *Justice, Luck, and Knowledge,* 3.
11. Scheffler, "What Is Egalitarianism?" 5.
12. See Arneson, "Desert and Equality," forthcoming.
13. Anderson, "What Is the Point of Equality?"; Scheffler, "What Is Egalitarianism?"
14. Scheffler, "Choice, Circumstance, and the Value of Equality," 17.
15. This characterization of friendship is intentionally loose. I don't mean to insist that all of these features are required for good friendship. I mean that the features listed in the text include all of the plausible candidates for the status of necessary conditions for good friendship and none of them involves equality of rank, status, or power.
16. Dworkin, *Sovereign Virtue.*