

# **Luck Egalitarianism and Democratic Equality**

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## **ABSTRACT**

Luck egalitarianism is the view that justice requires that we hold people accountable for the choices that they make but not the circumstances that they find themselves in. My aim in this thesis is to reject luck egalitarianism. My argument builds on the recent critique of luck egalitarianism by Elizabeth Anderson. Anderson rejects luck egalitarianism in favor of a view she calls “democratic equality.” The aim of democratic equality is to create a community in which citizens relate to one another as equals. This requires, among other things, that we provide citizens with the necessary capabilities and functionings needed in order for them to function as free and equal citizens. In this thesis I argue that Anderson’s critique of luck egalitarianism, although successful against the standard luck egalitarian view, does not undermine a weaker version of luck egalitarianism. This position – which I call moderate luck egalitarianism – claims that we ought to apply the choice/circumstance distinction always and only when doing so does not compromise the aims of democratic equality. This is because it is always unfair, according to luck egalitarians, when some people are worse off than others through no fault of their own. Since Anderson’s view does not correct for this, according to moderate luck egalitarians, we need to combine the aims of democratic equality and luck egalitarianism in the name of fairness. I argue, however, that this is not necessary. Not all inequalities that are the result of people’s unchosen circumstances are unfair or unjust; inequalities in income and wealth are unfair only to the extent that they inhibit the ability of individuals to function as free and equal citizens. Thus, luck egalitarians have given us no reason to conjoin the aims of democratic equality and luck egalitarianism: democratic equality suffices.

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## Introduction

Egalitarianism is the view that the aim of the state is to treat citizens as equals. Luck egalitarianism has been the most influential theory of egalitarian justice since the publication of John Rawls's *A Theory of Justice*.<sup>1</sup> Luck egalitarianism is the view that the state treats citizens as equals if and only if it holds them accountable for their autonomous choices but not the circumstances that they find themselves in. My aim in this thesis is to reject luck egalitarianism.

The thesis is divided into three chapters. In chapter one, I provide an outline of the development of luck egalitarianism since *A Theory of Justice*. In section I of this chapter, I explain Will Kymlicka's reading of Rawls. Kymlicka claims that although Rawls attempted to create a theory of justice that held people accountable for their choices but not their circumstances, his theory failed to live up to that goal. It was therefore left up to luck egalitarians to make good on Rawls's failures.

In section II of the first chapter, I explain the views of three luck egalitarians that came after Rawls: Ronald Dworkin, Richard Arneson, and G.A. Cohen. My primary aim in this first chapter is to set the stage for Elizabeth Anderson's critique of luck egalitarianism.

In chapter two I explain Anderson's critique of luck egalitarianism and explain why her arguments do not refute a more moderate version of that view. According to the standard conception of luck egalitarianism, justice requires that we apply the choice circumstance distinction even if this leaves some people unable to function as equal citizens. The view that I will call moderate luck egalitarianism denies this. According to

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<sup>1</sup> John Rawls, *A Theory of Justice*, Revised Edition. Cambridge, Mass: Harvard University Press, 1971/1999.

moderate luck egalitarianism, we ought to apply the choice/circumstance distinction when and only when this does not compromise the status of citizens as equals and leave people unable to function as human beings and citizens. Moderate luck egalitarians adopt the main components of Anderson's view – democratic equality – that the aim of the state is to create a community in which citizens relate to one another as equals, and that this requires that the basic needs of citizens are met even if they end up worse off than others through no fault of their own. But they also believe that we ought to combine the aims of luck egalitarianism with democratic equality: we ought to apply the choice/circumstance distinction always and only when this does not undermine the aims of democratic equality. I shall argue in this chapter that such a view is immune from Anderson's criticisms. As such, it seems like egalitarians do well to combine the aims of moderate luck egalitarianism and democratic equality.

I argue in chapter three, however, that it is not necessary to combine the aims of luck egalitarianism with democratic equality as moderate luck egalitarians maintain, because democratic equality alone can accomplish the goals of moderate luck egalitarianism. In order to argue for this claim, I reject the argument that fairness requires that egalitarians be committed to a version of moderate luck egalitarianism. It is thought by luck egalitarians to be unfair to allow the effects of luck to influence distributions in such a way that some people are worse off than others through no fault of their own. And since democratic equality by itself would not correct for all cases where some people are worse off than others through no fault of their own, it seems necessary, as a requirement of fairness, to apply the choice/circumstance distinction.

I argue that this claim is incorrect. What is fundamentally unfair in allowing distributions to be allotted in accordance with the natural lottery is that some individuals will be unable to function as human beings and equal citizens. Thus, it is not the fact that features of our circumstances influence distributive shares as such that is unfair; rather it is unfair only to the extent that this undermines our capacity to function as an equal. Thus, I shall claim that luck egalitarianism corrects for inequalities that are not unjust, since it requires us to compensate people for inequalities above and beyond what is necessary to meet people's basic needs. If this is plausible, it seems we need not conjoin the choice/circumstance distinction with the norms of democratic equality in order to mitigate the unfairness of inequalities that arise from the unchosen features of people's circumstances. This is because not all such inequalities, and in particular, the inequalities that luck egalitarianism would correct for, are unjust. Democratic equality corrects for all unjust inequalities without the assistance of luck egalitarianism.

Lastly, I shall briefly offer a rough sketch as to the role of responsibility in democratic equality. I shall maintain that although the choice/circumstance distinction plays no fundamental role in democratic equality, it may nevertheless sometimes be required to hold people accountable for their choices due to considerations of fairness. But even with this concession, we are not required to conjoin the aims of democratic equality and luck egalitarianism. As such, we do best by abandoning luck egalitarianism in favor of democratic equality.

## Chapter One:

### From Justice as Fairness to the Triumph of Luck Egalitarianism

#### *Introduction*

The dominant theory of egalitarian justice since the publication of John Rawls's seminal 1971 book *A Theory of Justice* is a view that has come to be known as "luck egalitarianism."<sup>2</sup> Luck egalitarianism is the view that we ought to compensate people as a matter of justice for inequalities that arise from their unchosen circumstances, but not from the choices that they voluntarily make.<sup>3</sup>

In this chapter I will provide a general overview of the more specific interpretations of luck egalitarianism since *A Theory of Justice*. I shall focus in particular on the contributions of three philosophers: Ronald Dworkin, G.A. Cohen, and Richard Arneson. My aim in this chapter will be largely expository. In order to pave the way for the critique of luck egalitarianism that will be the focus of the next two chapters, it will first be necessary to gain a rough understanding of the terms of the debate.

#### **I. The Emergence of Luck Egalitarianism: Will Kymlicka's Just So Story**

Will Kymlicka tells the story of the development of egalitarianism since John Rawls's *A Theory of Justice*.<sup>4</sup> Kymlicka's overarching thesis is that Rawls planted the seeds of luck egalitarianism in *A Theory of Justice*, but failed to offer a compelling

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<sup>2</sup> This label comes from Elizabeth Anderson, not from luck egalitarians themselves.

<sup>3</sup> As we'll see shortly, this statement is not entirely accurate, for it's not clear that Ronald Dworkin fits this description. But aside from the special case of Dworkin, this is the thesis endorsed by all luck egalitarians.

<sup>4</sup> Will Kymlicka, *Contemporary Political Philosophy: An Introduction*, Second Edition, Oxford: Oxford University Press, 2002, especially Chapter 3: "Liberal Equality," pp. 53-101 (cited hereafter as *CPP*).



version of that view. It was thus left up to future luck egalitarians to make good on Rawls's failures.

In order to see how the debate between luck egalitarians unfolded, it will be a useful strategy to set forth Kymlicka's reading of Rawls, and how he believes that luck egalitarianism developed as a response to Rawls's view. For, this will let us see later on where I think Kymlicka, and, more importantly, the luck egalitarians that came after Rawls went wrong.<sup>5</sup>

#### A *Choice, Circumstance, and Equality of Opportunity*

On Kymlicka's view, Rawls's justice as fairness is organized around "one central idea," that "all social primary goods – liberty and opportunity, income and wealth, and the [social] bases of self respect – are to be distributed equally unless an equal distribution of any or all these goods is to the advantage of the least favored."<sup>6</sup> Rawls's main argument for the difference principle grows out of a critique of the idea of equality of opportunity, understood as the absence of formal discrimination in the availability of opportunities, offices, and positions. For ease of reference, let's call this *formal* equality of opportunity.

On Kymlicka's view, the "primary argument" for Rawls's egalitarian difference principle is the so-called "informal argument" given in §12 of *A Theory of Justice*.<sup>7</sup> This is the argument that equality of opportunity requires more than mere absence of formal

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<sup>5</sup> Although I disagree with Kymlicka's interpretation of Rawls, I think that he captures nicely the interpretation of Rawls that I want to challenge and, most importantly, his take on how luck egalitarianism grew out of this interpretation of Rawls. For, despite my view that this led egalitarianism down the wrong path, I think he correctly describes how others have viewed the debate, and what luck egalitarians took as their starting points.

<sup>6</sup> Cited in *CPP*, p. 55.

<sup>7</sup> *CPP*, p. 69.

constraints; it also requires the necessary means by which to successfully compete for offices and positions. In order to have *fair* equality of opportunity citizens need the material means and equal educational opportunities required in order to successfully compete for these positions.

Kymlicka reads the informal argument as an attack on the idea of equality of opportunity as described above. More precisely, formal equality of opportunity is the view that inequalities in income, wealth and social positions more generally, are justified just in case there are no formal barriers to the offices and positions that yield such benefits. If no racial or sexual discrimination occurs, if candidates for these positions are not discriminated against because of their social background or other contingencies, then there is nothing wrong with some people making much more money, or enjoying higher levels of well being than others. This is the case even if some people have an abundance of material means and goods while others lack the most basic necessities. Although such inequalities are unfortunate, they are not unjust. This is because justice only requires a lack of formal discrimination in competition for offices and positions. Inequalities in income and wealth are just so long as everyone had a fair chance to attain the positions they desire in absence of formal constraints, where “fair chance” is understood as an absence of formal constraints.

The idea of formal equality of opportunity enjoys wide acceptance in our society, and for seemingly good reason. According to Kymlicka, the fundamental intuition underlying such a conception is that “it is fair for individuals to have unequal shares of social goods if those inequalities are earned and deserved by the individual, that is, if they are the product of the individual’s actions and choices. But it is unfair for individuals to

be disadvantaged or privileged by arbitrary and undeserved differences in their social circumstances.”<sup>8</sup>

The main idea here is that a theory of distributive justice ought to be “ambition-sensitive” and “endowment insensitive.” The fate of an individual ought to be determined by the *choices* that they make about how to lead their lives, not the *circumstances* that they find themselves in.<sup>9</sup> For instance, an individual who is intelligent, talented, and capable of performing a particular job ought not to be restricted by the fact that she is of a certain race, or was born into a disadvantaged socio-economic background. What matters is that the individual is qualified.

On such a conception, the successes and failures that we achieve in life are earned and deserved; they are the result of our own actions, ambitions, and choices. In contrast, contingent features of our circumstances such as are race or sex should not determine our fates because they are not the result of free autonomous choice, and as such, are not deserved. Thus, according to the idea of formal equality of opportunity, “unequal income is fair, because success is ‘merited’; it goes to those who ‘deserve’ it.”<sup>10</sup>

Rawls rejects formal equality of opportunity. He claims that to give people legitimate equal opportunity requires that the state adopts far stronger measures in order to guarantee exposition of Rawls’s argument, Rawls argues that the very reason that people support the idea of formal equality of opportunity supports the democratic interpretation of the second principle of justice, which calls for adherence to the idea of fair equality of opportunity and the difference principle.

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<sup>8</sup> *CPP* p. 58.

<sup>9</sup> See *CPP*, pp. 58, 59, 74, and 75, for explanation of the distinction between choice/circumstance.

<sup>10</sup> *CPP*, p. 58.

It is generally agreed that we should not discriminate on the basis of race, sex, age, and the like, because these features are undeserved. And these features are underserved, according to Kymlicka's Rawls, precisely because they are unchosen features of our circumstances, not the result of autonomous choice. This is what motivates the argument for formal equality of opportunity: it is unfair to discriminate against people based on the unchosen features of their circumstances because they are undeserved, so there ought not to be impediments to the attainment of social positions based on these factors.

On Kymlicka's reading, Rawls thinks that this argument is fine as far as it goes, but it ignores an important feature of people's circumstances that is both underserved and has profound influence on people's life prospects, their *talents*. Those who are more talented or intelligent than others have significant advantage over those who are less talented since they have far higher prospects for economic and social success. Thus, they are far more likely to lead better lives than those less talented. This generates significant inequalities, which are purported to be justified by the fact that people are to be given what they deserve, and since their talents and abilities are deserved, it follows that they deserve the benefits that derive from these talents.

Rawls denies that our talents and abilities are deserved. Thus, he denies the inference from the alleged fact that since our talents are deserved, the gains acquired by those more talented are deserved as well. The inequalities generated by people having more earning capacity in virtue of their talents are in fact unjust according to the very standard employed by adherents of the idea of formal equality of opportunity since these inequalities are generated by underserved features of people's circumstances. Nobody

deserves their talents, so nobody *prima facie* deserves the advantages reaped from these talents. They do not justify inequalities precisely because they are based on unchosen features of our circumstances.

It is this argument that, according to Kymlicka, Rawls gives in order to justify the democratic interpretation of the second principle of justice. Rawls reasons from the fact that since our talents are undeserved, so too are the inequalities that are generated by them. And this pre-supposes a commitment to the choice/circumstance distinction. Since we do not deserve to reap the benefits of the unchosen features of our circumstances, it is deemed to follow that we only deserve the benefits gleaned from our autonomous choices. Therefore, “if we are genuinely interested in removing undeserved inequalities, then the prevailing view of equality of opportunity is inadequate.”<sup>11</sup>

We must not only mitigate the influence of people’s social circumstances on their fate, but also compensate people who do not have an equal opportunity for success in life due to their lack of talents and abilities. If we are serious about equality of opportunity, according to Kymlicka’s reading of Rawls, this is what justice requires. If a theory of justice is to be ambition sensitive and endowment insensitive, relying on a distinction between choice and circumstance, we must find a way to mitigate the effects of luck on distributive shares.

And this is where, according to Kymlicka, the difference principle comes in. Although we cannot simply give people more talents and abilities out of thin air, we *can* mitigate the effects of the natural lottery in a distributive scheme. This would be accomplished by allowing inequalities in wealth, but only insofar as they are to the benefit of the least advantaged members of society. In this way, *everyone* benefits from

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<sup>11</sup> *CPP*, p, 59.

those who are most talented.<sup>12</sup> As Kymlicka puts the point, although “no one deserves to benefit from their natural talents...it is not unfair to allow such benefits when they work to the advantage of those who were less fortunate in the ‘natural lottery.’ And this is precisely what the difference principle says.”<sup>13</sup>

*B Problems with Rawls’s View I: Natural Handicaps*

Although Kymlicka accepts Rawls’s supposed commitment to the choice/circumstance distinction, he argues that the difference principle “allows too much room for people’s fate to be influenced by arbitrary factors.”<sup>14</sup> The problem arises because Rawls uses primary goods as a measure for interpersonal comparisons of relative advantage. The least advantaged members of society are determined by their holdings of primary goods; two individuals are equally well off just in case their holdings of primary goods are equal. But, Kymlicka objects, this does not take into account, for instance, those who are handicapped or mentally disabled. Clearly, Kymlicka thinks, someone in a wheelchair is not as well off as someone who is not, even if they have the same amount of primary goods.

But this is the implication of Rawls’s view, according to Kymlicka. If someone is in a wheelchair, and needs extra money for, e.g., the cost of medication for an illness, or special equipment for their handicap, this person is in a better position in terms of primary goods than someone who has slightly less in terms of primary goods, even if the

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<sup>12</sup> “Talented” is essentially understood here as “earning power.”

<sup>13</sup> *CPP*, p. 59. Kymlicka claims that Rawls’s “informal argument” (or intuitive argument) is the “primary argument” for the difference principle, “whatever Rawls says to the contrary, and the contract argument (at best) just helps express it (Kymlicka, p. 69). There is serious reason to doubt this claim, but I shall not go into the matter here.

<sup>14</sup> *CPP*, p. 59.

person in the wheelchair cannot afford to pay for the medication she needs. Similarly, if two people are equal in terms of their holdings of primary goods, but one is handicapped whereas the other is not, the handicapped person is in fact less-well off than the non-handicapped person even though they are both equally well-off according to Rawls's standard.

But, if it is wrong for people to be disadvantaged based on the unchosen features of their circumstances, then interpersonal comparisons of relative advantage cannot be measured solely in terms of social and economic primary goods; for this violates the requirement that a theory of justice must be ambition sensitive and endowment insensitive. The handicapped are less advantaged than those who are not, even if they have the same amount of social and economic primary goods. Thus, the use of primary goods as a method of interpersonal comparisons fails because primary goods do not adequately take into account natural handicaps.

This is because although the difference principle may guarantee that I have the same amount of primary goods as someone who is handicapped, the handicapped person faces extra burdens. These burdens are due to a natural disadvantage. It is harder, according to Kymlicka, for the handicapped person to lead a successful life. As such, the difference principle fails on its own terms. The principle is designed to reduce inequalities which arise from disadvantages in natural endowment. But it fails to do so because it does not remove the burdens, e.g. of those that are handicapped. Therefore, Kymlicka concludes, "Rawls seems not to have realized the full implications of his own argument against the prevailing view of equality of opportunity."<sup>15</sup>

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<sup>15</sup> *CPP*, p. 71.

*C Problems with Rawls's View 2: Expensive Tastes*

A second problem that Kymlicka raises for Rawls's view is that it fails to hold people accountable for their choices. Kymlicka maintains that respecting citizens as equals requires both mitigating the effects of luck on their fates, as well as holding them responsible for the choices that they make.<sup>16</sup> Yet the difference principle, on Kymlicka's reading, fails to hold people accountable for their choices.

For example, let's suppose that there are two people of equal talent, one who chooses to work hard to earn money, and another who chooses to work just enough so he can play tennis all day. The latter individual will end up worse off than the high earner, and, let's assume even that he'll be among the worst off in society in terms of his holding of primary goods. The difference principle seems to require that we tax the hard-working individual in order to subsidize the choices of the tennis player, who, although by hypothesis is just as talented as the hard-worker, is among the worst off because he chooses not to work to support himself.

Yet clearly, according to Kymlicka, this is unfair. Since there's no reason why the tennis player doesn't work as much as the high earner, but simply chooses not to, it's unfair for the high earner to have to subsidize the tennis player's choices. If the tennis player chooses not to work, that's his prerogative and we ought to respect his choice. But this ought not to require us to respect his choice in such a way that those who are of the same ability that choose to make more money ought to be required to compensate him for his laziness.

The difference principle was designed, on Kymlicka's interpretation, to compensate those who are worse off than others as a result of their circumstances, not

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<sup>16</sup> *CPP*, p. 74.



their choices. Yet the difference principle seems to require us to compensate people who are worse off than others as a result of their choices. The same goes for those who choose to deliberately cultivate an expensive taste for, say, expensive wines. The wine-lover need not drink expensive wine; there are many other less-expensive habits that he could adopt. So it seems unfair that those who choose to have tastes more in line with their means should be forced to subsidize the wine-lover's expensive habits. We ought to hold people responsible, Kymlicka thinks, to bear the costs of their choices, when these choices would require others to pay for excessive expenditures which are the result of people's deliberate choices.

Yet, again, the difference principle seems to require that the wine-lover be compensated for being worse off than others, and that this compensation should come from those who are more responsible for their choices. But this again seems unfair; for why should others who choose to be responsible be required to subsidize the costly choices of others? This seems to be unfair, and the difference principle only adds to this unfairness.

So, according to Kymlicka, although Rawls appeals to the distinction between choice and circumstances, his theory fails to live up to that goal. On Kymlicka's understanding of the state of the debate, egalitarians since Rawls have been concerned to make due on Rawls's failures. They want keep the distinction between choice and circumstances. But a better theory is needed to live up to that goal.<sup>17</sup> And this, as we shall see, led to the emergence of luck egalitarianism.

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<sup>17</sup> *CPP*, p. 75.

## **II. Equality of What?**

Kymlicka's account focused on the standard by which Rawls judged interpersonal comparisons of relative advantage. This was the use of primary goods. And the critique was that primary goods are inadequate as a measure of assessing interpersonal comparisons of relative advantage because two people could be equally well-off in terms of primary goods yet be unequal in terms of personal well-being resultant from unchosen features of their circumstances. So if we're truly concerned to mitigate the effects of luck on people's fates, we have reason to seek another way to assess interpersonal comparisons of relative advantage that will be more sensitive to compensating people for unchosen features of their circumstances that leave them worse off than others through no fault of their own.

On the other hand, the difference principle fails to hold people responsible for their choices. It will require us to subsidize people for the choices they make that leave them worse off than others, even though it is supposed to hold them responsible for these choices out of respect for their status as autonomous agents. This will result in a significant degree of unfairness, for it will require those people that choose to work hard to subsidize those people that choose not to.

So, according to Kymlicka, the difference principle is on the one hand too restrictive, and on the other too lenient. For it leaves some people worse off than others based on unchosen features of their circumstances that ought to be redressed. And it seems to require us to compensate people for choices that we ought to allow people to bear the costs of in the name of fairness.

A *Ronald Dworkin and Equality of Resources*

In his paper “Equality of Resources”<sup>18</sup> Ronald Dworkin seeks to provide a more precise metric of relative advantage to regulate an ambition-sensitive and endowment-insensitive theory of egalitarian distribution. Dworkin claims that we ought to aim at having equality of resources. On such a conception “the amount of resources devoted to each person’s life should be equal.”<sup>19</sup> And the theory ought to compensate those who are handicapped, but not compensate people for their expensive tastes. If this condition can be met, it will result in fair distributions that treat people as equals.

Dworkin distinguishes between two types of luck. Option luck is where one takes deliberate gambles based on one’s choices. Brute luck is when our lives are influenced by factors completely outside our control.<sup>20</sup> Dworkin thinks that the theory of equality of resources ought to correct for brute luck but not option luck.

Dworkin designs a hypothetical auction among shipwrecked survivors who wash up on an island and need to divide up the resources on the island where everyone starts off with equal means to bid on bundles of resources. If this auction and the resulting distribution passes what Dworkin calls the envy test – that nobody envies anybody else’s bundle of goods – then the distribution treats people as equals. It treats them as equals by allocating an equal amount of resources to each person.<sup>21</sup>

A problem arises for this simple example because over time people who are more talented and have greater natural endowments will become better off than those who are

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<sup>18</sup> Reprinted as the second chapter in his *Sovereign Virtue: The Theory and Practice of Equality*, Cambridge, Mass.: Harvard University Press, 2000, pp. 65-119 (cited hereafter as “Equality of Resources”).

<sup>19</sup> “Equality of Resources,” p. 71.

<sup>20</sup> “Equality of Resources,” p. 73.

<sup>21</sup> “Equality of Resources,” pp. 66-67.

handicapped and less talented. Thus Dworkin devises a hypothetical insurance market that would compensate those who are naturally handicapped. We “establish a hypothetical insurance market ... through compulsory insurance at a fixed premium for everyone on the basis of speculations about what the average [individual] would have purchased by way of insurance had antecedent risk of various handicaps been equal”<sup>22</sup>

Although Dworkin is willing to compensate the handicapped, he is not willing to accommodate those with expensive tastes.<sup>23</sup> Whereas handicaps are the result of circumstances and brute luck, our tastes are, according to Dworkin, part of our person and are not to be compensated for. Thus, Dworkin draws the cut for responsibility between person/circumstance, which is a more precise interpretation of the choice/circumstance distinction.

For Dworkin, a person’s tastes and ambitions belong to their person, and their mental and physical handicaps belong to their circumstances.<sup>24</sup> More precisely, “the distinction” is “between those beliefs and attitudes that define what a successful life would be like, which the ideal assigns to the person, and those features of body or mind or personality which provide means or impediments to that success, which the ideal assigns to the persons circumstances.”<sup>25</sup>

An individual will have equal claim to resources in Dworkin’s auction. As Dworkin puts it, “if the auction has in fact been an equal auction, then the man of eccentric tastes has no less than equal material resources, and the argument that justifies a

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<sup>22</sup> “Equality of Resources,” p. 80.

<sup>23</sup> “Equality of Resources,” pp. 81-83.

<sup>24</sup> “Equality of Resources,” p. 81.

<sup>25</sup> “Equality of Resources,” p. 82.

compensatory hypothetical auction in the case of handicaps has no occasion even to begin” here.<sup>26</sup>

Dworkin later introduces a more complicated hypothetical insurance scheme where individuals are able to choose the contingencies they would insure themselves against. Here too Dworkin maintains that although it would be reasonable to insure against handicaps, it seems unlikely that people would insure themselves against having expensive tastes.<sup>27</sup>

Dworkin’s insurance auctions are similar to Rawls’s original position. But, whereas for Rawls we guarantee ourselves a basic minimum, for Dworkin, we have the opportunity to insure ourselves against the contingencies of natural fortune. The state is to insure individuals against those aspects of brute luck that it would have been reasonable for individuals to insure themselves against if they were all likely to take the same risks. But the state need not insure people for their risky gambles. As such, Dworkin’s theory is sensitive to the distinction between option luck and brute luck; we insure individuals against the latter but not the former.

As Kymlicka sums up Dworkin’s view, “we identify a just distribution of resources by imagining an equal initial share of resources which is then modified over time as a result of people’s hypothetical auction choices (which are choice-sensitive) and hypothetical insurance policies (to protect against unequal circumstances). This, he claims, is superior to traditional theories of equality, which provide no room for choice-sensitivity, and which provide no principled criteria for dealing with unequal natural

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<sup>26</sup> “Equality of Resources,” p. 81.

<sup>27</sup> “Equality of Resources,” pp. 82-83.

endowments.”<sup>28</sup> This then, is how Kymlicka takes Dworkin’s contribution to be a significant improvement over Rawls’s view.

This gives us a very general overview of Dworkin’s complicated view. Before we move on, it’s worth noting that Dworkin himself denies that he is a defender of luck egalitarianism. In a recent reply to a paper by Samuel Scheffler<sup>29</sup> Dworkin denies that he accepts the core claim of luck egalitarianism that the point of equality is to hold people responsible for their choices but not their circumstances. Dworkin maintains that, “I did not defend that “core idea” in my book *Sovereign Virtue*. “The general ambition of equality of resources,” I said, “is to make circumstances equal under some appropriate version of the envy test.”<sup>30</sup> Yet although Dworkin also asserts that that the core claim of luck egalitarianism “eludes me”<sup>31</sup> he goes on to assert two pages later “I believe that the distinction between people’s choices and their circumstances is of central importance to justice.”<sup>32</sup>

Dworkin also remarks in *Sovereign Virtue* that “the theory of distributive justice that I have been defending in this book – equality of resources ...aims to make people’s impersonal resources sensitive to their choices but insensitive to their circumstances”<sup>33</sup> and that “the general goal of equality of resources” is “that distribution should be sensitive to choice but not to circumstance.”<sup>34</sup> So it seems misleading, if we are to take

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<sup>28</sup> *CPP*, p. 79.

<sup>29</sup> The paper that Dworkin is responding to is Scheffler’s “What is Egalitarianism?”, *Philosophy and Public Affairs*, Vol. 31, No. 1, pp. 5-39; Dworkin replies in “Equality, Luck and Hierarchy,” *Philosophy and Public Affairs*, Vol. 31, No. 2, 2003, pp. 190-198; and Scheffler replies to Dworkin’s reply in “Equality as the Virtue of Sovereigns: A Reply to Ronald Dworkin,” *Philosophy and Public Affairs*, Vol. 31, No. 2, 2003, pp. 199-206.

<sup>30</sup> “Equality, Luck, and Hierarchy,” p. 191.

<sup>31</sup> “Equality, Luck, and Hierarchy,” p. 190.

<sup>32</sup> “Equality, Luck, and Hierarchy,” p. 192.

<sup>33</sup> “Justice, Insurance, and Luck,” in *Sovereign Virtue*, p. 323.

<sup>34</sup> “Justice, Insurance, and Luck,” in *Sovereign Virtue*, p. 334

Dworkin's remarks at face value,<sup>35</sup> for him to deny that he endorses the core idea of luck egalitarianism – what is more accurate, perhaps, is that Dworkin counts certain aspects of the person, e.g. tastes and ambitions as part of their choices, and certain aspects of the person, e.g. mental or physical handicaps, as part of their circumstances.

### *B Arneson and Equal Opportunity for Welfare*

In his paper “Equality and Equal Opportunity for Welfare,”<sup>36</sup> Richard Arneson argues that the state treats citizens as equals if it guarantees them an equal opportunity for welfare. According to the idea of equality of welfare, “goods are distributed equally ... to the degree that the distribution brings it about that each person enjoys the same welfare.”<sup>37</sup> Arneson understands welfare in terms of preference satisfaction. Preferences are weighed in order of their importance to the agent. The more the preferences that the agent deems most important are satisfied, the higher her welfare.<sup>38</sup>

For Arneson, the preferences that are most important for an individual to satisfy are not necessarily those that the agent actually has. An agent's life goes best when she satisfies the preferences that would be most important to her if she “were to engage in thoroughgoing deliberation about [her] preferences with full pertinent information, in a

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<sup>35</sup> Which may indeed be tricky. For instance, when Scheffler uses one of Dworkin's examples designed to illustrate his theory to make a point against him, Dworkin accuses Scheffler of employing “the critical maneuvers” of “deconstructive literary theory,” which surprised Scheffler enough for him to remark that his “only ‘critical maneuver’ was to assume that an example used by an author to illustrate his theory may reasonably be taken to illustrate his theory,” Dworkin, “Equality Luck and Hierarchy,” p. 195; Scheffler, “Equality as the Virtue of Sovereigns,” p. 205, respectively.

<sup>36</sup> Richard Arneson, “Equality and Equal Opportunity for Welfare,” *Philosophical Studies*, Vol. 56 No. 1, May 1989, pp. 77-93 (cited hereafter as “Equal Opportunity”).

<sup>37</sup> “Equal Opportunity,” p. 82.

<sup>38</sup> “Equal Opportunity,” p. 82.

calm mood, while thinking clearly and making no reasoning errors.”<sup>39</sup> These are an agent’s first best preferences.

Arneson claims justice requires that each individual receive an equal opportunity for welfare. We have an opportunity when we have a chance to pursue a good that we choose to desire it. And we have an equal opportunity for welfare, according to Arneson, when and only when relative to a group of others, “each ...face[s] an array of options that is equivalent to every other person’s in terms of the prospects for preference satisfaction it offers.”<sup>40</sup>

We see how equal opportunity of welfare is maintained over time by constructing a “decision tree” that provides the complete life history of an individual. Two individuals have equal opportunity for welfare if at any given time they have equivalent decision trees that provide them with the same possibilities from opportunity for welfare.<sup>41</sup> Arneson’s view is sensitive to choice, but not circumstance, because deviations from equality in opportunity for welfare are justified if and only if an individual makes a voluntary choice that leaves him with less opportunity for welfare than others who have made better choices about their well being. As Arneson puts it, “people share equal opportunity for welfare just in case there is some time at which their opportunities are equal and if any inequalities in their opportunities at later times are due to their voluntary choice or differentially negligent behavior for which they are rightly deemed personally responsible.”<sup>42</sup>

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<sup>39</sup> “Equal Opportunity”, pp. 82-83.

<sup>40</sup> “Equal Opportunity,” p. 85.

<sup>41</sup> “Equal Opportunity,” pp. 85-86.

<sup>42</sup> “Equal Opportunity,” p, 86.



So, Arneson explicitly endorses the choice/circumstance distinction. He claims that “other things being equal, it is bad if some people are worse off than others through no voluntary choice of their own,” and thus we ought to correct for the effects of luck by holding people accountable for their choices but not their circumstances.<sup>43</sup> For, “the argument for equal opportunity rather than straight equality is simply that it is morally fitting to hold individuals responsible for the foreseeable consequences of their voluntary choices, and in particular for that portion of these consequences that involves their own achievement of welfare.”<sup>44</sup>

Thus, on Arneson’s view, if an individual has less opportunity for welfare because of circumstances beyond his control, he ought to be compensated for these natural disadvantages as a matter of justice. In contrast, if an individual enjoys less opportunity for preference satisfaction in virtue of their autonomous choices, they are not entitled to compensation as a matter of justice because they are worse off than others from the standpoint of opportunity for welfare directly as a result of their voluntary choices.

As such, Arneson’s view satisfies the aim of luck egalitarianism that a theory of egalitarianism ought to be ambition sensitive but endowment insensitive; it corrects for natural disadvantages based on people’s unchosen circumstances but not for disadvantages that derive from the autonomous choice of individuals.

*C G.A. Cohen and Equal Access to Advantage*

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<sup>43</sup> “Equal Opportunity,” p. 85.

<sup>44</sup> “Equal Opportunity,” p.88.

In his paper “On the Currency of Egalitarian Justice,”<sup>45</sup> G.A. Cohen rejects both equality of resources and equality of welfare and endorses a more inclusive approach to justice that incorporates elements of both views. Cohen claims that the state treats citizens as equals when it guarantees them “equal access to advantage.” This is because Cohen’s view seeks to “eliminate involuntary disadvantage,” that is, “disadvantage for which the sufferer cannot be held responsible, since it does not appropriately reflect choices that he has made or is making or would make.”<sup>46</sup>

In contrast, Cohen’s view guarantees citizens equal access to (or opportunity for) advantage, which includes both “resource and welfare deficiencies” although Cohen feels that he cannot be much more precise since he has “not thought hard enough about this question.”<sup>47</sup> At any rate, Cohen’s view differs from Dworkin’s in that the way he cuts the distinction between choice/circumstance is different. As we’ve seen, Dworkin claims that people are to be compensated for lack of resources and mental and physical handicaps, since these are part of their circumstances, but not for their preferences of tastes, since these are part of their person.<sup>48</sup> In contrast, Cohen includes some disadvantages in welfare that are not the result of genuine choices as part of an agent’s circumstances that are to be compensated for. These would include disadvantages in welfare levels of individuals that are the result of handicaps, which Dworkin does not include in his view of equality of resources. Cohen’s view also differs from Arneson’s because Cohen argues that resources are an important metric of egalitarian justice.

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<sup>45</sup> G.A. Cohen, “On the Currency of Egalitarian Justice,” *Ethics*, Vol. 99, No. 4 (Jul. 1989), pp. 906-944 (cited hereafter as “Currency”).

<sup>46</sup> “Currency,” p. 916.

<sup>47</sup> “Currency,” pp. 920-921.

<sup>48</sup> “Currency,” p. 921.

Another fundamental difference is that in contrast to Dworkin, Cohen claims that he draws the cut between responsibility and bad luck; we compensate people not for what they are responsible for, but what is the result of natural disadvantage.<sup>49</sup> But again I think we are safe to assume that Cohen merely affirms a more precise version of the choice/circumstance distinction. For, as he himself claims, “[u]nder equal access to advantage, the fundamental distinction for an egalitarian is between choice and luck in the shaping of people’s fates.”<sup>50</sup>

Thus, when we view Anderson’s critique of luck egalitarianism, we will for the most part be safe to operate with the “core claim” of luck egalitarianism, that individuals are to be compensated as a matter of justice for the choices they voluntarily make, but not the circumstances that they find themselves in.

### *Conclusion*

My primary aim in this chapter was expository. I sought to provide a very general outline of the terms of the debate for contemporary egalitarian political theory, based on an overview of Rawls’s theory of justice as fairness as understood through the eyes of its luck egalitarian predecessors, and by giving a general overview of the three of the most influential positions advanced by luck egalitarians since *A Theory of Justice*.

This was all done as a preliminary to set the stage for Elizabeth Anderson’s critique of luck egalitarianism, which I will examine in the next chapter. I did little by way of assessing these views, or the various objections that have been leveled against them, largely in part because doing so is unnecessary for my aim in this thesis. For, my

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<sup>49</sup> “Currency,” p. 922.

<sup>50</sup> “Currency,” p. 907.

aim is not to assess particular interpretations of luck egalitarianism. Rather, it is to challenge the core idea underlying luck egalitarianism itself.

## Chapter Two:

### Democratic Equality and Moderate Luck Egalitarianism

#### *Introduction*

In her paper “What is the Point of Equality?”<sup>51</sup> Elizabeth Anderson rejects luck egalitarianism. She claims that strict adherence to the choice/circumstance distinction leads to inegalitarian results that fail to express equal respect and concern for all citizens. Instead, Anderson argues for a theory of relational equality, which claims that the fundamental aim of equality is the creation of a political community in which citizens relate to one another as equals. Anderson refers to her particular brand of relational equality as “democratic equality.” Democratic equality guarantees citizens effective access to the necessary functionings and capabilities that allow citizens to live a free life, unconstrained by domination, exploitation, or degradation, and the material means required to function as equal citizens. Living in a society of equals is important, on Anderson’s view, because membership in such a society is a necessary condition for living a free life: political equality is a necessary pre-condition for the possibility of individual autonomy.

In this chapter I will examine Anderson’s arguments against luck egalitarianism. I shall argue that Anderson’s critique of luck egalitarianism is incomplete. Indeed, Anderson’s criticisms of luck egalitarianism are only compelling against a version of the view that is unnecessarily extreme. A more moderate luck egalitarian position that takes the equal status of citizens as fundamental – yet claims that *an aim* of justice may be to eradicate inequalities which are the result of bad luck – is a far more plausible position.

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<sup>51</sup> Elizabeth Anderson, “What is the Point of Equality?”, *Ethics*, Vol. 109, No. 2 (Jan. 1999), pp. 287-337.

As such, Anderson is not entitled to draw the conclusion that luck egalitarianism is an unacceptable theory of equality solely based on the arguments she provides. Additional work will need to be done.

In section I of this chapter, I outline Anderson's arguments against luck egalitarianism and its strict adherence to the choice/circumstance distinction. In section II, I explain Anderson's positive theory of equality. In section III, I explain why Anderson's criticism of luck egalitarianism leaves room for a more moderate construal of luck egalitarianism. Alexander Brown has recently defended such a position.<sup>52</sup> On Brown's view, the norms of democratic equality take priority over luck egalitarian aims. Yet it is still an important aim of equality to mitigate the effects of luck on a distribution of benefits and burdens and to hold people responsible for the choices that they voluntarily make. Thus, my primary aim in this chapter is to set the stage for my own critique of luck egalitarianism, which I will undertake in the next chapter.

## **I. Anderson's Critique of Luck Egalitarianism**

### *A Luck Egalitarianism: The Strict Adherence Conception*

Before we consider Anderson's arguments against luck egalitarianism, it is important to be precise about the version of that view she is attacking. As Anderson understands it, luck egalitarians believe that the "fundamental aim of equality is to compensate people for undeserved bad luck – being born with native endowments, bad parents, and disagreeable personalities"<sup>53</sup> and the like, which might make them worse off than others through no fault of their own. So long as people start off with equal

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<sup>52</sup> Alexander Brown, "Luck Egalitarianism and Democratic Equality," *Ethical Perspectives: Journal of the European Ethics Network*, Vol. 12, No. 3. (2005), pp. 293-339.

<sup>53</sup> Anderson, "What is the Point of Equality," p. 288.

opportunities for acquiring some index of relative advantage<sup>54</sup> “they accept the justice of whatever inequalities result from adults’ voluntary choices.”<sup>55</sup> On this construal of luck egalitarianism, justice requires that we compensate people for inequalities which arise through no fault of their own, but not for inequalities which arise from their voluntary choices. Thus, luck egalitarians rely on what we can call the “choice/circumstance” distinction: what is relevant when assessing the justice or injustice of a distribution of benefits and burdens for a given individual is whether or not she ended up as she did based on the choices that she made, or the circumstances that she found herself in. When Anderson criticizes luck egalitarianism, she assumes that luck egalitarians must *strictly adhere* to the choice/circumstance distinction when assessing the justice or injustice of a given distribution. That is, as Anderson sees it, luck egalitarians claim that it is *always* morally appropriate to hold people accountable for the choices that they make, no matter what the resulting consequences. And similarly, Anderson assumes that luck egalitarians must maintain that it is *always* the case that individuals should be compensated for inequalities which arise as a result of their unchosen circumstances. More precisely, we can formulate this view as follows:

*Luck Egalitarianism:* Justice requires that individuals be *fully* compensated for disadvantages based on unchosen features of their circumstances, but not *at all* for the choices that they voluntarily make.

With this understanding in place, we can now move on to consider Anderson’s specific criticisms of what I have called strict adherence luck egalitarianism.

## *B Anderson’s Critique of Luck Egalitarianism*

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<sup>54</sup> Such as equal opportunity for resources (Dworkin), welfare (Arneson), or advantage (Cohen).

<sup>55</sup> “What is the Point of Equality,” p. 291.

Anderson's attack on luck egalitarianism is undertaken through a series of cases intended to demonstrate that strict adherence to the choice/circumstance distinction leads to results that egalitarians ought to find unacceptable. First, she considers the case of an uninsured driver who through his own negligence has a collision with another driver. As a result, the negligent driver is left seriously injured and without medical insurance. According to Anderson, luck egalitarian's strict adherence to the choice/circumstance distinction leads to the intuitively unacceptable result that it would not be unjust to leave the driver at the scene of the accident without medical attention. Even supposing that it is available to the luck egalitarian to suggest that judgments about responsibility cannot be made on the scene of the accident, and, as such, we ought not leave the negligent driver there to die, the luck egalitarian is still left in a bind. Indeed, there is nothing unjust, according to Anderson's understanding of luck egalitarianism, if once we find out that the accident was the negligent driver's fault, we remove him from his respirator to suffer the consequences of his own choices. Anderson refers to this as the problem of the *abandonment of negligent victims*.<sup>56</sup>

Moreover, Anderson claims, if the uninsured negligent driver were merely *disabled* but not killed by an accident which was his own fault, it is not a requirement of justice that the driver be assisted with his disability. For instance, suppose that the driver were blinded by the accident. On the luck egalitarian construal of responsibility, although people who are blind through natural misfortune would be allowed to have guide dogs in public places, this need not be the case for the negligent driver. Indeed, since the driver is blind as a consequence of his own choices, it would not be unjust to prohibit the driver from bringing his guide dog into public places. Since his misfortune was the result of his

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<sup>56</sup> "What is the Point of Equality?", pp. 295-296.



own choices, the burden does not fall on society to accommodate his disability. Anderson refers to this as the problem of *discrimination among the disabled*.<sup>57</sup>

Luck egalitarianism faces further problems according to Anderson. Thus far the cases that Anderson has considered only involve an individual who was *negligent*. But, Anderson maintains, luck egalitarianism even leads to intuitively unacceptable results among those who are *prudent* in the choices that they make. If people make the conscious choice, for example, to build their homes in areas highly prone to natural disasters, such as hurricanes or flooding, they may end up worse off than others after natural disaster strikes. But where one decides to live is a choice that one makes. Therefore, according to luck egalitarians, it must be unjust to expect people in New York to pay the expenses of disaster relief for victims of hurricanes or floods. If people choose to live in these areas, they ought to bear the burdens of the results of their decision. Anderson refers to this as the problem of *geographical discrimination among citizens*.<sup>58</sup>

Although Anderson considers several more cases, this gives us a general idea of her critique of luck egalitarianism. Strict adherence to the choice/circumstance distinction leads to results that egalitarians consider to be unjust according to the standards that they set up. A strict version of luck egalitarianism fails to show equal respect and concern for all citizens.<sup>59</sup> It allows people to lack the most basic necessities required to function as a human being and a cooperative member of society. Anderson claims that luck egalitarianism can *only* avoid this result with excessive paternalistic intervention into people's lives. The compulsory medical insurance, disability insurance, and disaster relief

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<sup>57</sup> "What is the Point of Equality," p. 296.

<sup>58</sup> "What is the Point of Equality?" p. 296.

<sup>59</sup> It is a common assumption in the egalitarian literature that the state must show equal respect and concern for all citizens. For instance, see Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality*, Cambridge, Mass.: Harvard University Press, 2000.

funds that would help the victims we have seen above can only be justified by effectively telling people that they are too stupid to run their own lives.<sup>60</sup>

## **II. Democratic Equality**

Since, according to Anderson, luck egalitarianism is based on a “flawed understanding of the point of equality,”<sup>61</sup> Anderson develops a theory of equality which views the fundamental aim of equality differently than do luck egalitarians. Anderson’s view is a relational theory of equality, by which she means that equality is fundamentally understood as a social relationship between citizens.<sup>62</sup> Anderson’s particular version of relational equality, which she calls democratic equality, has both positive and negative aims.

Positively, Anderson claims that the fundamental aim of equality is the creation of a political community in which citizens relate to one another as equals. Citizens seek to live together in a democratic community where they are free from domination, exploitation, and degradation.<sup>63</sup> All competent adults are viewed as moral agents who have equal moral worth and status.<sup>64</sup> Negatively, democratic equality is primarily concerned to eradicate socially imposed oppression from the political order. Democratic equality denies hierarchies in moral agency, where attributions of moral worth are made on the basis of race, sex, or class.<sup>65</sup>

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<sup>60</sup> “What is the Point of Equality?”, pp. 288-301.

<sup>61</sup> “What is the Point of Equality?”, p. 288.

<sup>62</sup> “What is the Point of Equality?”, p.288.

<sup>63</sup> “What is the Point of Equality?”, p. 313.

<sup>64</sup> “What is the Point of Equality?”, p. 312.

<sup>65</sup> “What is the Point of Equality?”, p. 312.

Anderson finds her inspiration for such a view in the actual concerns of egalitarian political movements. Egalitarian political movements have, according to Anderson, generally opposed an inegalitarian social order which based arrangements of the social order on a hierarchy in the intrinsic moral worth of human beings, where some human beings were allowed to dominate and exploit others. Thus, the standard concern for egalitarians, on Anderson's view, was not to mitigate the effects of *luck* from the political order. Rather, it was to abolish socially imposed *oppression*.<sup>66</sup>

Anderson claims that the political value that is fundamental for egalitarians is freedom. Anderson's justification for this idea stems from an appeal to the liberal social contract tradition. On this conception, the fundamental aim of the state is to secure the liberty of its citizens.<sup>67</sup> This is where a concern for equality comes into Anderson's view. For Anderson, it is important to live in a society of equals because membership in such a society is a necessary condition for living a free life.<sup>68</sup>

Thus, democratic equality entitles citizens to the necessary capabilities and functionings required to avoid social relationships that lead to exploitation and domination. It also guarantees them the capabilities and functionings necessary to function as a human being and take part in political life. This is because such a requirement must be met in order for citizens to live a free life. "To live in an egalitarian community," according to Anderson, "is to be free from oppression to participate in and enjoy the goods of society, and to participate in democratic self-government."<sup>69</sup> In order to function as a human being and as an equal citizen, people must have their basic needs

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<sup>66</sup> "What is the Point of Equality?", p. 312.

<sup>67</sup> "What is the Point of Equality?", p. 314.

<sup>68</sup> "What is the Point of Equality?", p. 315.

<sup>69</sup> "What is the Point of Equality?", p. 315.

met. These needs include access to quality education, healthcare and medical assistance, and so forth. These basic needs are to be met, according to Anderson, irrespective of whether some individuals are worse off than others through no fault of their own. Moral equals who are committed to cooperating on fair terms will govern their conduct according to rules that guarantee that all have their basic needs as human beings and as citizens met.

Democratic equality is therefore able to take into account the cases that Anderson uses to undermine luck egalitarianism because citizens are guaranteed basic capabilities and functionings. Furthermore, citizens are to be guaranteed the social conditions of their freedom and equality, which includes not being shunned or demeaned by others. This is the case whether or not they are responsible for their choices. Democratic equality does not track the responsibility of citizens in order to determine their legitimate entitlements. Justice requires that we meet the basic needs of citizens no matter what.

### **III. Moderate Luck Egalitarianism**

#### *A Is Strict Adherence Necessary?*

Anderson's criticisms of luck egalitarianism raise troubling difficulties for a version of luck egalitarianism that strictly adheres to the choice/circumstance distinction. Nevertheless, even if Anderson's critique of the strict adherence view is cogent, it does not follow, as Anderson seems to think, that luck egalitarianism should be rejected outright. This is because the standard conception of luck egalitarianism is a needlessly extreme position.

The luck egalitarian position as we've thus far seen it requires that we always adhere to the choice/circumstance distinction. But a mere denial of luck egalitarianism would simply assert that we shouldn't *always* adhere to the choice/circumstance distinction when assessing the justice or injustice of a given distribution; there may be other factors that are morally significant from the standpoint of justice. This is important because it leaves open the possibility that some inequalities that are the result of the choices that people voluntarily make are unjust, *despite* the fact that they were the result of voluntary choice. Similarly, it is reasonable to believe that it is at least *sometimes* acceptable if people are worse off than others through no fault of their own. If this move is plausible, it opens the door for a position which maintains that the fundamental aim of egalitarian justice has little to do with eradicating the unequal influence of the natural lottery on the distribution of benefits and burdens. Nevertheless, it may still be *an aim* of equality to do so. And, as I shall argue, it turns out that Anderson offers no arguments against such a position.

### *B Moderate Luck Egalitarianism Defined*

In a recent paper Alexander Brown claims to have provided such an account.<sup>70</sup> Brown suggests that we can adopt a pluralistic theory of equality that conjoins the aims of Anderson's democratic equality with the aims of luck egalitarianism. On Brown's view, although the norms of democratic equality take priority, it is still *an aim* of equality to mitigate the effects of luck on people's fates. Brown calls this view *moderate luck egalitarianism*. This is the view that we should, insofar as it is possible, attempt to adhere to the choice/circumstance distinction just in case this does not compromise something

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<sup>70</sup> Alexander Brown, "Luck Egalitarianism and Democratic Equality," *Ethical Perspectives: Journal of the European Ethics Network*, Vol. 12, No. 3. (2005), pp. 293-339.

morally fundamental, i.e., the status of citizens as equals.<sup>71</sup> We can formulate this more precisely as follows:

*Moderate Luck Egalitarianism:* Justice requires that we apply the strict coherence conception of luck egalitarianism iff this does not compromise the status of citizens as equals.

According to Brown, although “generally speaking in a society of equals people should bear the consequences of their own choices,” there are some situations where justice requires that we compensate people for inequalities which are the result of the choices that they voluntarily make.<sup>72</sup> This is true, for example, in the cases that Anderson used to demonstrate the implausibility of strict adherence to the choice/circumstance distinction. And, on a pluralistic theory of equality such as Brown offers, we would compensate the individuals in these cases either because their choices left them unable to function as a human being and a productive member of society, or that failure to do so would result in branding citizens as inferiors to others based on the choices that they make. On Brown’s pluralistic view, we can take advantage of the virtues of Anderson’s account, while avoiding the troubling implications that we leave some people unable to function due to the choices that they make. Yet, as a general rule, we are required to hold people

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<sup>71</sup> “Luck Egalitarianism and Democratic Equality,” p. 298. This actually puts the point in way that relational egalitarians would find more attractive than Brown defines moderate luck egalitarianism. On Brown’s view, moderate luck egalitarianism is the view that “we should try wherever possible to achieve the specified aims [of luck egalitarianism], but with the qualification that in some cases it is fitting not to insist on the specified aims in order to accommodate other principles of justice as equality that we also hold to be important” (Brown, p. 298). I say that I put the point in a way that is more amenable to relational egalitarians because Brown does not specify that what is fundamental for relational egalitarians is the status of citizens as equals, but takes it to be fundamental for democratic equality that “people have effective access to valued functionings” (Brown, 318). Yet throughout his article he tends to ignore the reasons why this is important for Anderson. He merely seems to follow Anderson’s claim that capabilities are important because he takes Anderson’s critique against a strict version of luck egalitarianism to be sound, and if he does not give up some ground he will not be able to satisfy the aims of luck egalitarianism, “wherever possible.”

<sup>72</sup> “Luck Egalitarianism and Democratic Equality,” p. 319.

accountable for the choices that they make so long as this does not undermine the fundamental norms of democratic equality.

*C Combining Democratic Equality and Luck Egalitarianism*

We have seen that on a pluralistic theory of equality the choice/circumstance distinction would come into play in cases where it is reasonable for people to bear the burdens of their choices, when this would not compromise something morally fundamental. Although Brown never suggests such a case, it is not difficult to imagine the relevant type of situation.

For example, consider Louis who has deliberately cultivated a taste for expensive plovers' eggs.<sup>73</sup> If Louis cannot afford to accommodate an expensive taste that he has deliberately cultivated, it ought not be a requirement of justice that we compensate him in order that he can satisfy his desire. This is because Louis *chose* to, for whatever reason, acquire such an expensive craving. It is reasonable for Louis to bear the burdens of his own choices for at least two reasons. First, it is *morally appropriate*, luck egalitarians maintain, for people to be held responsible for the choices that they make. Second, it would be *unfair* for others to have to pay for Louis' deliberative cultivated expensive taste, since it was his *choice* to develop it. And, since failure to compensate Louis would not compromise his status as an equal citizen, it does not undermine something morally fundamental. Thus, it is compatible with the aims of democratic equality, which are lexically prior for Brown. Yet, it still satisfies the general ambition to satisfy luck egalitarian norms and hold people responsible for the choices that they make. Furthermore, this aim is not derivative of the norms of democratic equality; it represents a distinctively luck egalitarian concern.

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<sup>73</sup> See Ronald Dworkin, *Sovereign Virtue*, pp. 50-52.

Similarly, moderate luck egalitarianism would compensate individuals for inequalities in income and wealth above and beyond simply securing for them their basic needs. This is because it is always unfair, and should be corrected for, according to moderate luck egalitarians, when some people are worse off than others through no fault of their own. It is this claim that I shall explore in the next chapter.

### *Conclusion*

In this chapter I argued that although Anderson gives compelling reasons to reject a strict adherence version of luck egalitarianism she offers no arguments against a moderate luck egalitarian position. In the next chapter I shall endeavor to show that it is not necessary to incorporate the aims of luck egalitarianism with democratic equality in any fundamental way. As such, we have no reason to support moderate luck egalitarianism; democratic equality is sufficient to achieve the aims of moderate luck egalitarianism.



## Chapter Three:

### Beyond Luck Egalitarianism

#### *Introduction*

In light of Anderson's critique, recent defenders of luck egalitarianism claim we ought to apply the choice/circumstance distinction when and only when doing so does not undermine the capacity for individuals to function as equal citizens. They made this move because it allows them to retain the fundamental aim of luck egalitarianism and at the same time avoid the troubling implications of Anderson's critique.

Yet thus far all that has actually been demonstrated is that luck egalitarians *can* incorporate the choice/circumstance distinction in a fundamental way into a more defensible view of egalitarian justice; they have given us no reason why we *should* do so. In absence of any such arguments, it seems plausible to abandon the luck egalitarian framework, especially when defenders of moderate luck egalitarianism themselves concede that "it is unlikely that any solution to Anderson's criticism can be found from within luck egalitarianism."<sup>74</sup>

One consideration that moderate luck egalitarians can employ to conjoin the aims of luck egalitarianism with those of democratic equality is an argument from fairness. It is thought by luck egalitarians to be unfair to allow the effects of luck to influence distributions in such a way that some people are worse off than others through no fault of their own. And this seems to be supported by Rawls's arguments; for on Kymlicka's interpretation it is precisely because our talents are unchosen features of our circumstances that it is unfair for distributive shares to be unduly influenced by them. I

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<sup>74</sup> Nicholas Barry, "Defending Luck Egalitarianism," *Journal of Applied Philosophy*, Vol. 23, No. 1, 2006, p. 99.

shall consider and reject this argument in section I of this chapter. I shall argue that on at least one plausible reading of Rawls, the choice/circumstance distinction plays quite a limited role in mitigating the unfairness of the natural lottery. This is because the difference principle – which does not fundamentally aim to correct for the effects of luck on distribution, or track the distinction between what is genuine choice for an agent and merely a part of their circumstances – serves to mitigate the effects of luck just as well as the choice/circumstance distinction, without requiring a strict application of that principle. As such, application of the choice/circumstance distinction in order to determine just entitlements does not, for Rawls, seem to be necessary in order to reduce the unfairness of allowing the effects of the natural lottery from influencing distributions in fundamental ways.

At any rate, I shall argue that what is fundamentally unfair in allowing distributions to be allotted in accordance with the natural lottery is that some individuals will be unable to function as human beings and equals citizens, and denied equal opportunity for success. Thus, it is not the fact that features of our circumstances influence distributive shares as such that is unfair; rather it is unfair only to the extent that this undermines our capacity to function as an equal. If this is plausible, it seems we need not conjoin the choice/circumstance distinction with the norms of democratic equality in order to mitigate the unfairness of inequalities that arise from the unchosen features of people's circumstances. Nor, does it seem, do we need to endorse Rawls's difference principle; for the norms of democratic equality do just as good a job at mitigating the unfairness of the influence of the natural lottery on people's fates. Or so I shall argue.

Lastly, I shall briefly offer a rough sketch of the role of responsibility in democratic equality. I shall maintain that although the choice/circumstance distinction plays no fundamental role in democratic equality, it may nevertheless sometimes be required to hold people accountable for their choices because otherwise it would result in a certain degree of unfairness.

## **I. Rawls and Luck Egalitarianism**

The main argument that moderate luck egalitarians can employ to tie the aims of democratic equality together with the choice/circumstance distinction is that it is a requirement of fairness that we hold people accountable for their choices, but not their circumstances. One plausible interpretation of Rawls's argument for the democratic interpretation of the second principle is that we ought to mitigate the effects of luck on a distribution of benefits and burdens because it is unfair for distributions to be determined by such factors; unchosen features of our circumstances such as talents are arbitrary from a moral point of view precisely because they are unchosen features of our circumstances.

### *A An Alternative Interpretation of Rawls*

I want to begin by sketching an alternative interpretation of Rawls's argument that significantly downplays the role of the choice/circumstance distinction in Rawls's theory.<sup>75</sup> Now, Rawls is quite clear that the difference principle is not the same as the

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<sup>75</sup> I'm not concerned here to state what Rawls's actually thought, although I do indeed believe that the view I will set out below is closer to Rawls's original intent than the interpretations we've thus far seen. I only want to articulate what I take to be a plausible interpretation of Rawls's arguments that is faithful to the texts, and that is far closer to the view defended in this thesis than that of luck egalitarians. The aim is, roughly, to show the limited role that need be given to the choice/circumstance distinction in virtue of considerations of fairness.

principle of redress, that is, the principle that “undeserved inequalities call for redress; and since inequalities of birth and natural endowment are undeserved, these inequalities are to be somehow compensated for.”<sup>76</sup> Yet he does, to be sure, maintain that mitigating the effects of luck on people’s fates is an element of justice as fairness. The question, then, is what precisely that role is.

One plausible interpretation of Rawls’s claim, contrary to Kymlicka’s interpretation, is that Rawls merely thinks that the difference principle plays the same role as the principle of redress, despite the fact that the difference principle does not aim to track responsibility *via* the choice/circumstance distinction as such. For, Rawls asserts that “although the difference principle is not the same as that of redress, it does achieve some of the intent of the latter principle.”<sup>77</sup>

Rawls’s point seems to be that the difference principle mitigates some but by no means all of the effects of the contingencies of the natural lottery on the fates of individuals but that it does not explicitly aim to do so. That is, the aim of the difference principle is not, as luck egalitarians would have it, to track pre-institutional conceptions of desert as a fundamental aim of justice. Rawls never says that all inequalities that arise as the result of the natural lottery are unfair. He says that the difference principle will line up with commonsense notions of justice by mitigating some of the effects of the natural lottery on people’s fates.

The key difference here is that luck egalitarians design a principle – the choice/circumstance distinction – that has us track individual responsibility so that inequalities in wealth are permissible when and only when they are the result of people’s

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<sup>76</sup> *A Theory of Justice*, p. 86.

<sup>77</sup> *A Theory of Justice*, p. 87.

choices, but not their circumstances. Whereas for Rawls, on the other hand, the difference principle plays the role of mitigating the effects of certain contingencies, without specifically aiming to correct them. The difference principle regulates inequalities in such a way as to maximize the status of those who are worst off. One reason for this is that it is those who are worst off who will most likely to have been so due to a lack of natural talents and abilities.<sup>78</sup>

Norman Daniels argues that Rawls's argument against formal equality of opportunity is designed to show that the difference principle coheres with people's considered convictions of justice in reflective equilibrium. It starts from, according to Daniels, "an intuitive idea, presumably widely held in our democratic culture, that coheres with the Second principle in reflective equilibrium."<sup>79</sup> And the intuitive idea is that certain features of our circumstances, such as our race and sex, are undeserved.

Rawls's point is that "once we're troubled by the influence of either social contingencies [such as race] or natural chance [such as talents] on the determination of distributive shares, we are bound, on reflection, to be bothered by the influence of the other. From a moral standpoint the two seem equally arbitrary."<sup>80</sup> So the claim that Rawls seems to be making is that if you think that circumstances such as race shouldn't play a role in the competition for offices and positions, the same intuition commits you to thinking that we shouldn't let talents have too great an influence on distributions either. And *vice versa*.

And this seems to support Daniels' point that Rawls's aim here is merely to show that the difference principle coheres with our considered convictions about the moral

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<sup>78</sup> On this point, see Norman Daniels, "Rawls's Complex Egalitarianism," pp. 244-252.

<sup>79</sup> "Rawls's Complex Egalitarianism," p. 248.

<sup>80</sup> *A Theory of Justice*, p. 65.

arbitrariness of certain unchosen contingencies; for if the difference principle did not match this conviction, it would give us pause as to whether it were a sound principle when considered in reflective equilibrium.

And, if people did not find this principle intuitively plausible, there is reason to believe that would not consider the principle were justified to those who disagreed with it. Although I do not want to get too bogged down in these matters, one reason that Rawls would want to have people endorse the principles of justice he believes would be derived from the original position is due to his claims about the nature of justification.

Rawls makes a distinction in *A Theory of Justice* between arguments and justification. For Rawls, justification requires more than mere proof; he notes that justification requires that “the starting points [of our arguments] are mutually recognized, or the conclusions so comprehensive and compelling as to persuade us of the soundness of the conception expressed by their premises. It is perfectly proper, then, that the argument for the principles of justice should proceed from some consensus. This is the nature of justification.”<sup>81</sup>

So, I take it that Rawls wants to show to the man on the street, as it were, who endorses formal equality of opportunity that his intuitions actually support the difference principle because it performs some of the function of a principle that he is already committed to in virtue of his preconceived notions of the nature of justice.

Now, for Rawls, none of these claims are actually an argument for the two principles of justice since in justice as fairness the argument for the two principles of justice is that they would be chosen in the original position. But the intuition that our

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<sup>81</sup> *A Theory of Justice*, pp. 508-509.

talents are undeserved seems to play a role in restricting our knowledge of talents from the parties deliberating behind the veil of ignorance in the original position.

Rawls seems to think that the intuition behind equality of opportunity, that talents, race, sex, and the like are undeserved is “reasonable and generally acceptable” and thereby a reasonable “restriction to impose on arguments for principles of justice.”<sup>82</sup> For otherwise people might tailor principles of justice to their own case. For instance, if one knew one was rich it would be in one’s self interest to adopt principles in the original position specifically tailored to benefit one’s position; if one knew that they were talented it would perhaps be in one’s interest to adopt, e.g. the principle of formal equality of opportunity as the sole standard of justice.

So the biggest role that Rawls’s seeming endorsement of the fact that our talents are undeserved seems to play in his theory is that it provides intuitive support for the idea that knowledge of our talents ought to be restricted from the parties deliberating in the original position. Yet as Daniels points out, “there is no explicit appeal to moral arbitrariness” in the contract argument itself.<sup>83</sup>

I do not want to draw any strong conclusions from the preceding remarks other than to note two basic points. First, the strongest role that Rawls’s appeal to desert here seems to play in his argument is to motivate the claim that we ought to restrict talents from the knowledge of the parties in the original position. For, on the prevailing conception of equality of opportunity, some people might think that we deserve to reap all the benefits of our talents. And were this the case, it might not cohere with our

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<sup>82</sup> *A Theory of Justice*, p. 17.

<sup>83</sup> “Rawls’s Complex Egalitarianism,” p. 248.

considered convictions to restrict knowledge of our talents from the parties deliberating in the original position.

Second, the choice/circumstance distinction, if it plays much role at all in Rawls's theory, is not applied in the manner that luck egalitarians apply it. Rawls's difference principle does not track desert; he states that one role among others that it serves is to mitigate in a small way some of the role luck plays in the distribution of benefits and burdens.

## **II. The Argument from Fairness**

The argument from fairness that moderate luck egalitarians can run is that it is a requirement of fairness that we apply the choice/circumstance distinction. For, it seems to be unfair that distributions should be arranged in such a way that some people have more than others based on unchosen features of their circumstances.

If the interpretation of Rawls's arguments in the previous subsection is plausible, however, we can understand his application of the difference principle to allow inequalities in income and wealth only to the extent that inequalities are to the benefit of the least advantaged members of society as an attempt to mitigate some of the unfairness of the natural lottery. It ensures that inequalities in income and wealth that are the result of the higher earning power of the talented are to the benefit of all, and, as such, it serves to mitigate some of the unfairness of allowing inegalitarian distributions that are partially the result of the greater talents of some people.

And, as we have seen, this does not require us to track the responsibility of citizens in any fundamental way *via* the choice/circumstance distinction. For even if the choice/circumstance distinction plays a small role in motivating restricting talents from



the knowledge given to the parties deliberating in the original position, this bears little resemblance to the Rawls we saw in the last chapter, who seeks to apply the choice/circumstance distinction when and only when this does not undermine the ability of individuals to function as equal citizens.

Thus, we should not, with Kymlicka, be surprised that Rawls's view does not mitigate the effects of arbitrary features of individuals circumstances such as their talents whenever possible. For, according to this interpretation, that was never Rawls's aim. On this view, Rawls's aim is far closer to Anderson's than that of any luck egalitarian. For, what Rawls sought to achieve by securing for citizens an index of primary goods was that their basic needs to function as human beings and citizens were met; mitigating the effects of the natural lottery was never the primary or even fundamental concern.

Rawls sets up the original position in such a way that citizens will secure for themselves as many primary goods as possible. And, as Susan Hurley has pointed out, "the conception of primary goods as universal means to whatever your ends happen to be can in principle accommodate basic capabilities themselves as among primary goods, even if this is not the way the conception was originally applied."<sup>84</sup> Similarly, Norman Daniels notes that "primary goods may be thought of as the needs of citizens" which are "necessary to function as [equal] citizens."<sup>85</sup> Moreover, Rawls's two principles of justice "assure people that their "needs" as free and equal citizens will be met ... When these

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<sup>84</sup> Susan Hurley, *Justice, Luck, and Knowledge*, Cambridge, Mass.: Harvard: Harvard University Press, 2003, p. 139.

<sup>85</sup> Daniels, "Rawls's Complex Egalitarianism," p. 242.

needs are met, all will have the capabilities to function as free and equal citizens of a democracy.”<sup>86</sup>

Now, guaranteeing the basic needs of citizens will certainly require mitigating some of the effects of the natural lottery, for some of these effects will, when unchecked in a free market system, leave some people worse off than others through no fault of their own *to such an extent* that they are unable to function properly as human beings and as citizens. The obvious unfairness here seems to be simply that some people are unable to function as human beings and citizens in such schemes. Although it certainly seems to generate an extra degree of unfairness that they are not able to function *because* of factors outside of their control, it is not *that* these factors are outside of their control that is fundamentally objectionable. What is fundamentally objectionable is that there is no morally compelling reason why human beings who possess unconditional moral worth should lack access to food, shelter, education, or other basic needs. Rawls seems to be concerned that people’s basic needs are met, not to mitigate the purported unfairness, wherever possible, that some people are worse off than others through no fault of their own.

Because of these considerations, I think it is plausible to question the scope of the application of the difference principle, and whether the application of such a principle is really a requirement of fairness if and when the norms of democratic equality are met.<sup>87</sup>

The same goes for the choice circumstance distinction.

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<sup>86</sup> Daniels, “Rawls’s Complex Egalitarianism,” pp. 242-243. See also pp. 256-259 of Daniels’ paper and Samuel Freeman, “Introduction” to the *Cambridge Companion to Rawls*, p. 8.

<sup>87</sup> Anderson denies that it is. See Elizabeth Anderson, “Reply to Critics,” [www.brown.edu/Departments/Philosophy/bears/9912ande.html](http://www.brown.edu/Departments/Philosophy/bears/9912ande.html), pp. 3-4.

There seems to be “no morally compelling reason,” as Anderson puts the point, to think that it is unfair if some people are better off than others as a result of their circumstances, but not their choices, when people already have enough to function as equal citizens. Let me motivate this point with the following example.

Let’s suppose that we have two individuals, Ronald and Herbert, whose lives ambition it is to become professional philosophers. Now let’s suppose that Ronald was born into social circumstances that he did not autonomously choose that provide him access to first rate schooling, which in turn provided him with the opportunity to pursue a career as a professional philosopher. But let’s suppose that Herbert, on the other hand, was born into social circumstances that denied him access to adequate schooling, and although he is as a matter of fact far more intelligent than Ronald, he was denied the chance to pursue his dream, due to the unchosen features of his circumstances.

Now surely both Anderson and luck egalitarians agree that such a situation is unjust. And both views, to be sure, will correct for its effects. Luck egalitarians would maintain that justice requires that we mitigate the effects of luck on Herbert’s fate, by compensating him for the unchosen features of his circumstances. Similarly, Anderson’s democratic equality would guarantee him the necessary requirements to function as an equal. In this case these needs would be, among other things, access to a quality education.<sup>88</sup>

Let’s now suppose, however, that Herbert and Ronald both have had equal schooling and access to the same advantages in life, and that they’ve both been able to pursue successful careers as philosophers. But let’s suppose that since Herbert is of far

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<sup>88</sup> See “What is the Point of Equality?”, pp. 317–318 for discussion of the capabilities and functionings guaranteed citizens.

greater intelligence than Ronald, he's able to refute all of Ronald's arguments, and has thus been able to attain far greater success in his field.<sup>89</sup> And let's also suppose that the greater success that Herbert has achieved, and the greater income that he has thereby earned, is due to his talents, that we can agree, *ex hypothesi*, are undeserved. Luck egalitarians are committed to the claim that this should be corrected for; according to luck egalitarians, all inequalities that do not result from people's choices are unfair.

In the first case what is unfair about Herbert not being able to compete with Ronald because Herbert lacks certain basic functionings does not seem to be the fact that Ronald is better off *as such*; the unfairness seems to reside in the fact that he is unable to function in the first place, and that this is partially because the effects of the natural lottery were allowed to exercise such control over his circumstances. But since democratic equality would guarantee him the ability to function as an equal citizen, this unfairness seems to go by the wayside.

And there seems to be nothing unfair about the fact that Herbert can refute all of Ronald's arguments and thereby has more money than he does. We seem to have mitigated the relevant unfairness merely by guaranteeing Ronald an equal opportunity to compete by consistently guaranteeing that he will have his needs as a citizen accounted for. There is no obvious unfairness in this situation when we stipulate that both individuals have had equal chance at success through the satisfaction of their basic needs as human beings and citizens.<sup>90</sup> It is not *prima facie* objectionable that some people have more than others as a result of luck. Nor does it even seem *prima facie* unjust that some people might have much more than others due to their natural talents; it is not unfair that

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<sup>89</sup> Scheffler suggests a similar example in "What is Egalitarianism?" but does not use the example to question the scope of the choice/circumstance distinction.

<sup>90</sup> See also, Anderson, "What is the Point of Equality," p. 326.

someone who is a better philosopher than I am is able to make more money than me. What is unfair is to allow distributions to be determined *to such an extent* by natural contingencies that some people are so much better off than others as a result of their talents that some people are in extreme poverty because of their lack of talent. But I see no compelling reason why when the basic needs of citizens are met that it is unfair for some people to have more than others as a result of their talents.

Thus, the basic dispute between moderate luck egalitarians and Anderson here pertains to the *scope* of justifiable inequalities. Moderate luck egalitarians claim that it is always unfair if some people are worse off than others through no fault of their own. But this claim is implausible. What I have hoped to show is that it is not necessary in order to reduce the unfairness of the distribution of benefits and burdens being determined by luck to apply the choice/circumstance distinction. We can mitigate such effects at least as well by simply adhering to the norms of democratic equality; conjoining the aims of democratic equality and luck egalitarianism is not necessary to reduce the unfairness of distributions being determined by unchosen features of people's circumstances.

But this does not mean that democratic equality is committed to reducing the effects of luck on distributions as such. According to democratic equality, it is unfair if *any* feature external to the agent inhibits the ability of citizens to function as equal citizens. I have granted that luck may be one of these factors. But we can mitigate the effects of luck merely by guaranteeing citizens their basic needs; it is not necessary to apply the choice/circumstance distinction, or to have as a primary aim of justice to mitigate the effects of luck on distributions when and only when this does not undermine

the status of citizens of citizens as equals: moderate luck egalitarianism is too extreme in the inequalities it corrects for.

### **III. The Role of Responsibility in Democratic Equality**

Thus far I have primarily focused on the role that the choice/circumstance distinction plays in mitigating the unjust influence of luck on distributions. The choice/circumstance distinction seems to have played no role at all. And we might thereby entitle ourselves to conclude that the choice/circumstance distinction plays no role at all in an egalitarian theory of justice. But this conclusion would, I think, be hasty. For it seems that the choice/circumstance distinction may indeed play a limited role when assessing the responsibility of citizens. But even this concession should be no reason for celebration for moderate luck egalitarians. For, I think that it will be demonstrated that the choice/circumstance distinction will in the end play very little, if any role, in determining how distributive shares are allotted.

What role does responsibility play in democratic equality? Democratic equality represents a significant departure from the luck egalitarian conception, for, as Anderson notes, “democratic equality guarantees citizens access to the necessary capabilities needed to function as free and equal citizen regardless of how imprudently they conduct their lives.”<sup>91</sup> Tracking the responsibility of citizens seems to play little role in the theory.

But certainly something must be said here, since as luck egalitarians have maintained, it seems necessary to hold citizens accountable for their choices *because* failure to do so would generate unfairness by forcing some people who make responsible choices to subsidize the (sometimes costly) choices of others.

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<sup>91</sup> Anderson, “What is the Point of Equality,” pp. 326-327.

Moderate luck egalitarians make a strong claim that I want to deny. They claim that it is always unfair if individuals are required to compensate people for the choices that they make, but not the circumstances that they find themselves in. This principle is false because some citizens under democratic equality who are better off will be required to subsidize the choices of others who are worse off than them in order to preserve the freedom and equality of those who are worse off by guaranteeing them their basic needs. And although this requires that some people will be required to subsidize the choices of others, even perhaps their negligent ones, this does not result in unfairness.

Under democratic equality citizens enter a social contract one of whose specifications is that citizens will maintain the conditions of the freedom and equality of others provided that those individuals are willing to do the same for others. By this criterion of reciprocity it follows that it would not be unfair to take from those who are better off to assist those who are worse off, at least to the extent that this is necessary to preserve the freedom and equality of those who are worse off

And, by the same criterion of reciprocity, citizens will be required to pay for the costs of the negligent choices of others to the extent that this is necessary to restore their status as a free and equal citizen. But citizens will not be required, for instance, to pay for the expensive tastes of others.

As Anderson has stressed, “democratic equality only guarantees a set of capabilities necessary to functioning as a free and equal citizen...Individuals must bear many other losses on their own.”<sup>92</sup> For instance, although democratic equality will guarantee citizens access to health care, education, and the like, it need not subsidize the expensive tastes of citizens who prefer caviar over hamburgers and cannot afford to

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<sup>92</sup> “What is the Point of Equality,” p. 327.

satisfy their expensive cravings. If the caviar-craver cannot afford to satisfy his expensive cravings with the means he is guaranteed, that's simply too bad. Democratic equality only guarantees citizens the necessary requirements to function as a human being and equal citizen; the rest is up to you. It is not a basic need of citizens to eat caviar.

A second and related point is that democratic equality need not tolerate abuses of the system. For instance, if a drunk continues to sell his medical provisions in order to buy more alcohol, we need not tolerate such abuses, "although accessible means of rehabilitation – that is, restoration of access to the means to equality – must be provided to the irresponsible."<sup>93</sup>

But, "restoration of access to the capabilities provided by democratic equality can be made conditional on a persuasive demonstration of readiness to act in good faith" because "no just system needs to tolerate manipulation or abuse of its rules and entitlements."<sup>94</sup> Those who play by the rules of the social contract can reasonably expect that in maintaining the status of others as equals that these individuals are willing to act according to those rules as well.

There must, however, be a general presumption that we give citizens the initial benefit of the doubt that they are adhering to the rules of the system in good faith. For, under democratic equality we are required to uphold the self-respect of citizens. Maintaining the self-respect of citizens is important in a community of equals because, as Rawls notes, without self-respect "nothing may seem worth doing" and therefore citizens in a free community of equals will "wish to avoid at almost any cost the social conditions

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<sup>93</sup> Anderson, "Reply to Critics," [www.brown.edu/Departments/Philosophy/bears/9912ande.html](http://www.brown.edu/Departments/Philosophy/bears/9912ande.html), p. 5.

<sup>94</sup> "Reply to Critics," p. 5.



that undermine self-respect,” because doing so is necessary to secure uphold equal relations among citizens<sup>95</sup>

We shall therefore want to give citizens the benefit of the doubt that they are adhering to the system in good faith. For, as Jonathan Wolff has argued, respecting citizens as equals requires that we trust them under normal circumstances. And, as Wolff maintains, sometimes this requires that we give others the initial benefit of the doubt, and assume that

You are making valid claims, given your circumstances, and acting for valid reasons. But I will not feel that it is my business to enquire what those reasons may be ... thus trust is not only a matter of believing what people say, but, sometimes at least, not asking certain insulting questions ... I presume that you can justify yourself if called on to do so, but it is not my place to call you; I am your equal, not your superior.<sup>96</sup>

But if, in absence of making intrusive and demeaning judgments we have reason to suspect that people are cheating the system, democratic equality need not tolerate such abuses. This is because they violate the fair terms of social cooperation set out in Anderson’s social contract.

Third, for those citizens who choose not to work, Anderson concedes that some “limited judgments of individuals’ capacities to function in the manner required need to be made.” Under normal circumstances an adult’s access to a good income is contingent upon performing a role within the cooperative scheme. And, again, for those people that we expect are cheating the system “some determination must be made of whether they are actually capable of holding down a job and just malingering, or truly disabled or

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<sup>95</sup> *A Theory of Justice*, p. 386.

<sup>96</sup> Jonathan Wolff, “Fairness, Respect, and the Egalitarian Ethos, *Philosophy and Public Affairs* Vol. 27, No. 2 (Spring, 1998), p. 109.

otherwise effectively unemployable.”<sup>97</sup> But, again, a general presupposition of trust is required for the state to treat people as equals and not to pass demeaning judgments on their lives.

Presumably, if individuals are deemed not willing to work because they choose not to, democratic equality need not subsidize their choices, although if people are unable to work due to, e.g. psychological handicaps, the state will subsidize their medical treatment. And presumably this would be where the choice/circumstance distinction enters into democratic equality, if it does at all. And although this would not be objectionable in itself, it may be relevant to say a few things about the limited role that the principle would play here.

I think that it is important to stress that within democratic equality, where citizens are guaranteed equal access to quality education and training, there is no reason to assume that a widespread unwillingness to work would exist in society; it seems that a far greater opportunity to pursue meaningful work would exist under democratic equality than in our society. As such, we have reason to believe that people would not choose to sponge off the system. As Anderson puts it, “democratic equality guarantees the education needed to know and deliberate about one’s options, and the social bases of self-respect. Moreover, people will do almost anything to secure what they need to survive. In ensuring effective access to the means of subsistence through legitimate routes, democratic equality prevents the ... behavior that would be supported by a society that let people fall below subsistence or that deprived people of dignified legitimate means of subsistence. It also avoids the powerful incentives to deny personal responsibility that are built into [luck egalitarianism] because it ensures that people will always have legitimate

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<sup>97</sup> “Fairness, Respect, and the Egalitarian Ethos,” p. 109.

means at their disposal to get access to their basic capabilities, without having to resort to deception about their role in getting into their predicament.”<sup>98</sup>

In sketching these rough suggestions as to how democratic equality deals with matters of personal responsibility I do not pretend to have solved the issue regarding personal responsibility for egalitarian theory. I have only attempted to provide a rough outline of some fairly plausible considerations that we might take into account when determining matters of personal responsibility in a free community of equals.

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<sup>98</sup> Anderson, “What is the Point of Equality?” p. 328.

## Conclusion

In this thesis I argued that luck egalitarianism is a flawed theory of equality. Even when combined with the aims of Anderson's democratic equality, which would represent luck egalitarianism in its strongest form, I claimed that it corrects for inequalities that are not unjust. Luck egalitarianism does not increase the attractiveness of democratic equality. In fact, it makes it, in my mind, a far less attractive position. Thus, in absence of further arguments, we have significant reason to abandon luck egalitarianism. The primary task for egalitarians in the future is, I believe, to work out a more precise standard of what counts as a basic need of citizens,<sup>99</sup> not to worry about what people are or are not responsible for.

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<sup>99</sup> A point echoed by Scheffler in his "What is the Point of Equality?", and also correctly urged on me by members of my thesis committee.

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