

One of the most significant theories of distributive justice to have emerged since the publication of *A Theory of Justice* is the form of distributive egalitarianism that Elizabeth Anderson has dubbed “luck egalitarianism.”¹ This theory has different variants, but the central idea is common to all of these variants. The core idea is that inequalities in the advantages that people enjoy are acceptable if they derive from the choices that people have voluntarily made, but that inequalities deriving from unchosen features of people’s circumstances are unjust. Unchosen circumstances are taken to include social factors like the class and wealth of the family into which one is born. They are also deemed to include natural factors like one’s native abilities and intelligence.

Luck egalitarianism overlaps with but also diverges from the prevailing political morality in most liberal societies, both with respect to the unacceptability of inequalities deriving from people’s circumstances and with respect to the acceptability of inequalities deriving from their choices. Consider first the unacceptability of inequalities deriving from people’s circumstances. The prevailing political morality holds that intentional discrimination based on largely unchosen factors such as race,

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1. Elizabeth Anderson, “What is the Point of Equality?” *Ethics* 109 (1999): 287–337.

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religion, sex, and ethnicity is unjust, and that distributive inequalities resulting from such discrimination are unjust as well. It also holds that people of equal talent from different social classes should have equal access to the social positions for which their talents qualify them, and that it is unjust if inequalities result from a society's failure to provide this kind of equal opportunity. Thus, the prevailing morality agrees with luck egalitarianism in rejecting certain kinds of inequalities deriving from unchosen features of people's circumstances. However, in rejecting all inequalities of advantage resulting from differing circumstances, luck egalitarianism goes far beyond the prevailing political morality, which, against a background of nondiscrimination and equal opportunity, is prepared to tolerate significant distributive inequalities deriving from differences of talent and ability. By contrast, luck egalitarianism denies that a person's natural talent, creativity, intelligence, innovative skill, or entrepreneurial ability can be the basis for legitimate inequalities.

Consider next the acceptability of inequalities deriving from people's choices. If some people make more money than others because they choose to work longer hours, then the prevailing morality certainly agrees with luck egalitarianism that that is not in itself objectionable. Unlike luck egalitarianism, however, the prevailing political morality does not go so far as to say that any extra income deriving from people's choices should, in principle, be exempt from redistributive taxation. In determining one's tax burden, the prevailing morality makes no attempt to identify, let alone to shield from taxation, the portion of one's income that is traceable specifically to one's choices as opposed to one's natural abilities.

The upshot is that although there are substantial areas of overlap between luck egalitarianism and the prevailing political morality, luck egalitarianism is in one way much more willing than the prevailing morality to engage in redistributive taxation, but also in one way much less willing. In this sense at least, luck egalitarianism is both more and less egalitarian than the prevailing political morality.²

2. I do not mean to imply that these two factors cancel each out so that there is no net difference in the redistributive implications of the two positions. Luck egalitarians differ among themselves about the how much redistribution is justified, in part because they disagree about the extent to which actual inequalities are the result of differences in people's circumstances as opposed to differences in their choices. The "prevailing political morality" also encompasses a range of positions on the extent of legitimate redistribution, for although, as I have said, adherents of the prevailing morality have no principled objec-

Unlike Rawls's theory, which became the focus of intense critical scrutiny as soon as *A Theory of Justice* appeared in print, luck egalitarianism has been relatively slow to attract critical attention, despite the impressive level of influence it has attained and the lively debates that have taken place among proponents of its different variants. This state of affairs has begun to change, however, and in this article I wish to make a modest contribution to the project of critical examination that Anderson and others have initiated.³ I am indebted to Anderson's discussion in many ways, some of which I will acknowledge more specifically as I proceed. But my primary emphases will be different from hers, and I hope that my main points are sufficiently independent as to be of interest in their own right.

Luck egalitarianism is often presented as an extension and generalization of some Rawlsian arguments whose substantive implications Rawls himself failed fully to appreciate. Thus, luck egalitarianism is often said by its advocates to be truer than Rawls's own conception of justice to some of his fundamental insights. In part because of its putative Rawlsian pedigree, perhaps, luck egalitarianism's supporters have done less than one might expect to provide an independent defense of the position at the fundamental level. In this article, however, I argue that luck egalitarianism can draw little support from Rawls. In addition, I present reasons for doubting whether it is either a plausible position in its own right or a compelling interpretation of egalitarianism.

My article is organized as follows. In Section I, I will summarize a familiar version of the recent history of political philosophy—a version that locates the origins of luck egalitarianism in Rawls's thought but

tion to taxing income that derives from people's choices, they disagree among themselves about how much taxation is justified and why. In general, however, most luck egalitarians think that the economic regimes of contemporary liberal societies should be significantly more redistributive than those regimes have usually been in practice, and more redistributive than the prevailing political morality would allow. As I note in Section II, it is therefore striking that the rise of luck egalitarianism occurred during a period in which liberal societies were in fact becoming much less redistributive.

3. See, in addition to the paper of Anderson's cited above, Jonathan Wolff, "Fairness, Respect, and the Egalitarian Ethos," *Philosophy & Public Affairs* 27 (1998): 97–122; Seana Valentine Shiffrin, "Paternalism, Unconscionability Doctrine, and Accommodation," *Philosophy & Public Affairs* 29 (2000): 205 → Timothy Hinton, "Must Egalitarians Choose Between Fairness and Respect?" *Philosophy & Public Affairs* 30 (2001): 72–87. Debra Satz has also pursued related themes in her as yet unpublished work.

insists that he himself fails to develop the view in a consistent or thoroughgoing way. Although I will make clear my disagreement with the interpretation of Rawls as an incipient luck egalitarian, I will postpone a complete account of the bases for my disagreement until Section III. In the intervening section (Section II), I will present some reasons for doubting the plausibility of the luck-egalitarian position. In the course of my discussion, I will argue that any form of distributive egalitarianism, if it is to be persuasive, must be rooted in a more general conception of equality as a moral value or normative ideal. With that argument as background, I will return in Section III to Rawls. I will attempt to show that his work, properly understood, provides no support for luck egalitarianism; his position is better understood as helping to illustrate how a plausible form of distributive egalitarianism can be anchored in a conception of equality as a social and political ideal. Finally, in Section IV, I will consider some attempts to demonstrate that luck-egalitarian principles can also be anchored in a broader conception of equality.

I

As I have noted, it is often said that luck egalitarianism has its origins in Rawls's work, but that Rawls himself fails to develop the view in a consistent or thoroughgoing way. According to this interpretation, Dworkin subsequently builds on the basic Rawlsian insight to provide the first systematic formulation of a luck-egalitarian position, a formulation that is more faithful to Rawls's original insight than is Rawls's own conception of justice. Alternative versions of luck egalitarianism are then developed in response to Dworkin and Rawls. Will Kymlicka offers a clear description of this putative progression of ideas. Kymlicka says that "[o]ne of Rawls's central intuitions . . . concerns the distinction between choices and circumstances,"⁴ and that Rawls is "motivated"⁵ by the desire to produce a theory that is "ambition sensitive" but "endowment insensitive"—a theory that makes people's fortunes depend on their choices but not on their natural endowments or other unchosen circumstances. However, Kymlicka adds, "Rawls seems not to have realized

4. Will Kymlicka, *Contemporary Political Philosophy* (Oxford: Clarendon Press, 1990), p. 70.

5. *Ibid.*, p. 76.

the full implications of his own argument,”⁶ for “while Rawls appeals to th[e] choices-circumstances distinction, his difference principle violates it.”⁷ By contrast, he continues, “Dworkin accepts the ‘ambition sensitive’ and ‘endowment insensitive’ goal that motivated Rawls’s difference principle. But he thinks a different distributive scheme can do a better job living up to that ideal.”⁸

There are two primary aspects of Rawls’s work that are usually cited as evidence for his (imperfectly developed) luck egalitarianism. The first is his informal moral argument for the superiority of his two principles of justice to the laissez-faire “system of natural liberty.” That rival scheme allows for the operation of a free market economy constrained only by a background of equal liberty and formal equality of opportunity. Rawls observes that the system of natural liberty permits the distribution of resources to be “strongly influenced”⁹ by people’s natural attributes and the social positions into which they are born. But these factors, he argues, are “arbitrary from a moral point of view.”¹⁰ Because they are so arbitrary, we should not allow the distribution of resources “to be improperly influenced by” them.¹¹ Instead, we should strive “to mitigate the influence of social contingencies and natural fortune on distributive shares.”¹² Rawls goes on to say that this line of thought does not, “strictly speaking,”¹³ count as an argument for his conception of justice, since he is undertaking to develop a kind of social contract theory and, as he understands it, this means that the “official” arguments for his conception must be arguments that establish that it would be rational for the parties in the original position to choose it. Nevertheless, the “unofficial” moral argument that I have sketched is often cited as the initiating formulation of the luck-egalitarian idea that inequalities deriving from unchosen circumstances are unjust.

The second aspect of Rawls’s view that has been understood as luck egalitarian in its tendency is the appeal to responsibility that he makes in the course of defending primary social goods as the appropriate basis

6. Ibid., p. 72.

7. Ibid., p. 76.

8. Ibid.

9. John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), p. 72.

10. Ibid.

11. Ibid.

12. Ibid., p. 73.

13. Ibid., p. 75.

for interpersonal comparisons. Some critics argue that primary goods are not a reasonable basis for such comparisons because a theory that relies on them takes no account of variations in the costs of satisfying different people's preferences. Two people with identical bundles of primary goods may have very different levels of utility or welfare because one of the people has simple tastes that can be inexpensively satisfied while the other has preferences that are very costly to satisfy. Since primary goods take no account of these variations, a theory that uses them as the basis for interpersonal comparisons will treat the two people as enjoying the same level of well-being and will make no provision for the greater difficulty that the second person has in satisfying his preferences. In response, Rawls argues that we have "a capacity to assume responsibility for our ends,"¹⁴ and that "citizens can regulate and revise their ends and preferences in the light of their expectations of primary goods."¹⁵ In a just society, therefore, "those with less expensive tastes have presumably adjusted their likes and dislikes over the course of their lives to the income and wealth they could reasonably expect; and it is regarded as unfair that they now should have less in order to spare others from the consequences of their lack of foresight or self-discipline."¹⁶ This response has been cited as an early expression of the luck-egalitarian position that people must bear the cost of their own choices and that economic inequalities are therefore legitimate provided they arise from differences in the choices that people make.¹⁷

Despite what he sees as the luck-egalitarian strands in Rawls's thought, Kymlicka argues that Rawls's own theory of justice is incompatible with luck egalitarianism in at least two significant respects. First, the difference principle does not make any special provision for those who have special medical needs, even when those needs result from unchosen natural conditions, since the principle takes only primary *social* goods, such as money, into account when assessing individuals' well-being. Thus, the principle treats two individuals with identical bundles of primary social goods as being equally well-off, even if one of the individuals is in normal health while the other suffers from a congenital medical

14. Rawls, "Social Unity and Primary Goods," in *John Rawls: Collected Papers*, ed. Samuel Freeman (Cambridge: Harvard University Press, 1999), pp. 359–97, at p. 369.

15. *Ibid.*, p. 370.

16. *Ibid.*, pp. 369–70.

17. See, for example, Kymlicka, p. 75.

condition that is very costly to treat. Second, the difference principle seeks to maximize the position of the worst-off social class, as measured by an index of primary goods, even if the reason that some members of that class have small shares of those goods is that they freely choose to work shorter hours because of a preference for greater leisure over greater income. In this way, the difference principle interferes with the processes by which differences in people's choices may generate economic inequalities, and it requires some people to bear the costs of the free choices made by others.

The fact that these features of the difference principle are incompatible with a luck-egalitarian position has led some interpreters to conclude that Rawls's view is inconsistent and that he fails to appreciate fully the implications of his own luck-egalitarian arguments and premises. I think that this interpretation is misleading, and that it is a mistake to construe Rawls as appealing to a general distinction between circumstances and choices, which his difference principle then fails to respect. I do not see any evidence that Rawls relies on such a distinction or that he ever expresses the aim of producing a theory that is "endowment insensitive" but "ambition sensitive." In my view, the best explanation of the fact that Rawls's theory of justice does not respect the distinction between choices and circumstances is that Rawls is not attempting to respect it. He simply does not regard the distinction as having the kind of fundamental importance that it has for luck egalitarians.

To be sure, Rawls does make the arguments against the system of natural liberty and in favor of a reliance on primary goods as the basis for interpersonal comparisons, which have been seen as congenial to a luck-egalitarian position. But Rawls deploys those arguments in the service of a view that is substantively quite different from luck egalitarianism. Nor does Rawls's view have the same theoretical motivations as the ones articulated by luck egalitarians. Richard Arneson, for example, when introducing his preferred version of a luck-egalitarian position,¹⁸

➡ Richard J. Arneson, "Equality and Equal Opportunity for Welfare," *Philosophical Studies* 56 (1989): 77–93. More recently, Arneson has abandoned the version of luck egalitarianism defended in this article, in favor of a view that he calls "responsibility-catering prioritarianism." See, for example, Richard J. Arneson, "Equality of Opportunity for Welfare Defended and Recanted," *Journal of Political Philosophy* 7 (1999): 488–97; and "Luck Egalitarianism and Prioritarianism," *Ethics* 110 (2000): 339–49. In the second of these two articles Arneson describes responsibility-catering prioritarianism both as an "(outlier) member of the luck egalitarian family" (p. 340) and as "a close cousin of luck egalitarianism" (p. 341).

says that it “is addressed to egalitarians”¹⁹ and that it seeks to answer the following question: “Insofar as we care for equality as a distributive ideal, what is it exactly that we prize?”²⁰ His reply is that “the idea of equal opportunity for welfare is the best interpretation of the ideal of distributive equality.”²¹ In posing this question and developing his reply, Arneson takes himself to be entering into a discussion initiated by Rawls and Dworkin. Their writings, he says, “have debated the merits of equality of welfare and equality of resources taken as interpretations of the egalitarian ideal.”²² I will postpone until Section IV the question of how best to characterize Dworkin’s enterprise, but I believe it is a mistake to present Rawls as aiming to persuade an audience of fellow distributive egalitarians that equality of resources is a better interpretation of the egalitarian ideal than equality of welfare. As I shall try to show, Rawls’s theory has different aims and ambitions, and relies on different moral premises. Thus, it is hardly surprising, and certainly no sign of inconsistency, that his theory should end up having a different content as well.

Of course, someone might insist that whatever Rawls himself may think, a luck-egalitarian position does in fact follow from his arguments against natural liberty and in favor of primary goods, once the full implications of those arguments are properly understood. To the extent that he fails to recognize this consequence, his theory is so much the worse for that. I do not find this convincing. In Section III, I will outline briefly the kind of alternative view that Rawls’s arguments seem to me intended to support. Although there are certainly areas of overlap between Rawls’s position and luck egalitarianism, and although there are certainly strands of argument in his work that luck egalitarians are bound to regard as congenial, my own view is that, on the whole, Rawls’s arguments support his own position rather than luck egalitarianism. In certain fundamental respects, moreover, Rawls’s position seems to me more attractive than luck egalitarianism. For the moment, however, I want to set Rawls’s view to one side and explain some of the reasons for my reservations about the luck-egalitarian position.

19. Arneson, “Equality and Equal Opportunity for Welfare,” p. 77.

20. *Ibid.*

21. *Ibid.*

22. *Ibid.*

II

As I have already suggested, many discussions of luck egalitarianism are addressed primarily to other egalitarians. They simply assume that an ideal of distributive equality has an important role to play in our thinking about distributive justice, and they ask how that ideal is best to be understood. Arneson makes the point explicitly. His arguments, he writes, are “addressed to egalitarians, not their opponents.”²³ As with Arneson’s own essay, most of the luck-egalitarian literature is devoted to considering two closely related questions. The first question is what exactly egalitarians wish to equalize.²⁴ This question is often formulated as a question about the correct “metric” of equality. The candidates for equalization that have been debated include welfare, resources, opportunity for welfare, and access to advantage, among others. The second question is which forms of disadvantage should receive compensation in the name of equality. Here there has been discussion of physical handicaps, medical needs, limited talents, unfavorable social positions, unsuccessful gambles, expensive tastes, expensive religious commitments, undesirable aspects of temperament, and so on.

Although the debates about how best to respond to these questions have been intense, it is by no means clear how much the different versions of luck egalitarianism differ in their practical, political implications. Arneson, speaking of the choice between some version of “equality of resources” and his own preferred principle of “equal opportunity for welfare,” concedes that “the practical implications of these conflicting principles may be hard to discern, and may not diverge much in practise.”²⁵ But if the practical import of the intra-egalitarian debates is not always clear, there is no doubt that there are great differences, of considerable political significance, between luck egalitarians as a group and nonegalitarians. Yet luck egalitarians have spent relatively little time defending the moral core of the luck-egalitarian position against skept-

23. Ibid.

24. Indeed, in some luck-egalitarian writings, this is not only the first question but also the first sentence. John Roemer, for example, begins his essay “Equality of Talent” by asking: “If one is an egalitarian, what should one want to equalize?” And Roemer’s essay “A Pragmatic Theory of Responsibility for the Egalitarian Planner” begins: “What should an egalitarian seek to equalize?” Both essays are included in Roemer’s *Egalitarian Perspectives* (New York: Cambridge University Press, 1994), pp. 119–47 and 179–96, respectively.

25. Ibid., p. 87.

tics and proponents of other views. An analogy would be a debate among defenders of rival versions of utilitarianism in which the practical stakes were unclear and little attempt was made to persuade others that maximizing some version of utility was the right approach to take in the first place.

Of course, there is certainly a place for internal discussions, among the proponents of any broad philosophical position, about how that position is best to be interpreted. Utilitarians do in fact engage in such discussions, as do proponents of every other philosophical position that is appealing enough to attract a wide and diverse group of supporters. Important as these internal discussions are, however, they do not obviate the need to motivate, explain, and defend the core of a philosophical position to those who are not yet persuaded. In the specific case of luck egalitarianism, moreover, this task is especially important in light of the stark contrast between the theory's political implications and the political context in which it was developed. The rise of luck egalitarianism as an important position within political philosophy, which took place during roughly the last two decades of the twentieth century, coincided with a marked increase in inequalities of income and wealth in the United States and other liberal societies.²⁶ Those decades were characterized by a strong trend, intensified by the collapse of the Soviet Union, toward increased privatization and reliance on the market, and a steady erosion in political support for distributive egalitarianism of any kind. Thus there was a sharp disparity between the luck egalitarianism that was becoming increasingly influential in philosophical discussions of distributive justice, and the actual distributive practices of the societies in which those discussions took place—and this despite the fact that one of the aims of luck-egalitarian theorists is to demonstrate that egalitarians need not, in general, be hostile to markets, and must indeed rely upon them in important ways. Of course, the existence of a disparity between luck-egalitarian theory and actual political practice does not by itself tell against the luck-egalitarian position. Justice is a normative notion, and so no proposed principle of justice can be falsified simply by

26. For some of the relevant U.S. data, see U.S. Census Bureau, *Income Inequality (1967–1998)*, at www.census.gov/hhes/income/incineq/p60204/. For data on other liberal democracies, see Timothy M. Smeeding, "Changing Income Inequality in OECD Countries: Updated Results from the Luxembourg Income Study," *Luxembourg Income Study Working Paper No. 252* (March 2000).

pointing out that actual practice does not, in fact, to conform to it. Yet the starkness of the contrast between luck-egalitarian theory and contemporary political practice makes it especially important to address fundamental questions about the moral defensibility of the core luck-egalitarian idea. What needs to be considered is whether luck egalitarians have latched on to an idea of equality that has real appeal as a social and political value.

The importance of addressing this issue can be brought out in another way. A moment ago I suggested a parallel between debates among luck egalitarians and intra-utilitarian debates. The relation between luck egalitarianism and utilitarianism is an interesting and, I think, an instructive one, which merits closer scrutiny. For those who interpret Rawls as an early adherent of luck egalitarianism, his defense of primary goods as the basis for interpersonal comparisons has been taken to place him squarely on the side of those who advocate equality of resources, and in opposition to those who advocate some version of equality of welfare. Yet Rawls' defense of primary goods is of course part of an argument against utilitarianism, not equality of welfare. His target, in other words, is the position that we should maximize welfare, not that we should equalize it. Now for utilitarians, the notion of utility or welfare—whether it is interpreted hedonistically or is instead construed as consisting in the satisfaction of preferences—plays a double role. First, it supplies the content of the utilitarian theory of what is genuinely valuable or good, both for an individual and *sans phrase*. Second, it is treated as the appropriate measure to use in assessing personal well-being. These two roles are related, inasmuch as it is the utilitarian theory of the good that underwrites the reliance on utility as the measure of individual well-being. And both of these features of utilitarianism are distinct from its third crucial claim, which is that the right or just thing to do is to maximize overall utility.

Rawls is sensitive both to the distinctions and to the relations among these three features of the utilitarian position. He rejects the utilitarian theory of the individual good, which he regards as indefensibly monistic, in favor of the pluralistic view that the good for an individual consists in the successful development and execution of a rational plan of life. And the switch from a monistic to a pluralistic account of the good helps in turn to motivate his rejection of utility in favor of primary goods as the measure of personal well-being, as well as his rejection of maxi-

mizing conceptions of justice in favor of the idea that what justice requires is the establishment of a fair framework of cooperation within which people can pursue their diverse plans of life.

When the position that one ought to maximize aggregate welfare is replaced by the position that one ought to equalize welfare levels, certain objections to the maximizing view are transformed. For example, utilitarianism is often said to be embarrassed by the possibility of “utility monsters”—that is, by the possibility of people who are unusually efficient at converting resources into utility. The objection is that if there were such people, utilitarianism would dictate that resources should be channeled disproportionately to them, without regard for the distributive implications of such a policy. When utilitarianism is replaced by a welfarist version of luck egalitarianism, the problem of utility monsters is replaced by the problem of expensive tastes. Here the objection is that if one aims to equalize welfare, then the distribution of resources in society is held hostage to those whose tastes and preferences are unusually costly to satisfy—that is, to people who are unusually inefficient at converting resources into utility. Welfarist egalitarianism is said to imply that resources should be channeled disproportionately to these people, without regard for the way in which doing so may depress the levels of well-being that others can achieve.

In view of the relation between these two objections, it would be instructive to compare the respective conclusions that critics have drawn from them. It would also be useful to explore other connections between utilitarianism and luck egalitarianism. But although a number of luck-egalitarian writers have in fact compared the two positions, their comparisons usually begin from the premise that utilitarianism is most plausible when construed as a theory of equality, rather than as a teleological view that is concerned with maximizing the good.²⁷ Since, as

27. Dworkin makes this claim in *Sovereign Virtue* (Cambridge: Harvard University Press, 2000), pp. 62–64. It is developed at length by Kymlicka (*Contemporary Political Philosophy*, chap. 2 and 3, and *Liberalism, Community, and Culture* [Oxford: Clarendon Press, 1989], chap. 3), who absorbs it into (what might be called) his “egalicentric” narrative of the history of political philosophy. Kymlicka argues that Rawls’s theory of justice is motivated by inadequacies in the utilitarian conception of equality, and that Dworkin’s theory of justice is then motivated by inadequacies in Rawls’s conception of equality. (“Dworkin’s theory was a response to problems in Rawls’s conception of equality, just as Rawls’s theory was a response to problems in the utilitarian conception of equality” [*Contemporary Political Philosophy*, p. 85].) Eric Rakowski seems also to endorse the claim in his *Equal Justice*

these writers invariably go on to point out, utilitarianism is actually quite implausible when construed as a theory of equality, their discussions rarely amount to more than a rehearsal of the advantages of luck egalitarianism. But the interpretation of utilitarianism as a theory of equality is itself implausible in my view,²⁸ and so a less narrowly structured investigation of the relations between utilitarian and luck-egalitarian principles would be welcome.

Discussions of luck egalitarianism have also done a less thorough job, in general, of addressing the most fundamental questions about the justification of that position, than utilitarians and their critics have done in addressing the analogous questions about the justification of utilitarianism. For example, luck-egalitarian debates between welfarists and resourceists do not always distinguish clearly between the question of whether welfarism is an adequate theory of the good, and the question of whether it is the individual good itself, or instead the means of achieving it, that egalitarians should be seeking to equalize. And the idea that justice requires the equal distribution of *something* is often simply taken for granted as the starting point of discussion.

In my view, the luck-egalitarian position is open to doubt on a number of grounds. Perhaps the most obvious difficulty is that the degree of weight that the luck egalitarian places on the distinction between choices and circumstances seems, on its face, to be both philosophically dubious and morally implausible. Philosophically, the question is whether the distinction is deep enough to bear the kind of weight that luck egalitarians place on it. Some luck-egalitarian writings seem implicitly to suggest that whatever is assigned to the category of unchosen

(Oxford: Clarendon Press, 1991), pp. 23–25. Amartya Sen, who does not himself put forward a luck-egalitarian theory but whose emphasis on the question “equality of what” has exerted a powerful influence on the development of luck egalitarianism, speaks of the “‘hidden’ egalitarianism in utilitarian philosophy” (*Inequality Reexamined* [Cambridge: Harvard University Press, 1992], p. 13). By this he means that utilitarianism attaches equal importance to the utilities of all people, and that this “egalitarian foundation is . . . quite central to the entire utilitarian exercise” (p. 14). Sen is surely correct to say that the fact that utilitarians attach equal importance to the interests of all people is a very significant feature of their view. However, it is a further step to the conclusion that utilitarianism is best thought of simply as a theory of equality. Not every theory that favors equality in some respect is best interpreted as being motivated, ultimately, by a conception of what equality requires.

28. For reasons that are well explained in Samuel Freeman, “Utilitarianism, Deontology, and the Priority of Right,” *Philosophy & Public Affairs* 23 (1994): 313–49.

circumstance is a contingent feature of the causal order, which is not under the individual's control and does not implicate his or her personhood, whereas voluntary choices are fully under the control of individuals and constitute pure expressions of their agency. But this contrast is, of course, untenable. In any sense of identity that actually matters to people, unchosen personal traits and the social circumstances into which one is born are importantly, albeit not exclusively, constitutive of one's distinctive identity.²⁹ And, in any ordinary sense of "voluntary," people's voluntary choices are routinely influenced by unchosen features of their personalities, temperaments, and the social contexts in which they find themselves. In his defense of a version of luck egalitarianism,³⁰ G. A. Cohen concedes that reliance on the distinction between choices and circumstances may leave luck egalitarians "up to our necks in the free will problem," but he says—perhaps with some irony?—that "that is just tough luck."³¹ Cohen points out that one of the achievements of luck egalitarianism is to demonstrate that egalitarians can incorporate "the most powerful idea in the arsenal of the anti-egalitarian right: the idea of choice and responsibility."³² Yet, in so doing, luck egalitarianism invites the objection that, like the political philosophies of the anti-egalitarian right, it tacitly derives much of its appeal from an implausible understanding of the metaphysical status of the category of choice.

This objection would be easier to dismiss if the luck-egalitarian account of the significance of choice were morally compelling. But in fact that account seems on its face to be morally implausible. It is morally implausible, for example, that justice requires individuals to be fully compensated for disadvantages that derive from unchosen features of their circumstances but not to be compensated at all for disadvantages that result from their voluntary choices. As Anderson has argued, it is morally implausible that choice should have that kind of significance or make that degree of difference. On the one hand, there are many unchosen personal attributes that may be disadvantageous but for which we do not, in fact, demand compensation from others. On the other hand, the fact that a person's urgent medical needs can be traced to his own

29. This is a theme of several of the essays included in my *Boundaries and Allegiances* (New York: Oxford University Press, 2001).

30. G. A. Cohen, "On the Currency of Egalitarian Justice," *Ethics* 99 (1989): 906–44.

31. *Ibid.*, p. 934.

32. *Ibid.*, p. 933.

negligence or foolishness or high-risk behavior is not normally seen as making it legitimate to deny him the care he needs. Still less do people automatically forfeit any claim to assistance if it turns out that their urgent needs are the result of prudent or well-considered choices that simply turned out badly.³³ We are neither so systematically alienated from the unchosen aspects of our own identities nor so uniformly confident of and identified with our role as choosers as to regard the presence or absence of choice as having this kind of make-or-break significance. This helps explain why the appeal of luck egalitarianism may seem tacitly to depend on a form of metaphysical libertarianism, for libertarianism may appear to promise a basis in metaphysics for a dichotomy that would otherwise seem so stark as to be morally untenable.³⁴

Some luck-egalitarian writers have sought to address these difficulties by qualifying the luck-egalitarian principle or limiting its application in various ways. And some writers have suggested that certain of the difficulties can be avoided by drawing the line between choices and circumstances differently. Dworkin, for example, in explaining the differences between his view and Cohen's, argues that the line should be rooted in "ordinary people's ethical experience."³⁵ If the distinction is drawn in this way, he says, then various aspects of one's personality that are not in any

33. See Anderson, "What is the Point of Equality," pp. 296–300.

34. In "Responsibility, Reactive Attitudes, and Liberalism in Philosophy and Politics" (*Philosophy & Public Affairs* 21 [1992]: 299–323, reprinted in *Boundaries and Allegiances*, pp. 12–31), I argued that contemporary liberalism has been exposed to conservative attack because of a perceived tendency among many liberals, both in politics and in philosophy, to rely on a reduced conception of individual agency and responsibility. The points made in the last two paragraphs might be taken to suggest that what luck egalitarianism has done, in effect, is to overcompensate for that perceived tendency.

35. Dworkin's reply to Cohen takes up sections II through IV of chap. 7 of *Sovereign Virtue*. The quoted phrase occurs on pp. 289–90. There is additional discussion of the ethical interpretation of the distinction between choices and circumstances on pp. 322–25. It is worth noting that in his original formulations of his equality of resources scheme, Dworkin did not characterize the relevant distinction as a distinction between choices and circumstances at all. He tended to speak instead of a distinction between the person and his circumstances. See, for example, *Sovereign Virtue*, pp. 81 and 140. He was criticized for this by Cohen (in Section IV of "On the Currency of Egalitarian Justice"), who argued that the relevant notion is choice rather than personality. In more recent discussions, such as those cited at the beginning of this note, Dworkin does indeed characterize the distinction as a distinction between choices and circumstances (or choice and chance), but he preserves a link with his earlier characterization by asserting that people's "choices reflect their personalities" (*Sovereign Virtue*, p. 322). My argument in the text is that this does not yield a distinction between choices and circumstances that is helpful to Dworkin's position.

straightforward sense chosen—including one's ambitions, tastes, preferences, convictions, and traits of character—will nevertheless fall on the choice side of the line. The reasons are twofold. First, all of these features of personality are relevant to the choices that one makes, either because they supply motives for one's actions or because they "affect [one's] pursuit of" one's ends.³⁶ Second, people normally identify with these aspects of their personalities and see themselves as having to take "consequential responsibility" for them, in the sense that they expect to have to bear the costs of possessing them.³⁷ One conclusion Dworkin draws from this is that people cannot normally demand compensation for expensive values or tastes. Even though such tastes are not actually chosen, they nevertheless fall on the choice side of the line by his standards, at least when people identify with them. Eric Rakowski, who takes a similar position, says that people's values and beliefs are "constitutive elements of themselves for which they must assume responsibility,"³⁸ and that even though one does not choose one's preferences, one can nevertheless choose to strengthen or weaken them, so that they too are appropriately situated on the choice side of the line.³⁹

However, this way of drawing the line between choices and circumstances leads to further difficulties. By the criteria that Dworkin and Rakowski suggest, people's talents and abilities, no less than their ambitions and preferences, may also deserve to be situated on the choice side of the line. After all, people's talents and abilities are often relevant to their choices, either because they shape people's motives or because they affect people's pursuit of their ends. In addition, people frequently view their talents, no less than their values and preferences, as importantly constitutive of their identities. And even if talents are themselves unchosen, people can nevertheless choose whether to develop them. Furthermore, many people also expect to take "consequential responsibility" for their talents, in the sense that they believe they are entitled to the differential rewards that such talents may enable them to secure. If this is correct, then the effect of broadening the category of choice to include not only the actions one actually chooses but also the various constitutive features of oneself that underlie one's choices, is to cast doubt

36. Dworkin, *Sovereign Virtue*, p. 322.

37. *Ibid.*, p. 290.

38. Rakowski, *Equal Justice*, p. 63.

39. *Ibid.*, pp. 57–72.

on the capacity of the distinction between choices and circumstances to support the substantive positions that luck egalitarians favor.⁴⁰

There is a further point that a number of critics have made. Luck egalitarianism, as it is often presented, appears to treat equality as being an essentially distributive ideal whose fundamental aim is to eliminate the effects on distribution of “brute luck.” Because of this concern to neutralize brute luck, the luck egalitarian arrives at allocative decisions on the basis of judgments that are strongly “inward looking.” That is, an individual’s claim to be compensated in the name of equality for some disadvantage always depends on a judgment about the source of the disadvantage in different aspects of the self. We cannot know whether an individual’s disadvantage entitles her to egalitarian compensation without disentangling the respective contributions made by her will, on the one hand, and by unchosen features of her talents and personal circumstances, on the other hand, to the processes that put her at that disadvantage. For this reason, luck egalitarianism encourages her to look inward in deciding whether she has a legitimate claim on fellow citizens, and, as Anderson and Wolff have emphasized,⁴¹ it encourages those fellow citizens both to scrutinize the deepest aspects of her self and to arrive at heavily moralized judgments about the degree of responsibility she bears for her own misfortune.

In all of the respects I have mentioned, the luck-egalitarian conception of equality diverges from a more familiar way of understanding that value. Equality, as it is more commonly understood, is not, in the first instance, a distributive ideal, and its aim is not to compensate for misfortune. It is, instead, a moral ideal governing the relations in which people stand to one another. Instead of focusing attention on the differing contingencies of each person’s traits, abilities, and other circumstances, this

40. At one point (*Sovereign Virtue*, pp. 260–63), Dworkin himself insists on the importance, for ethical purposes, of identification with aspects of one’s unchosen circumstances. These “parameters,” which help define what counts as a good life for an individual, are distinguished from those circumstances that count instead as “limitations” on one’s ability to lead a good life. However, as Anthony Appiah suggests in his review of *Sovereign Virtue*, it is very unclear how a recognition of the ethical role of parameters is to be reconciled with the assignment of fundamental significance to the distinction between choices and circumstances. (See K. Anthony Appiah, “Equality of What?” *The New York Review of Books* April 26 [2001]: 63–68.)

41. Anderson, “What is the Point of Equality?” (at, for example, p. 310); Wolff, “Fairness, Respect, and the Egalitarian Ethos” (especially pp. 113–18).

ideal abstracts from the undeniable differences among people. It claims that human relations must be conducted on the basis of an assumption that everyone's life is equally important, and that all members of a society have equal standing. As Anderson insists, in defending a version of this ideal, equality so understood is opposed not to luck but to oppression, to heritable hierarchies of social status, to ideas of caste, to class privilege and the rigid stratification of classes, and to the undemocratic distribution of power. In contrast to the inward-looking focus of luck egalitarianism, it emphasizes the irrelevance of individual differences for fundamental social and political purposes. As a moral ideal, it asserts that all people are of equal worth and that there are some claims that people are entitled to make on one another simply by virtue of their status as persons. As a social ideal, it holds that a human society must be conceived of as a cooperative arrangement among equals, each of whom enjoys the same social standing. As a political ideal, it highlights the claims that citizens are entitled to make on one another by virtue of their status *as* citizens, without any need for a moralized accounting of the details of their particular circumstances. Indeed, it insists on the very great importance of the right to be viewed simply as a citizen, and to have one's fundamental rights and privileges determined on that basis, without reference to one's talents, intelligence, wisdom, decision-making skill, temperament, social class, religious or ethnic affiliation, or ascribed identity.

Of course, things are not quite so simple. The *social and political ideal* of equality, as I will call it, itself has distributive implications. Furthermore, even if that ideal emphasizes the importance, for certain purposes, of abstracting from the differing contingencies of individuals' situations, it must also concede the necessity of attending to such differences for other purposes. People may claim equal rights as citizens, but the interpretation and application of those rights will often depend on features of their individual circumstances. And special circumstances may at times give rise to special rights. Still, one will think about the distributive implications of equality very differently than luck egalitarianism tempts us to do if one insists that, in the end, the relevant question is about the bearing on distribution of a morally-based ideal of human social and political relations—and not about the optimal way of reflecting in our economy a metaphysical distinction between individuals' choices and their unchosen circumstances. Granted, the social and

political ideal of equality may itself be understood in different ways.⁴² But unless distributive egalitarianism is anchored in some version of that ideal, or in some other comparably general understanding of equality as a moral value or normative ideal, it will be arbitrary, pointless, fetishistic: no more compelling than a preference for any other distributive pattern.

If one keeps firmly in mind the fact that questions about egalitarian distributive norms must be controlled by some broader understanding of equality, then the appeal of luck egalitarianism seems to me limited. As I have already suggested, many people accept what I have called the social and political ideal of equality. That ideal does not support the ambition of purging the influence of brute luck from human relations, which is just as well since one has only to describe that ambition for its folly to be evident. As Anderson argues, questions of distribution are important, for people who are committed to the social and political value of equality, not because a properly designed set of distributive institutions can help to minimize the influence of luck, but rather because certain kinds of distributive arrangements are incongruous with that social and political value. Clearly, for example, people whose basic needs have not been met—people who lack adequate food, clothing, shelter, education, or medical care—cannot participate in political life or civil society on a footing of equality with others, or can do so only with great difficulty. Even if basic needs have been met, a society cannot be considered a society of equals if the resources that individuals have available to pursue their most cherished ends is left entirely at the mercy of market forces. Moreover, significant distributive inequalities can all too easily generate inequalities of power and status that are incompatible with relations among equals. Thus, those who accept the social and political ideal of equality will have compelling reasons to avoid excessive variations in people's shares of income and wealth, and this will mean, among other things, that they have reason to oppose institutions that allow too much scope for differences in people's natural and social circumstances to translate into economic inequalities. But, on the one

42. One important interpretative issue, about which there is no general consensus, is what the ideal implies about the relations among people who are not citizens of the same country or members of the same political society. Debra Satz discusses this issue in her unpublished paper, "Inequality of What and Between Whom? When and Where Does Inequality Matter? The Case of Inequality Between Nations."

hand, this is very different from having the general ambition of eradicating the distributive effects of brute luck, and, on the other hand, it does not assume that inequalities arising from people's choices are always acceptable.

From this perspective, the most important questions concern not the neutralization of luck but rather, for example, the nature of people's "basic needs," the proper criteria for political institutions to use in distinguishing between genuine needs and what are merely very strong preferences, the appropriate measure for the social and political institutions of a complex modern society to employ when assessing the well-being of individual citizens, and, especially, the degree of material inequality that is compatible with a conception of society as a fair system of cooperation among equals. Depending on how these questions are answered, people who are committed to the social and political ideal of equality may end up supporting a system that tolerates either more or less inequality of income and wealth than luck egalitarianism does. In either case, however, the motivation for their position will be different from the motivation for a luck-egalitarian outlook. Since the position that adherents of the ideal favor will have been developed in response to questions that differ, at least in part, from the ones that luck egalitarians ask, the basis for their position will lie in considerations that differ from the ones that luck egalitarians cite.⁴³

III

All of this helps to explain why it is misleading to treat Rawls's theory of justice as representing a kind of incipient luck egalitarianism. Notwithstanding his remarks about the moral arbitrariness of people's natural attributes and of the social positions into which they are born, his failure to claim that justice requires people to be compensated for all disadvantages resulting from unchosen features of their circumstances is no mere oversight. Despite occasional remarks to the effect that his con-

43. In "Equality and Justice," in *Ideals of Equality*, ed. Andrew Mason (Oxford: Blackwell, 1998), pp. 21–36, David Miller draws a distinction between distributive equality and social equality that is similar to the distinction I have drawn in this section, although Miller takes a different view of the relations between the two notions than I would. In the same volume, Richard Norman ("The Social Basis of Equality," pp. 37–51) invokes Miller's chapter in defending what he calls "socially-located egalitarianism."

ception of justice “nullifies the accidents of natural endowment and the contingencies of social circumstance as counters in [a] quest for political and economic advantage,”⁴⁴ it is quite clear from his discussion as a whole that the underlying motivation for Rawls’s theory of justice is not the general elimination of the influence of brute luck on distribution. Indeed, Rawls explicitly emphasizes the differences between his own theory and what he calls “the principle of redress.” This is “the principle that undeserved inequalities call for redress; and since inequalities of birth and natural endowment are undeserved, these inequalities are somehow to be compensated for.”⁴⁵ Rawls says that the principle of redress is plausible “only as a *prima facie* principle, one that is to be weighed in the balance with others.”⁴⁶ His own theory, accordingly, “gives some weight to the considerations singled out by the principle of redress,”⁴⁷ but it is clearly “not the same as”⁴⁸ that principle.

Rather than trying to devise a conception of justice that will minimize the effects of brute luck, Rawls aims to identify the most reasonable conception of justice to regulate the basic structure of a modern democratic society. For the purposes of this enterprise, a society is conceived of as a fair system of cooperation among free and equal people, each of whom is taken to have the capacity for a sense of justice and the capacity to develop and pursue a rational plan of life which is constitutive of his or her good. Different plans are rational for different people, and the human good is irreducibly heterogeneous. Rawls cites the “moral arbitrariness” of natural attributes and social contingencies, not because his ultimate aim is to extinguish the influence of all arbitrary factors but rather because he thinks the arbitrariness of the factors he cites serves to undermine both an important objection and an influential alternative to his view. The objection is that those people who are more talented or intelligent or hard-working than others deserve greater economic rewards than his theory would permit them to secure. And the alternative that many of those who press this objection favor is “the system of natural liberty,” which, as we have seen, allows people to compete in a largely

44. Rawls, *A Theory of Justice*, p. 15.

45. *Ibid.*, p. 100.

46. *Ibid.*, p. 101.

47. *Ibid.*, p. 100.

48. *Ibid.*, p. 101. Rakowski believes (mistakenly, in my view) that Rawls relies on the principle of redress as a premise of his argument. See *Equal Justice*, pp. 112–14.

unregulated free market, constrained only by the need to respect one another's basic liberties and by a requirement of formal equality of opportunity.

Rawls believes that the appeal of the system of natural liberty is morally spurious. The extent to which the system allows people's material prospects to be influenced by their natural assets and the social circumstances into which they are born is indefensible. It is indefensible because it is incongruous with people's status as equals and because the distribution of those contingencies does not itself have any moral basis. If we take seriously the idea that all citizens have equal standing in society, and the idea that each has an equally important interest in developing and pursuing a rational plan of life within a fair cooperative framework, then it is inappropriate to set up an institutional scheme that makes people's chances of carrying out their plans depend so heavily on natural and social contingencies that in themselves have no moral authority. Rawls's emphasis on the moral arbitrariness of people's natural attributes and social starting points is meant to undercut our tendency to treat those factors as morally authoritative, especially when doing so would compromise something morally fundamental.

What is relevant for Rawls, in other words, is the conjunction of two points. The first point is that the distribution of natural and social contingencies lacks any moral basis. The second point is that a system that allows the economic distribution to track the distribution of those contingencies too closely will compromise the status of some citizens as equals, for it will undermine their ability to satisfy the equally legitimate interest that each citizen has in developing and pursuing a rational plan of life that is constitutive of his or her good. If Rawls is right, the conjunction of these two points gives us reason to reject the system of natural liberty, once we conceive of society as a fair system of cooperation among free and equal people. But the importance of these points neither derives from nor commits Rawls to the general ambition of neutralizing all of the distributive effects of bad brute luck. For Rawls, what is fundamental is the status of citizens as equals, and the moral arbitrariness of people's natural and social starting points is important because it helps to clarify the distributive implications of taking equal citizenship seriously.

Rawls's defense of his reliance on primary goods as the basis for interpersonal comparisons of well-being also looks very different when it is

not seen through the lens of luck-egalitarian concerns. In saying that citizens in a well-ordered society are expected to take responsibility for their ends, in the sense that they are expected to “regulate and revise their ends and preferences in the light of their expectations of primary goods,”⁴⁹ Rawls is certainly not making a claim about the moral significance of a putative metaphysical distinction between voluntary choices and unchosen circumstances. Instead, he is making an observation about how his principles of justice serve, in effect, to allocate responsibility between society and the individual. He writes:

This conception [of justice] includes what we may call a social division of responsibility: society, the citizens as a collective body, accepts the responsibility for maintaining the equal basic liberties and fair equality of opportunity, and for providing a fair share of the other primary goods for everyone within this framework, while citizens (as individuals) and associations accept the responsibility for revising and adjusting their ends and aspirations in view of the all-purpose means they can expect, given their present and foreseeable situation.⁵⁰

As Rawls notes, this allocation of responsibility would make no sense if, in general, people were unable “to moderate the claims they make on social institutions”⁵¹ because they lacked the capacity to adjust their plans in light of the resources they could expect to have at their disposal under the terms of a fair distribution. By the same token, the allocation of responsibility would make no sense if society as a whole lacked the capacity to establish institutions capable of guaranteeing the basic liberties and fair equality of opportunity. In fact, as Rawls suggests, it does not seem unreasonable to suppose that people normally do have the capacity to adjust their plans in light of their fair expectations. What is more important for the purposes of our discussion, however, is that the suggestion that they have such a capacity is not a metaphysical thesis about the relation of causation and the will, nor, in any case, does it provide the *motivation* for the allocation of responsibility. People are asked to accept responsibility for their ends, in Rawls’s sense, not because the metaphysics of the will makes it fitting that people should bear the costs of their choices, but rather because it is reasonable to expect people to

49. Rawls, *Collected Papers*, p. 370.

50. *Ibid.*, p. 371.

51. *Ibid.*

make do with their fair shares. And what makes shares fair, according to Rawls, is not that they compensate people for all unchosen disadvantages while leaving them to bear the costs (or reap the rewards) of their voluntary choices. Shares are fair when they are part of a distributive scheme that makes it possible for free and equal citizens to pursue their diverse conceptions of the good within a framework that embodies an ideal of reciprocity and mutual respect.⁵²

In addition, Rawls emphasizes that his reliance on primary goods as the basis for interpersonal comparisons is limited to the special case of social justice. As he says, "Primary goods are not . . . to be used in making comparisons in all situations but only in questions which arise in regard to the basic structure. It is another matter entirely whether primary goods are an appropriate basis in other kinds of cases."⁵³ What is distinctive about the case of social justice is that interpersonal comparisons must be capable of providing grounds for adjudicating among conflicting claims in a way that all citizens can recognize as fair. It follows, Rawls believes, that we need a practical basis for making these comparisons and that this basis must lie in features of people's situations that are publicly accessible and can be appraised without violating people's liberties or subjecting them to unduly intrusive examination. As he says, "the idea is to find a practicable basis of interpersonal comparisons in terms of objective features of citizens' social circumstances open to view."⁵⁴ This is in striking contrast to the inward-looking focus of luck egalitarianism. Whereas the aim of neutralizing the distributive effects of brute luck requires intrusive and conceptually problematic judgments about the inner sources of people's disadvantages, the aim of adjudicating fairly among the claims of free and equal citizens requires judgments that rest on a practicable and public basis.

None of this is to suggest that Rawls's views are beyond criticism. It is perfectly possible to argue, for example, that the difference principle in-

52. For a related discussion of the passage from Rawls discussed in this paragraph, see T. M. Scanlon, "The Significance of Choice," in *The Tanner Lectures on Human Values*, vol. 8, ed. Sterling McMurrin (Salt Lake City: University of Utah Press, 1988), pp. 151–216, at 197–201. I have also discussed Rawls's doctrine of "responsibility for ends" in section IV of "Responsibility, Reactive Attitudes, and Liberalism in Philosophy and Politics" (see *Boundaries and Allegiances*, pp. 29–30).

53. Rawls, *Collected Papers*, p. 364.

54. Rawls, "The Priority of Right and Ideas of the Good," in *Collected Papers*, pp. 449–72 at pp. 454–55.

appropriately rewards those who are among the worst-off, as measured in terms of primary goods, only because they prefer greater leisure to greater income and so choose to work at less demanding jobs or not to work at all. It is also perfectly possible to argue that Rawls's reliance on primary social goods as the measure of well-being renders him incapable of taking adequate account, as an acceptable theory of justice surely must, of those who have special medical conditions that are unusually costly to treat.

Indeed, Rawls himself concedes the force of both of these criticisms. In response to the first, he indicates that despite some reservations, he is prepared to contemplate an expansion of the list of primary goods to include leisure time.⁵⁵ In response to the second, he acknowledges the importance of making provision for those with special medical needs but treats this as a "problem of extension"⁵⁶ which is to be deferred until after "the first problem of justice"⁵⁷ has been addressed. This problem concerns the relations among "citizens who are normally active and fully cooperating members of society over a complete life."⁵⁸ Accordingly, for the purpose of addressing this problem, Rawls makes the frankly idealized assumption that all citizens have, "at least to the essential minimum degree, the moral, intellectual, and physical capacities that enable them to be fully cooperating members of society over a complete life."⁵⁹ Elsewhere he describes himself as assuming "that all citizens have physical and psychological capacities within a certain normal range."⁶⁰ He speculates that the problem of special medical needs can be dealt with "at the legislative stage when the prevalence and kinds of these misfortunes are known and the costs of treating them can be ascertained and balanced along with total government expenditure."⁶¹

These tentative lines of response may or may not prove adequate. Perhaps they are too ad hoc or require intuitionistic balancing of a kind that Rawls had hoped to avoid. But it is a mistake to regard the criticisms to which he is responding as the thin end of a wedge: that is, as leading in-

55. See Rawls, *Collected Papers*, pp. 252–53 and 455.

56. See Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), pp. 21–22, and *Collected Papers*, p. 531.

57. See Rawls, *Collected Papers*, pp. 259 and 368.

58. *Ibid.*, p. 368.

59. Rawls, *Political Liberalism*, p. 183.

60. Rawls, *Collected Papers*, p. 368.

61. Rawls, *Political Liberalism*, p. 184.

exorably to luck egalitarianism. The aim that informs Rawls's response to the problem of special medical needs, and that would also have to inform any better response, is the aim of "restor[ing] people by health care so that once again they are fully cooperating members of society."⁶² This, once again, is entirely independent from and does not commit Rawls to the aim of compensating people for all disadvantages resulting from unchosen circumstances. Instead, the aim of enabling people to be fully cooperating members of society provides an independent standard for judging which disadvantages should be compensated. By this standard, some disadvantages should be compensated even if they result from bad "option luck," whereas others should not be compensated even if they result from bad "brute luck." For example, the standard may require that people be provided with medical care even if their need for care results from choices that they made voluntarily but that turned out badly. On the other hand, it does not require that people be compensated for expensive tastes simply because those tastes result from unchosen features of their upbringing, for such compensation is not normally necessary to enable people to be cooperating members of society. As Rawls says, "We don't say that because the preferences arose from upbringing and not choice that society owes us compensation. Rather, it is a normal part of being human to cope with the preferences our upbringing leaves us with."⁶³

In discussing the relation between Rawls's view and the luck-egalitarian position, my primary concern has not been interpretative. By emphasizing the differences between the two positions I have hoped instead to accomplish two things. The first is to make clear that the philosophical underpinnings of luck egalitarianism are not to be found in Rawls's work. Thus, if luck egalitarianism is to be supplied with a compelling motivation, that motivation will need to come from somewhere else; it

62. Ibid.

63. Rawls, *Political Liberalism*, p. 185n. Of course, luck egalitarians disagree among themselves as to whether people should receive compensation for expensive unchosen tastes, for they disagree about whether such tastes are properly subsumed under the heading of "choice" or of "circumstance." Dworkin, as we have seen, assimilates most preferences to the "choice" side of the luck-egalitarian divide, despite the fact that they are not themselves chosen, and he concludes that in general no compensation is called for. For Rawls, however, the question is not whether preferences are properly subsumed within the category of "choices." The question, instead, is whether compensation for expensive tastes is necessary to enable people to participate in the scheme of social cooperation.

cannot simply ride piggy-back on Rawls's remarks about the arbitrariness of the natural lottery or about the need for citizens to take responsibility for their ends.

My second aim has been to illustrate how a plausible form of distributive egalitarianism can be anchored in a more general conception of equality as a social and political ideal. Rawls's theory shows how this can be done. For Rawls, people are conceived of as free and equal citizens, and the aim is to determine which principles of distributive justice are most appropriate for a modern democratic society whose members are so understood. In other words, the question is which principles of justice are most consistent, in modern conditions, with the freedom and equality of persons. Equality is understood as a social and political ideal that governs the relations in which people stand to one another. The core of the value of equality does not, according to this understanding, consist in the idea that there is something that must be distributed or allocated equally, and so the interpretation of the value does not consist primarily in seeking to ascertain what that *something* is. Instead, the core of the value is a normative conception of human relations, and the relevant question, when interpreting the value, is what social, political, and economic arrangements are compatible with that conception.

IV

As I have suggested, proponents of luck egalitarianism often give the impression that they conceive of equality as an essentially distributive ideal. They begin from the premise that there is some currency that should be distributed equally and then proceed to investigate what that currency might be. I have argued that this is misguided. Any form of distributive egalitarianism, if it is to be at all plausible, must be anchored in some more general conception of equality as a moral value or normative ideal. This does not by itself disqualify luck egalitarianism as the best form of distributive egalitarianism since it is open to luck egalitarians to argue that it can be so anchored. Yet I have also argued that once we remember that egalitarian distributive norms must flow from a broader conception of equality, the appeal of luck egalitarianism is limited.

It may be protested that in developing these arguments, I have not done justice to the luck-egalitarian position. Luck egalitarians often present their view as expressing the intuitive idea that it is unfair if some

people are worse-off than others owing to factors beyond their control.⁶⁴ And, in response to my arguments, they may assert that this idea in turn is rooted in a conception of people as having equal moral worth, so that luck egalitarianism does flow from a broader conception of equality as a moral value. It does not treat equality as being an essentially distributive ideal.

However, the idea that it is unfair if some people are worse-off than others owing to factors beyond their control captures only part of the luck-egalitarian position. Luck egalitarians also believe that it is *not* unfair if some people are worse-off (or better-off) than others as a result of their voluntary choices. Thus, the luck-egalitarian claim must be that the position that results from combining these two formulations is rooted in a conception of people as having equal worth. This claim requires argument. Most theories of justice purport to treat people as having equal moral worth or importance. If luck egalitarians believe that their position is the best expression of the equal worth of persons, then that claim requires some defense; it cannot simply be assumed. This is particularly true because it is by no means clear that most people actually have the intuitions to which luck egalitarians appeal. To be sure, there are some contexts in which it does seem unfair that people should suffer disadvantages as a result of circumstances beyond their control, and there are some contexts in which it does not seem unfair that people should suffer disadvantages as a result of their voluntary choices. But these observations alone do not suffice to establish the intuitive credentials of luck egalitarianism, for luck egalitarianism asserts something more sweeping. It claims that, in general, it is unfair if people are better or worse off as a result of factors beyond their control and that, in general, it is not unfair if people are better or worse off as a result of their voluntary choices. It is far from clear that, in its generalized form, this claim enjoys widespread intuitive support.⁶⁵ The more common or intu-

64. For versions of this formulation, see Arneson, "Equality and Equal Opportunity for Welfare," p. 85, and Larry Temkin, *Inequality* (New York: Oxford University Press, 1993), p. 200.

65. The generalized luck-egalitarian claim bears a superficial similarity to the equally generalized claim that it is inappropriate to blame people, or to judge them morally responsible, for things that are beyond their control. The latter claim, which is of course central to discussions of free will and responsibility, is indeed widely accepted. Despite the superficial similarity between the two claims, however, there are also important differences. The claim about blame and responsibility articulates a precondition for responsible agency

itive view, I believe, is that the fairness or unfairness of differences in advantage resulting from, on the one hand, factors beyond people's control and, on the other hand, people's voluntary choices, is highly dependent on the prevailing social context and institutional setting.

For example, if I have a less successful career as a philosopher than you do because your superior philosophical gifts enable you to refute all my arguments, then, contrary to what the generalized claim might lead us to expect, most people would not regard that as unfair. Nor would most think it unfair if a naturally gifted professional athlete were offered a more lucrative contract than his less talented teammate. On the other hand, most people would consider it outrageous if an emergency room doctor left an injured patient untreated simply because the patient's injury resulted from a foolish but voluntary decision. And few would think it acceptable to deny legal counsel to an indigent defendant on the ground that her inability to pay for an attorney was the result of poor financial decision making on her part. If this is correct, then the intuitive credentials of luck egalitarianism cannot be taken for granted, and it is all the more important for luck egalitarians to explain how exactly their position is supposed to follow from a conception of persons as having equal moral worth.

Moreover, I have argued that equality is most compelling when it is understood as a social and political ideal that includes but goes beyond the proposition that all people have equal moral worth. It is this ideal that we invoke when we say that our society should be organized as a society of equals. The case is analogous to other human relationships that we take to be governed by an ideal of equality. When we say, for example, that a friendship or a marriage should be a relationship of equals, we do not mean merely that the participants are of equal moral worth but also that their relationship should have a certain structure and character.

that strikes most people, upon reflection, as compelling. The luck-egalitarian claim, by contrast, is a first-order normative judgment that treats equality as the default distributive baseline and claims that departures from that baseline are justified if and only if a suitable condition of control is satisfied. As I argue above, the intuitive plausibility of that normative judgment cannot be taken for granted. Moreover, such plausibility as it does have may depend on seeing it, wrongly in my view, as a natural extension of the claim about the preconditions of responsible agency. This is related to my earlier observation (at pp. 18–19 above) that luck egalitarianism may tacitly depend for its appeal on a perception that it can be validated metaphysically.

Similarly, I believe, our notion of a society of equals expresses a normative ideal of human relations. Luck egalitarians must either reject this ideal or argue that it too supports their distributive principles. It is not clear what grounds they have for rejecting it, but, as I have already indicated, I see no reason to think that it supports the generalized luck-egalitarian position. Since, as I have argued, neither complete choice-sensitivity nor complete endowment-insensitivity seems morally plausible in its own right, and since neither reflects our intuitive understanding of the implications of equality, we have no reason to think that either would be a feature of a society of equals.

Ronald Dworkin is one writer who can be interpreted as attempting to anchor luck-egalitarian principles in an ideal of equality that goes beyond the proposition that all people are of equal worth, but his ideal of equality is not the same as the social and political ideal I have described. Dworkin states that a “full theory of equality” seeks to answer the question of what it is to treat people as equals. A theory of distributive equality addresses one aspect of this question, namely, which scheme of distribution may be said to treat people as equals. Thus Dworkin presents his equality of resources scheme neither as a set of first principles nor as rooted merely in the idea that people are of equal worth but rather as part of a spelling out of the idea of equal treatment. In effect, then, he can be interpreted as attempting to anchor luck-egalitarian principles in a more general ideal of equality—namely, the ideal of treating people as equals.

Dworkin says that treating people as equals means treating them with equal concern. Indeed, he says that “[e]qual concern is the sovereign virtue of political community” and that “[n]o government is legitimate that does not show equal concern for the fate of all those citizens over whom it claims dominion and from whom it claims allegiance.”⁶⁶ Some writers have denied that the ideal of equal concern really does support luck-egalitarian principles. G. A. Cohen, for example, says that, contrary to what Dworkin supposes, “it seems quite unclear that a state which forthrightly refuses to pursue a norm of strict distributive equality *ipso facto* shows failure to treat its subjects with equal respect and concern.”⁶⁷ Anderson goes further, arguing that luck egalitarianism fails “the most

66. Dworkin, *Sovereign Virtue*, p. 1.

67. G. A. Cohen, *If You're an Egalitarian, How Come You're So Rich?* (Cambridge: Harvard University Press, 2000), p. 165.

fundamental test any egalitarian theory must meet: that its principles express equal respect and concern for all citizens.”⁶⁸

Whether or not Dworkin’s ideal of equality supports his distributive principles, however, there is a prior question about the adequacy of that ideal itself. It is noteworthy, I think, that when, in his famous two-part article “What is Equality?,”⁶⁹ Dworkin first broaches the question of how the ideal of treating people as equals might best be applied to issues of distribution, he does so with reference to the example of a wealthy man who is deciding how, in drawing up his will, to divide his wealth among his children, each of whom has different needs, ambitions, and tastes. He then moves on to consider a putatively analogous question that arises in “an ordinary political context,” namely, the question of how “officials” should make decisions about the distribution of resources among citizens.⁷⁰ Now the first thing to notice is that the model of testator and heirs is an asymmetrical model, with one party distributing benefits and the others receiving them. Thus, when this model is applied to questions of economic distribution within society, citizens are represented, again asymmetrically, as objects of treatment by some kind of centralized subject. In this case, there are important questions that arise about the identity of the subject. Is it, as Dworkin’s language seems at times to suggest, a group of “officials”? Is it, as he suggests at other times, “the distributive scheme” itself? Or is it, as some of his formulations appear to imply, the society or community as a whole? And how is any of these to be understood as a locus of agency? Whatever the answers to these questions may be, what is really striking is that the model of testator and heir does not describe a *relationship among equals* at all. An autocratic parent might write his will in such a way as to treat all of his children as equals in Dworkin’s sense, but that would not transform his family into an egalitarian social unit. Similarly, an autocratic government might impose an economic system

68. Anderson, “What is the Point of Equality?” p. 289.

69. Reprinted as chap. 1 and 2 of *Sovereign Virtue*.

70. Dworkin, *Sovereign Virtue*, p. 13. Dworkin is not the only luck-egalitarian writer who uses the model of testator and heirs to illustrate what I refer to in the text below as an “administrative conception” of equality. In his article “Equality and Responsibility” (*Boston Review* 10 [April/May 1995]: 3–7 at p. 3), John Roemer uses the same model to illustrate his own version of an egalitarian distributive theory. And Roemer says elsewhere that the aim of his theory is to provide “an algorithm” (“A Pragmatic Theory of Responsibility for the Egalitarian Planner,” p. 182) that could be used by “an egalitarian planner” (p. 180) to “implement” (p. 182) the “correct egalitarian ethic” (p. 180).

that treated individuals as equals in Dworkin's sense,⁷¹ but that would not transform the society into an egalitarian political community. In short, Dworkin's ideal of equality, as applied to questions of distribution, is not itself a model of social or political equality at all; it is perfectly compatible with social hierarchy, inasmuch as it involves one relatively powerful party choosing how to distribute resources among those with relatively less power.⁷² Of course, it might be protested that there is no reason why the same model could not also be applied to the distribution of power itself. But then who would be doing the distributing?

In fact, however, Dworkin does not advocate the equal distribution of power. After distinguishing what he calls "the two modes of power,"⁷³ impact and influence, he goes on to argue, "If a community is genuinely egalitarian in the abstract sense—if it accepts the imperative that a community collectively must treat its members individually with equal concern—then it cannot treat political impact or influence as themselves resources, to be divided according to some metric of equality the way land or raw materials or investments might be divided."⁷⁴ Accordingly, Dworkin would allow a "limited place for equality of impact but none for equality of influence."⁷⁵ The upshot is that Dworkin's ideal of equality

71. Indeed, Dworkin himself says that a "benevolent tyranny" might bring about "a more egalitarian distribution than a democracy could" (*Sovereign Virtue*, p. 187).

72. In a discussion of this point, Stephen Perry objected that the device of the auction, which plays a much more developed role in Dworkin's argument than does the model of testator and heirs, is not comparably hierarchical. In the auction, a number of shipwreck survivors on a desert island are given an equal number of clamshells, which they use to bid for available resources. Since no role is envisioned for a government, and since all of the participants in the auction have the same status (leaving aside the role of the auctioneer), the auction might be thought to provide a model of genuine social equality. But the primary role of the auction, as Dworkin describes it, is to tell us what kind of distribution of resources should properly be counted as an equal distribution. It is intended to undercut the idea that distributive egalitarians want each person at all times to have the same amount of wealth. The auction is not meant to illustrate a more general ideal of social equality, nor do the participants in the auction ask themselves what distributional practices are appropriate to a society of equals. Indeed, Dworkin gives no general characterization at all of the social relations among the participants. Instead, they are simply stipulated to accept the assumption that resources shall be "divided equally among them" (*Sovereign Virtue*, pp. 66–67), and the auction presupposes that aim. Dworkin's underlying idea of equality, which is not itself illustrated by the auction, is the (asymmetrical) idea that a government must show equal concern for all of its citizens; as he insists, equal concern is "the special and indispensable virtue of sovereigns" (*Sovereign Virtue*, p. 6).

73. Dworkin, *Sovereign Virtue*, p. 199.

74. *Ibid.*, pp. 209–10.

75. *Ibid.*, p. 200.

does not require or even permit an equal distribution of power; and the kind of equal distribution of resources that it does require is not incompatible with social hierarchy or even, as he himself says, with “benevolent tyranny.”⁷⁶

Dworkin has developed his ideal of equality in great detail over a period of many years, and he has applied it with great force to an impressive range of issues. The observations I have made do not detract from the many virtues of his view. But those observations do, I think, suggest that Dworkin’s ideal represents what might be called an *administrative conception* of equality. A “genuinely egalitarian” community, he believes, is one that accepts the abstract principle that people should be treated as equals (or treated with equal concern) and whose “officials” then administer social and political institutions in accordance with the best conception of what treatment as equals requires. But an egalitarianism that begins from the question of how best to administer or operationalize an abstract principle of equal concern contrasts sharply with an egalitarianism that begins from the question of what relationships among equals are like and goes on from there to consider what kinds of social and political institutions are appropriate to a society of equals.⁷⁷ If the

76. Ibid., p. 187. Dworkin would of course reject a “benevolent tyranny” for other reasons. His point (and mine) is merely that considerations of distributional equality do not in themselves furnish grounds for doing so.

77. My characterization of Dworkin’s conception of equality as administrative is closely related to G. A. Cohen’s description of it as “statocentric” (see *If You’re an Egalitarian, How Come You’re So Rich?* p. 165). Cohen writes:

Within Dworkin’s theory of equality, the locus of the norm of equality proper . . . is in the relationship between the state and those whom it claims the right to govern. Because it claims that right, the state must treat its citizens with equal respect and concern, on pain of being a tyranny, and it must *therefore* distribute resources equally to its members. But if the state fails to do so, then no analogous duty falls on individuals. It is not the individual’s duty to treat everyone (relatives, friends, and strangers alike) with equal respect and concern. (p. 164)

This is perhaps an appropriate place to record my sense that there is a tension within Cohen’s own writings between his apparent endorsement, in “On the Currency of Egalitarian Justice,” of choice as an inequality-legitimizing factor and his criticism, in his Tanner Lectures (“Incentives, Inequality, and Community,” in *The Tanner Lectures on Human Values*, vol. 13, ed. Grethe Peterson [Salt Lake City: University of Utah Press, 1992], pp. 263–329) and in *If You’re an Egalitarian, How Come You’re So Rich?* of incentive-based inequalities as unjust precisely because of their choice-dependence. I am inclined to view this as symptomatic of a broader tension between the luck-egalitarian attitude toward choice and the attitudes associated with what Cohen calls an egalitarian “ethos.” The emphasis on the importance of a choice-constraining egalitarian ethos is quite congenial to the social and political ideal of equality, but the luck-egalitarian motivation for such an emphasis is less clear.

administrative conception of equality supports luck-egalitarian distributive principles—and this is the claim that Anderson denies and about which Cohen expresses doubts—then Dworkin's version of luck egalitarianism is indeed anchored in a more general ideal of equality. But people who think of themselves as egalitarians need to consider how well the administrative conception captures the value of equality as they understand it.

It will already be clear that, in my view, the *social and political ideal* of equality has greater resonance for most people. This does not mean that there is no room for distributive egalitarianism or even for Dworkin's administrative conception of equality. But it does mean that these distributive and administrative ideas will be most compelling if they can be shown to have strong roots in the ideal of a society of equals.⁷⁸ The recent history of political discourse in liberal societies seems to me to confirm this. I have already noted that the rise of luck egalitarianism among philosophers took place during a period of giddy triumphalism about markets that largely displaced a concern with economic equality in many liberal societies. Yet it is a striking fact that during this very same period, the power of equality as a social and political ideal continued to make itself felt. One of the great preoccupations of liberal societies in recent decades has been with the normative implications of diversity: with questions about how best to accommodate differences of race, gender, religion, culture, and ethnicity. And these questions have almost always been addressed through an (implicitly if not explicitly) egalitarian lens. The central issue, in effect, has been this: What must a modern liberal society do to constitute itself as a genuine society of equals given that its membership will inevitably be highly diverse in many socially and normatively salient respects? It is this profoundly egalitarian question that has animated the intense debates in liberal societies about pluralism and multiculturalism; about race, gender, and ethnicity; and about the politics of identity. One lesson we should learn from the very intensity of these debates, and from the remarkable social changes that have accompanied them, is the continuing vitality of the idea of a society of equals. And this in turn tells us something—or

78. Dworkin comes close to recognizing the importance of that ideal in his discussion of campaign finance reform in chap. 10 of *Sovereign Virtue*, in which he places great emphasis on the notion of "citizen equality." But that is not the notion of equality to which he appeals in defending his version of luck egalitarianism.

so it seems to me—about the appeal of distributive egalitarianism. What it tells us is that the most compelling versions of that idea, both politically and philosophically, will be those whose source in an ideal of genuine social equality can be vividly and convincingly demonstrated.⁷⁹

79. Thus, I believe that Will Kymlicka gets things more or less backward when, in chap. 9 of *Liberalism, Community, and Culture* (Oxford: Clarendon Press, 1989), he seeks to ground a conception of equality for minority cultures in Dworkin's luck-egalitarian distributive principles.