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Welfare, Resources, and Luck-Egalitarianism

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## **Abstract**

The leading discourse about luck egalitarianism has been informed by the distinction between equality of welfare and equality of resources. This paper attempts to illuminate its significance by focusing on the status of individual preferences (in particular, preferences which are particularly costly to satisfy) as regards egalitarian distribution. It then considers another distinction: that between “persons” and “circumstances” to see how it correlates with the central moral intuition which triggers the egalitarian approach, namely that social inequalities should be allowed to reflect the choices people make in the course of their lives. I argue that if we consistently maintain the centrality of choice for the whole theory, and construct the technical concept of “resources” accordingly, we may well realize that the gap between “equality of welfare” and “equality of resources” is not as wide as many theorists of luck egalitarianism would have us believe. Finally, I address head-on the crucial issue lying in the background of this whole discussion: is the aspiration to eliminate systemically the impact of bad luck egalitarian? Against many critics of luck-egalitarianism, I claim that it is, but only contingently rather than inherently and necessarily

## **Keywords**

Equality – non-discrimination – social justice



## *Welfare, Resources, and Luck-Egalitarianism*

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In his recent book, aimed at a general public rather than solely fellow-academics, Ronald Dworkin summarizes his ideal of “equal concern” for all citizens, to be afforded by an economic system with the objective of providing all with “genuinely equal opportunities to design a life according to their own values”: “They have equal opportunities ... when their wealth and other resources depend on the value and costs of their choices, but not on their luck, including their genetic luck in parents and talents”.<sup>1</sup> Like so many other thoughts expressed by this philosopher, the quoted sentence beautifully captures some very widespread and powerful moral intuitions about justice: who would claim that it is *fair* to allow bad luck to affect adversely, pervasively and incurably some crucial aspects of a person’s life, if it is in our power to mitigate these tragic effects? Likewise, as so many of his utterances, this elegant dictum conceals a great number of difficulties and complexities (many of which are discussed at length in other, more “scholarly”, writings by Dworkin himself), which need to be carefully addressed before the ideal of equal concern can be given effect. What should be considered as “resources”, which are to be submitted to equalization through social action? What should count as “luck”, the effects of which needs to be nullified? Are talents separable from choices, and if not, how can they appear on two different sides of the line dividing those factors which should and those which should not register among the acceptable social inequalities?

Some of these questions, though not exactly in this order, will be addressed in this Working Paper. I will begin by introducing the central distinction informing the leading discourse about luck egalitarianism: between equality of welfare and equality of resources, and try to illuminate its significance by focusing on the status of individual preferences (in particular, preferences which are particularly costly to satisfy) as regards egalitarian distribution (Part 1). I will then move on to consider another distinction: that between “persons” and “circumstances” (a distinction said to separate those factors which should and those which should not be allowed to affect a person’s economic position) and see how it correlates with the central moral intuition which triggers the whole egalitarian approach, namely that

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<sup>1</sup> Ronald Dworkin, *Is Democracy Possible Here?* (Princeton University Press: Princeton 2006) at 108.

social inequalities should be allowed to reflect the choices people make in the course of their lives (Part 2). If we consistently maintain the centrality of choice for the whole theory, and construct the technical concept of “resources” accordingly, we may well realize that the gap between “equality of welfare” and “equality of resources” is not as wide as academic writings, structured as they are around this dichotomy, would have us believe – or so, at least, I claim in Part 3. The last Part addresses head-on the crucial issue lying in the background of this whole discussion: is the aspiration to eliminate systemically the impact of bad luck (along the lines specified by such considerations as “equality of resources”, the status of preferences, tastes, choices, etc, as discussed in Parts 1-3) necessarily, or at least contingently, egalitarian? Many critics have recently suggested that it is not. If they are right, then the whole aspiration, as encapsulated in the quotation from Dworkin, with which this Working Paper opens, would be fundamentally flawed, and the term “luck egalitarianism” would be a contradiction in terms. Luckily (*un mot juste* in this context) this is not the case, as I will argue in Part 4.

### 1. Equality of Resources, of Welfare, and the Status of Preferences

Much of the discussion within contemporary egalitarian theory – perhaps *most* of the discussion within today’s egalitarianism – centers around the contrast between two theorems as formulated by Dworkin in his classic articles on equality: equality of welfare (EoW) and equality of resources (EoR).<sup>2</sup> Dworkin himself famously rejected EoW and endorsed EoR as a correct interpretation of the general egalitarian ideal, and his critics and followers consolidated the centrality of the distinction.

In a piece written well after his original refutation of EoW, and on the occasion of criticizing Amartya Sen’s capability-oriented approach,<sup>3</sup> Dworkin looked back at the distinction at the heart of his own theory, and summarized his unease about the idea of redistributing opportunities in such a way as to equalize people’s capacities to achieve various desirable states of affairs. The problem about such an approach stems from the fact that

what makes it impossible for most people to achieve happiness, self-respect, and a decent role in community life is a lack of resources – largely impersonal resources, including education, but also, in many cases, personal ones. So we are tempted to say that what we aim to achieve, by redistributing resources and creating opportunities, is an improvement in people’s ability to secure these important goods.<sup>4</sup>

This temptation, Dworkin goes on to say, should be nevertheless resisted, for reasons which encapsulate his own approach to (what may be called) “EoW v. EoR” problems:

[T]here is ... a danger in putting the matter that way – the danger of sliding into the fallacy of supposing that our ultimate political goal is not simply to make people equal in the resources they need to achieve happiness, self-respect, and like desiderata, which

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<sup>2</sup> Ronald Dworkin, “What Is Equality? Part 1: Equality of Welfare”, *Philosophy & Public Affairs* 10 (1981): 185-246 at 185 [referred to as “Equality of Welfare”] and Ronald Dworkin, “What Is Equality? Part 2: Equality of Resources”, *Philosophy & Public Affairs* 10 (1981): 283-345 [referred to as “Equality of Resources”], reprinted also as Chapters 1 and 2 of Ronald Dworkin, *Sovereign Virtue* (Harvard University Press: Cambridge Mass. 2000).

<sup>3</sup> Chapter 7 of *Sovereign Virtue*, where the discussion of Amartya Sen is carried on, was written originally for that book, published in 2000; the original articles on equality were published in *Philosophy & Public Affairs* in 1981.

<sup>4</sup> *Sovereign Virtue* at 302.



is an attractive and compelling goal, but to make them equal in their overall capacity to achieve these goals, whatever ambitions, projects, tastes, dispositions, convictions, and attitudes they might have, which is the false goal of equal welfare or well-being.<sup>5</sup>

The fundamental point he makes in this context is that the ideal of EoW would necessarily be insensitive towards the distinction between the impersonal and personal assets which people have, and consequently would commit us to equalizing the personal assets (such as ambitions, tastes, etc), a prospect Dworkin characterizes as “frightening”.<sup>6</sup> A related point is that it would be unfair because it would disregard people’s choices, as reflected in their “projects, tastes, dispositions” etc. These are two separate points. But before looking at them, it is useful to realize that, at first glance, the EoW ideal is intuitively more compelling and attractive than EoR. After all, there is nothing inherently good and valuable about resources; what makes them good and valuable is how instrumental they are towards our welfare (understood in a broad sense of the word); consequently, there is nothing inherently fair in equality of resources; what makes such equality fair is the degree to which it contributes to equality of that which is meaningful to people. Welfare is meaningful; bare resources are not. To focus on resources (and consequently, on equality of resources) would seem to be confusing the means with the ends.

This is the intuitive reason why EoW would be, initially, a more attractive interpretation of the general ideal of equality. The most damning criticism of this interpretation is, as we have just seen, that it would be insensitive to the choices people actually make, *and* to the distinction between impersonal resources and the personal ones. These are clearly two *separate* objections because there may be some personal resources which cannot be traced back to any human choice, in a meaningful sense, and hence placing them beyond the bounds of equalization (or neutralization) is morally question-begging: if the choice is the main criterion, distribution should nullify the effects of at least some personal assets; if, in turn, the main dividing line (between those assets which should be equalized and those which should not) is between the personal and impersonal assets, then distribution will remain insensitive towards (i.e., will keep intact) some differential assets which are not chosen. Dworkin, as we have seen, merges these two yardsticks into one when he seems to object to equalizing all personal resources, and at the same time warning against equalizing the assets in a way insensitive towards ambitions, projects, etc. But we need to choose between one and the other yardstick whenever they do not coincide. I will return to this point in Part 2.

This criticism of EoW is traditionally presented in the literature (again, Dworkin had led the way)<sup>7</sup> through the problem of “expensive tastes” (or “expensive preferences”): one thoughtful scholar explicitly draws the connection between the “expensive tastes problem” and the (alleged) insensitivity of the EoW ideal to “the distinction between preferences or needs people have chosen, cultivated, or preserved, and those they have not”.<sup>8</sup> Dworkin’s original argument went as follows, in a nutshell: in order to achieve the same level of welfare for all, those individuals whose tastes require more resources to attain equal satisfaction, would have to be provided with more resources. This, however, is counterintuitive: why should we, as a matter of equality, provide money for champagne to those who require it to achieve the same level of welfare as we, ordinary mortals, get after drinking mineral water? Ergo: EoW is a confused ideal. This has been taken as a conclusive

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<sup>5</sup> Id. at 302.

<sup>6</sup> Id. at 303.

<sup>7</sup> See “Equality of Welfare” at 228-40.

<sup>8</sup> Eric Rakowski, *Equal Justice* (Oxford University Press: Oxford 1991) at 41.

argument by a great number of writers sympathetic to Dworkin's strategy. As Eric Rakowski pointed out: "Egalitarian welfarism would require that the allotment of someone who cultivated expensive tastes – for flashy cars, posh restaurants, designer clothes – be increased, in order to reestablish parity of welfare, even though everyone else's stock of resources would have to fall to repair the deficit he created. By contrast, those whose predilections are more cheaply satisfied would receive smaller shares".<sup>9</sup> It is sufficient to describe such an implication of EoW to discredit the ideal seemingly beyond redemption.

Dworkin developed, at some length, a possible defense of EoW against the expensive-tastes based objection, namely, that we need not compensate for extra tastes because, and insofar as, they have resulted from a conscious decision of a person to acquire and/or cultivate them, because the very decision to cultivate them must have been based on some beliefs which were not (or were not traceable to) voluntary choices. The decision about what sort of life to live is "rarely if ever voluntary all the way down"<sup>10</sup> and so we cannot rely on the voluntary nature of acquisition/cultivation of expensive tastes in screening off such choice from measuring the welfare for the purposes of the EoW ideal. So there is no clear distinction between "expensive tastes that are deliberately cultivated and other aspects of personality or person, such as native desires or socially imposed tastes, that affect people's welfare".<sup>11</sup> And if no such distinction is available to us, and at the same time compensation for the former is wildly counterintuitive, then we must not compensate for the latter either, and if the differences in "native desires or socially imposed tastes" cannot figure in the differential distribution of resources to people, what is left of EoW? This seems to be the main argument against EoW, as launched by Dworkin.

It is important to be clear about the structure of the argument and its aspiration. The aspiration is to demolish the ideal of EoW, and this aim has been successfully attained. But the structure of the argument reveals a non sequitur which is significant to our thinking about the role of the personal/impersonal distinction, and its connections with the voluntary/involuntary assets of individuals. The general argument, summarized above, proceeds in the following way: (1) Compensating for (i.e., distributing resources in a way sensitive to) expensive tastes is absurd; (2) Expensive tastes are indistinguishable from other aspects of personality which affect the degree to which we attain our welfare – at least not distinguishable in terms of their voluntary character; hence: (3) Compensating for *any* of our personal assets in order to equalize welfare is absurd. I think that the premise (1) is unimpeachable. Demanding others to subsidize my expensive tastes strikes us immediately as unfair. At this point, the goal of undermining EoW has been already accomplished because at least *some* individual characteristics which affect our attainment of welfare can be characterized as expensive tastes. The problem is with point (2), and if it is faulty, then (3) does not follow.

The problem about (2) is that while we may indeed acquire expensive taste in a non-voluntary way, it is not the case that we are unable to get rid of them through our own conscious action, once we realize that they are a hindrance to attaining a satisfactory level

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<sup>9</sup> Id. at 41.

<sup>10</sup> "Equality of Welfare" at 233. This has been a very stable point in Dworkin's thinking about equality: he has reiterated the same point in a piece written much later, see *Sovereign Virtue* at 289. In the context of responding to Cohen's critique, he argues that someone with an expensive taste, say for champagne, "cultivated refined tastes because ... he thought such tastes appropriate to him: he had, we might say, a taste for refined tastes", which is not traceable to choice.

<sup>11</sup> "Equality of Welfare" at 232.

of well-being.<sup>12</sup> The case of the champagne-lover is a good (even though extreme) example: it may well be that someone's taste for champagne has been implanted through non-voluntary mechanisms (family, upbringing, social pressure, etc) but it is not the case that we are unable to do anything about it once we ascertain that having it hinders us in achieving a proper level of satisfaction in life.<sup>13</sup> It is, in this sense, different from many other personal attributes, which are not so easily cast aside. Perhaps a simple test is: would we consider ourselves better off if we did not have a particular attribute (which rendered our achievement more costly) in the first place? A positive answer to such a counterfactual question may be a sign that it is not really possible to put the attribute aside and thus that it is not voluntary in a morally relevant sense: why would we have persisted with having an attribute if it renders us worse-off and yet can be cast aside? It would be plainly irrational. A negative answer would be a sign that the attribute may be seen as voluntary in a thin but morally relevant sense: we value this attribute and consider it as part of our accomplished life, even though it makes our achievement of satisfaction more costly (consider a fundamental difference, precisely in these terms, between a disability and an expensive taste!). But since we value it, and consider that discarding it is a loss, we need to "pay" for it, and so surrender the right to claim compensation. Now my view is that expensive tastes belong to this latter category: we normally do not consider that we would have been better off if we did not have them in the first place, and we do not consider them on a par with handicaps.<sup>14</sup> Rather, we tend to be proud of them, to cherish them, and find that overall we are better (or more interesting, or more accomplished) human beings for having them. They are not something that we just happen to have and would prefer not to have: a champagne- or opera-lover does not consider her expensive tastes to be afflictions without which she would have been a better human being. So by surrendering them she would agree to a loss rather than a removal of a costly handicap. In this sense these tastes are "discardable": if by having to satisfy my taste for champagne, or opera, I make a moral decision not to discard these costly preferences, by making this choice, I surrender the right to claim compensation from society, many members of which do not need to pay so much for the attainment of a comparable level of satisfaction.

Note that the aim of my argument is not to resuscitate the ideal of EoW but rather to show that the argument against EoW should not bear collateral damage in the form of linking "expensive tastes" with all other personal attributes, merely on the basis of (an alleged)

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<sup>12</sup> For a similar argument about voluntariness of preferences, see Richard J. Arneson, "Equality and Equal Opportunity for Welfare", *Philosophical Studies* 56 (1989): 77-93 at 79-80.

<sup>13</sup> Note that it is a different, and a more modest, argument than a contention, made by Susan Hurley, that the very concept of responsibility for certain choices need not presuppose that we can be responsible for everything that has led to those choices (a conception which she calls a regression conception of responsibility, and which she rejects); consequently, "We can agree that someone did not control and was not responsible for his constitution, but still think he was responsible for certain choices that flow from his constitution", S.L. Hurley, *Justice, Luck, and Knowledge* (Harvard University Press: Cambridge Mass. 2003) at 113-14.

<sup>14</sup> Another possibility would be to distinguish, within the category of expensive tastes, between those that are traceable to a person's choice (hence, for which we can hold a person responsible) and those that are not. This was Cohen's approach, see G.A. Cohen, "On the Currency of Egalitarian Justice", *Ethics* 99 (1989): 906-944 at 923 [referred to as "Currency"]. But this is equivalent to denying any significance to the "expensive tastes problem" and merely having this "problem" superseded by a straightforward appeal to individual choice. In the end, I prefer a general characterization of "expensive tastes" as typically traceable to choice, in a way described in the main text. Cohen's distinctions within the expensive tastes category (see *id.* at 923-24) are just not convincing, as Dworkin has persuasively shown, see *Sovereign Virtue* at 288-89. And Cohen's proposition that involuntary expensive tastes should be compensated for, hence subsidized by others, for the sake of overall equality, see "Currency" at 923, seems deeply counter-intuitive.

equal involuntariness of both categories of personal attributes. The aim is to disconnect the personal/impersonal distinction from the question of choice. Why would it matter? I will return to the dividing line between personal and impersonal factors in Part 2 below, but at this point it is important to emphasize that our main concern is with the grounds of those disadvantages, for which society as a whole has a duty to compensate an individual, and those which can be (morally speaking) left to individual self-help. The whole debate about EoR versus EoW is precisely about that: what should be equalized, or in other words, what factors of (or leading to) inequality must be compensated for? This can be translated into the language of “subsidy”: as resources are limited, when should we subsidize our fellow beings, in a relevant justice-community, for their disadvantages? In a statement which is suitable for a general proposition nicely encapsulating those intuitions, which may serve as our fixed point in the argument about the relationship between expensive tastes and a duty to equalize resources/welfare, Eric Rakowski argues that : “Unless people’s desires ... were forced upon them by their upbringing or other manner of conditioning to which they were involuntarily subject, and *unless they disapprove of those desires and wish to be rid of them*, the costs of satisfying their wishes, or the frustration of leaving them unsatisfied, are of no concern to others who do not choose to make them their concern. Justice leaves these matters to private decisions, to be made against the backdrop of a just distribution of resources determined ... on other grounds”.<sup>15</sup> The italicized words resonate with the proviso which I have just suggested in the previous paragraph: we can have a commonsensical test for which costly preferences can be considered “voluntary”, so that redistributive egalitarian transfers should disregard them, and their existence may thus well be reproduced in the final distribution, without any infringement of social equality.

A comment about the contrast between “expensive tastes” and disabilities is in order.<sup>16</sup> I have argued above that the main difference, from the point of view of equality-related social obligations, is that – while both add extra costs to the attainment of a level of satisfaction by an individual – the former (expensive tastes) can be seen as “voluntary” only if it means that a person would not consider discarding them as a gain, but the latter (disabilities) cannot be seen in that way because a person normally would consider herself to be better-off without them. Hence, there are duties of compensation under a conception of social equality stemming from the latter, but not from the former personal predicaments. For this reason, the attempt to draw a moral analogy, as in the work of Arneson,<sup>17</sup> strikes me as deeply counterintuitive. In Arneson’s theory, the analogy is drawn, because he needs a strategy to defend the welfarist ideal (even though in a modified version, as equal opportunity for welfare, with a subjectivist standard for welfare) but *this* strategy seems to be a non-starter.<sup>18</sup> Elizabeth Anderson has convincingly criticized

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<sup>15</sup> Rakowski at 64, emphasis added.

<sup>16</sup> On this contrast, see also Dworkin, “Equality of Resources” at 300-304 and *Sovereign Virtue* at 293.

<sup>17</sup> See Richard J. Arneson, “Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare”, *Philosophy & Public Affairs* 9 (1990): 158-191 at 187-88 [referred to as “Liberalism”].

<sup>18</sup> Whether the attribution to Arneson of a position that “disabilities are just another kind of involuntarily expensive taste”, Elizabeth Anderson, “What Is the Point of Equality?”, *Ethics* 109 (1999): 287-337 at 331 is fair is another matter. It is true that he claims that his own preferred theory (which he dubs “distributive subjectivism”) would “involve[] a generalization from th[e] particular example involving physical handicap to all other expensive preferences that individuals are not plausibly regarded as bearing any personal responsibility for”, Arneson, “Liberalism” at 187. But later in the same article, he speculates that perhaps there is a viable perfectionist theory which would allow us to make objectively valid judgments about worthwhile human life as a result of which we could distinguish between expensive extravagant tastes and expensive preferences due to physical handicaps, see id. at 190-193. For the purpose of the argument in the

Arneson for analogizing expensive tastes with disabilities, but she went further and claimed that the whole argument according to which disabilities call for compensation under the ideal of equality is baseless. Anderson claims to “take seriously what the disabled are actually complaining about”: “They do not ask that they be compensated for the disability itself. Rather, they ask that the social disadvantages others impose on them for having the disability be removed”. As one example of such call for a removal of social disadvantage, she demands “that the disabled have good enough access to public accommodations that they can function as equals in civil society”.<sup>19</sup> No one could take issue with such a claim; the question is, what is the point of characterizing it as a “removal of social disadvantage imposed by others” rather than a compensation for a disability with the aim of equalizing the conditions of functioning of a society? The former characterization strikes me as convoluted and counter-intuitive: to say that, by failing to provide special measures for the mobility of the disabled we are “imposing” disadvantages on them may be a useful rhetorical device to mobilize public opinion but seems to miss the point that our failure to act (to compensate for disability) may be equally reprehensible as a positive “imposition of disadvantage” on the disabled. Now the whole point of this distinction (which by now may strike a reader as meaningless) is that the language of compensation, but not the language of removal of the disability, can be aligned with the general theme of luck-egalitarianism. This is why: the language of compensation for a disability (aimed at social equality) is perfectly at ease with the central place of choice /responsibility-sensitive equality. Consider the starting point of the present reasoning: it aimed at drawing a meaningful distinction between expensive tastes and disabilities. The distinction can be drawn, I have suggested, on the basis of a test, which reflects the thin standard of voluntariness (can we discard an attribute, and would we feel a sense of loss once we do?) So if the disanalogy between expensive tastes and disabilities is indeed based on this test of voluntariness, the claim for a compensation for disabilities is perfectly compatible with (indeed, mandated by) choice-sensitive equality. Any strategy aimed at defying the disanalogy (hence, affirming the analogy), as in Arneson, is detrimental to this aim. But so is any strategy aimed at showing that disabilities do not trigger claims for compensation (but rather claims for the removal of disadvantages imposed by others), as in Anderson. And it is now clear why she has a stake in rebutting the disability-compensation thesis: she is a vocal critic of the choice-sensitive equality in either of its forms. So to square the duty of extra measures for the disabled with the rejection of choice-sensitive equality, she needs to propose a totally different characterization of the former, and she offers the “removal of disadvantages” characterization. But it is unconvincing (for the reasons suggested above) and this is an additional reason making her challenge to luck egalitarianism seem ineffective.

Another attempt to radically disconnect the question of “expensive tastes” is by confining them *en bloc* to a private sphere, and to explain our lack of obligation to compensate precisely by their private status rather than by their involuntary (in the sense suggested above) character. This is the strategy favored by Marc Fleurbaey. Responding directly to Dworkin’s argument (and using Dworkin’s invented character, Louis, as an instance of a person with expensive tastes), Fleurbaey says: “It is not because Louis has chosen to cultivate a taste for plover’s eggs and ancient claret that he will not receive a subsidy, but rather because he has been given by the institutions, a personal autonomy over his tastes and the satisfaction of these tastes. The reasons why he develops such tastes are not to be

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main text, I presuppose (but am not fully convinced) that Anderson’s attribution of the no-distinction view to Arneson is correct.

<sup>19</sup> Anderson at 334.

scrutinized, unless they interfere with social outcomes (for instance, not to be threatened or manipulated would probably be a social outcome)".<sup>20</sup> But this strikes me as question-begging: our decision to consider that something is within a private sphere is a *result* rather than a basis of our judgment about whether we have a duty to compensate for the absence of assets which impair our satisfaction. The line between the private and the public sphere is contingent, and part of the contingency is our judgment about people's responsibility for the factors which affect their satisfaction in life. Suppose Albert is deeply miserable because his loneliness is due to psychological characteristics which make him unable to cope: should we necessarily deny him subsidized resources to obtain psychological support merely on the basis that his suffering is in the private sphere? Compare that case with Barbara's choice of a lonely life as a deliberate decision as to the best allocation of her resources (founding a family would reduce her financial means and her freedom to travel): when she gets subsequently occasionally troubled about her lonely life, aren't we less concerned about compensation that would be due to her than in the case of Albert? If so, the "privatization" of a given matter already takes on board the judgments about individual choices/responsibility. This is, indirectly, confirmed by the very language Fleurbaey uses: when he talks about Louis's lack of claim for compensation he talks about the "autonomy" he has over his tastes: isn't this autonomy a sphere in which free choice operates? Albert's predicament is less autonomous than that of Barbara: this is because autonomy delineates a sphere in which (among other things) our free choice reigns. And where there is no choice, the autonomy claim is empty. So Fleurbaey is right that, when considering status of expensive tastes under a conception of social equality, the *reasons* why a person develops these tastes are irrelevant; what *is* relevant is that she *develops* them, rather than getting stuck with them, in a way which impairs her level of satisfaction in life.

## 2. Persons, Circumstances and Talents in Luck Egalitarianism

The problem of expensive tastes is important not only per se but mainly because it is a useful angle from which to consider the central issue for luck egalitarianism, namely, what it is about a person that is to count as compensable luck and what (even if it amounts to, or produces, inequalities among people) should be left intact, without infringing the ideal of equality. As we saw, for Dworkin the absurdity of subsidizing expensive tastes was a platform from which to launch an assault on the ideal of EoW. For some of Dworkin's critics, notably for Cohen, the same presupposition (about the absurdity of subsidizing expensive tastes, at least those which are unchosen) was not so much the reason for rejecting EoW, but rather proof that choice-based inequalities are acceptable under a broader ideal of equality (however labeled). The difference between these two positions within the luck-egalitarianism strand stems from the different answers given to a more fundamental question: towards what factors should social equalitarian redistribution be sensitive; or in other words, what it is about human beings that should be subject to equalization? This is the question to which we now turn.

Dworkin, both in his original exposition of the argument and in his later response to critics, insisted on the centrality of the distinction between "persons" (including their talents and abilities) and "circumstances" (where circumstances include also ambitions and tastes): the differential impact of the latter should be neutralized, but the consequences of the former should be left intact. This was initially encapsulated in the general formula according to

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<sup>20</sup> Marc Fleurbaey, "Equal Opportunity or Equal Social Outcome?", *Economics & Philosophy* 11 (1995): 25-55 at 51 [referred to as "Equal Opportunity"] at 52, footnote omitted.

which distribution should be ambition-sensitive but endowment-insensitive, and the goal of redistribution should be to neutralize the effects of differential talents but to preserve the effects of choices.<sup>21</sup> In an article which was the first important response to Dworkin from within the luck-equality theory, Cohen agreed with Dworkin in rejecting EoW, but criticized Dworkin's "cut" and suggested that it should be "relocated": noting that Dworkin would compensate for shortfalls in capacities, but not for shortfalls traceable to tastes and preferences, Cohen suggested that involuntary expensive tastes should also be compensated if we were to stick to the centrality of the choice/luck distinction.<sup>22</sup> Innumerable critiques, comments and suggestion for other "relocation of the cut" followed.

It is important to be clear about what the discussion is about. The disagreement (as exemplified by the first round of the debate between Dworkin and Cohen) has been sometimes presented as concerning the following alternative: either the "persons/circumstances" distinction is fundamental (as in Dworkin) or the choice/luck distinction is fundamental (as in Cohen).<sup>23</sup> But this is not so. At least in his more recent restatement of his own position, Dworkin clearly implies that both distinctions are coextensive, but that the chance/choice distinction is primary. The former distinction (persons/circumstances) emerges when he says, for instance, that "a political community should aim to erase or mitigate differences between people in their personal resources ... but should not aim to mitigate or compensate for differences in personality".<sup>24</sup> As examples of compensable personal resources, he gives that of physical handicaps or other reasons accounting for the inability to earn a satisfactory income; as examples of aspects of personality (which must not be subject to mitigation or compensation) he gives that of people's tastes and ambitions. So here the persons/circumstances distinction seems central. But almost immediately after this passage, Dworkin reaffirms as a general principle the proposition that "individuals should be relieved of consequential responsibility for those unfortunate features of their situation that are brute bad luck, but not from those that should be seen as flowing from their own choices".<sup>25</sup> So for both Dworkin and Cohen (and their respective supporters) the choice/luck distinction *is* central. The debate is about where exactly to draw the line. For Cohen the distinction between ambitions and talents drawn by Dworkin is unfounded: if talents are unchosen (and therefore subject to redistributive responses) so are ambitions, at least some. So at least when we can show that certain ambitions, tastes, preferences etc., are involuntary and yet costly, according to Cohen social redistribution should mitigate resultant inequalities. And, in effect, we should subsidize them. For Dworkin, in turn, any distinction within the category of preferences, between those which are involuntary, and those which are chosen, is suspect, and all preferences (tastes, ambitions) should be linked to the "persons" pole and thus not compensable.

But note now a puzzling incoherence in Dworkin. On the one hand, he claims that the choice/chance distinction is primary: the role of equality is to respect choice, but mitigate chance. On the other hand, he claims that preferences (ambitions) belong to personality and must not be mitigated even though they are unchosen: the distinction between chosen

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<sup>21</sup> "Equality of Resources" at 312-14.

<sup>22</sup> Cohen, "Currency" at 918-23.

<sup>23</sup> This interpretation can be probably read into Timothy Hinton, "Choice and Luck in Recent Egalitarian Thought", *Philosophical Papers* 31 (2002): 145-167 at 148-62 and Samuel Scheffler, "Choice, Circumstance, and the Value of Equality", *Politics, Philosophy & Economics* 4 (2005): 5-28 at 6.

<sup>24</sup> Dworkin, *Sovereign Virtue* at 286.

<sup>25</sup> Id. at 287.

and unchosen (expensive) preferences is dubbed by him as “illusory”.<sup>26</sup> How can we reconcile one with the other? In sum, we have three propositions here: (1) choice is to be respected by equality and its results left intact, while chance must be mitigated; (2) personality must be respected, but personal resources (circumstances) should be corrected; (3) preferences and ambitions are unchosen. We can have (1) + (2) (choice becomes part of personality; while personal resources are unchosen and can be corrected), or (1) + (3) (results of differential preferences should be mitigated because they belong to chance, *vide* Cohen), or (2) + (3) (same), but how can we have (1) + (2) + (3)? How can we consider preferences to be unchosen, hence part of chance, and yet belong to personality and so not be subject to mitigation through equality measures? To put it even more simply, how can preferences be within the realm of individual responsibility and yet unchosen?

As may be clear from my earlier argument, I believe that it is point (3) which is the weak link here, and which infects Dworkin’s conception with incoherence. We need to revisit the point about preferences being unchosen. For Dworkin, this thesis was a part of a larger strategy to show that non-respectable expensive tastes (such as for champagne) cannot be distinguished from more respectable expensive proclivities (such as for photography), by arguing that both can be claimed not to be totally traceable to choice. But to agree that they are both equally unchosen seems to throw the baby out with the bathwater; we may rather say that they are both equally subject to the individual decision to drop them (regardless of how a person had come to have them in the first place), and therefore that we are sufficiently responsible for them to place them on the choice side of the choice/chance divide. (This strategy would not be perhaps convenient for Dworkin in the context of his argument against Cohen, which is precisely the context in which he employed it, but we do not need to be concerned about this specific polemical purpose here). Apart from showing the way out of the incoherence just noted in the previous paragraph, such a characterization would have the benefit of achieving a better resonance with our intuitive judgments about people being “responsible” for the preferences they have, at least insofar as these preferences require (as they usually do) access to scarce social resources. Or would it?

There is possibly a way of defending placing preferences on the non-compensable side of the divide, even if they are not under a person’s control: it would be to say that we identify with them to such a high degree that they deserve to be respected and not subjected to any compensatory actions. This idea is perhaps present, though not made explicit, in Dworkin, when he elaborates on the way in which we are associated, as individuals, with our tastes and preferences: we do not consider them as being a matter of choice, similar to a choice of a shirt from a drawer or a dish from a menu. Dworkin goes on: “We ... do not count the fact that we have reached some particular moral or ethical conclusion as a matter of good or bad luck. That would be to treat ourselves as *dissociated from our personalities rather than identified with them* – to treat ourselves as victims bombarded by random mental radiation. We think of ourselves differently – as moral and ethical agents who have struggled our way to the convictions we now find inescapable. It would strike us as bizarre for someone to say that he should be pitied, or compensated by his fellow citizens, because he had the bad luck to have decided that he should help his friends in need, or that Mozart is more intriguing than hip-hop, or that a life well lived includes foreign travel”.<sup>27</sup>

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<sup>26</sup> Id. at 289.

<sup>27</sup> Id. at 290, emphasis added.



I think that as a matter of moral psychology Dworkin has a point – though it is questionable whether he can merge into one and the same category some moral convictions (the duty to help one’s friends) on the one hand, and esthetic or lifestyle preferences (Mozart, foreign travel) on the other. While the core argument (in the first three sentences) exploits a convincing theme that fundamental moral convictions are not a matter of choice or good or bad luck, the extension of this intuition to preferences guiding our consumption choices (where the real burden of possible compensation for expensive tastes lies) is suspicious. But this is not the main problem about the argument with which I am now concerned. From our point of view, what is significant is how this argument may support Dworkin’s surprising (as I have suggested) categorization of preferences as part of personalities, which are not compensable even though they are unchosen. The argument may be precisely as I have suggested in the previous paragraph, that it is due to a strong identification which we have with them, and that they cannot be “dissociated from our personalities”. But there is something really strange about this argument. It seems to abandon the yardstick of choice (as something to which compensatory changes should be insensitive) and adopt the yardstick of “identification”: even though the preferences are as unchosen as external circumstances, we must not compensate for the former while we have to compensate for the latter; presumably only because we cannot identify a personality within circumstances. But then, why should we treat preferences and talents so differently? After all, if we cannot dissociate ourselves from our preference, neither can we distance ourselves from our talents. If anything, we identify ourselves even more *strongly* with our talents and capacities than with our preferences and convictions.<sup>28</sup> And yet, talents are on the pole of compensable assets (a point to which I will return below, in Part 2). So identification may not be, after all, a strong yardstick either. Which, come to think of it, is not surprising: why would a decision about which individual assets should be compensable be in any way related to the fact that we identify with them or not? We may see our identity strongly related to a particular disability which very much should trigger social compensation, and on the other hand we can discern aspects of “circumstances”, which, even though they affect our welfare adversely, do not give rise to any compensatory claims. So “identification” is neither here nor there from the point of view of the division between those factors, which should be mitigated through a social equality policy and those which should not.<sup>29</sup>

The general observation that Dworkin operates with an eccentric notion of individual responsibility (what a person can be deemed to be responsible for), which does not coincide with the notion of choice (what is under a person’s control) can be seen as the basis of a major theoretical division within the luck-egalitarian theory: almost all influential critics of Dworkin, from within the luck-egalitarian stream, including Cohen, Roemer and Arneson,<sup>30</sup> have objected to the cut being drawn between personal goals and ambitions on the one hand, and resources and circumstances on the other, and postulated, in various ways, division lines more faithful to the cut between factors within and outside a person’s control. This latter division, as has been observed,<sup>31</sup> cuts across the persons/circumstances division: there may be some personal goals which are outside a person’s control, and there may be some aspects of human circumstances which, at least to some extent, are traceable to human will and choice. This emerges most starkly if one considers the matter of human

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<sup>28</sup> See Hurley at 140.

<sup>29</sup> For a similar conclusion see also Scheffler at 11.

<sup>30</sup> Cohen, “Currency” at 916-35; Arneson, “Equality” at 78-82; John E. Roemer, “Equality and Responsibility”, *Boston Review* 20 (April-May 1995), <http://bostonreview.net/BR20.2/roemer.html>.

<sup>31</sup> Fleurbaey, “Equal Opportunity” at 26-27.

talents and abilities (understood here as one category), in comparison with human desires, preferences and ambitions (*ditto*).

But before I turn to this question, just one final observation about what I called an “eccentric” notion of responsibility used by Dworkin, where what we are responsible for does not coincide with what is under our effective control. Indeed, there are points at which Dworkin uses the concept of responsibility – which is not merely eccentric but plainly ambiguous – and this ambiguity is then exploited to draw a surprising (as I believe) conclusion about our preferences being at the same time unchosen and not grounding compensation. In responding to the critics of such a construction, Dworkin contended: “The critics [of the idea that preferences are part of the personality and as such should not be the basis of compensation] could not just appeal to a supposed normative principle holding that people should never be held responsible, *in any sense of responsibility*, for what they have not deliberately chosen. That principle would be contradicted not only by our practice of taking consequential responsibility for our convictions, but by much else in ethical and moral experience besides, including, for example, the obligations and responsibilities most people believe they have toward their political community, their parents and their siblings”.<sup>32</sup> The italicized words are revealing because the “normative principle” to which Dworkin refers in the first sentence works with one sense of responsibility but not with the other. If “responsibility” means “what people have a responsibility to do” then the principle is probably acceptable to most people: most of us believe, as a matter of substantive moral principle, that we are responsible also for things which are not traceable to our choice, as the example referred to in the end of the quoted passage suggests: we have moral obligations towards our country, parents and siblings even though no choice or action of ours can be cited as the ground of this obligation. This responsibility-as-obligation merely points at a moral truth that our deliberate commitments, choices and voluntary actions are not the only possible bases of our moral obligations (consider our moral obligation to help a stranger – a victim of an accident which we have not caused and where we just happened to find ourselves). But there is an altogether different sense of “responsibility”, as in “what we can be held responsible for”, that is, moral responsibility for facts or actions which can be cited as a reason of blame or praise, punishment or reward: call it responsibility-as-control. If we indeed had no control over the way our convictions were formed (the idea I reject) then we cannot be held responsible for those convictions, just as we cannot be held responsible for our native talents and abilities. And if we cannot be held responsible for either, under the general choice/chance division, as long as it is held to be fundamental for luck-egalitarianism, both should give rise to compensation, insofar as they impede our pursuit of valued aims. Again, to restate my general position, I do not believe that we should indeed institute compensatory measures for expensive preferences, but this is not because we identify with them particularly intimately but rather because we are “responsible” for them in the thin sense of exerting control over them, as suggested above.<sup>33</sup> So we do not need to exploit the

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<sup>32</sup> *Sovereign Virtue* at 294, emphasis added, footnote omitted.

<sup>33</sup> See also this description by Rakowski: “Virtually everyone has a vast range of desires – some cheap to satisfy, others dear – the satisfaction of which gives them greater or lesser pleasure or welfare. People may choose to strengthen some desires or weaken others out of moral or religious conviction, affection, self-interest, or other concern, but in each case they do so in the knowledge of possible costs, both material and experiential, of cultivating or preserving various preferences or hankerings. Those costs are a fact of life.... To the extent that people elect to expose themselves to, preserve, or suppress certain desires, the more or less expensive preferences they develop are beyond the bounds of justice: no correction need or should be

ambiguous notion of “responsibility”, as Dworkin does, and appeal to the responsibility-as-obligation in affirming our responsibility for our preferences and convictions because we can appeal to a non-ambiguous notion of responsibility-as-control in showing why we have no claims for compensation resulting from our expensive tastes and preferences.

This is not to deny that we may face, in real life, many truly troubling, borderline cases in which convictions are largely unchosen, or result from unchosen commitments, even under the relaxed test for voluntariness suggested above, and yet it would be counterintuitive to consider them as a ground of compensation under any attractive conception of social equality. In such cases, we could not benefit from characterizing them as “voluntary” because arguably they are not voluntary even in the thin sense of the word; the fact that social equality must be insensitive to them would seem to undermine the centrality of the chance/choice distinction. So we need to reconcile the rejection of compensation for expensive convictions with the fact that they are unchosen. Cohen raised this issue and suggested the following exception to the general rule of compensation for unchosen factors: if a disadvantage is “intrinsically connected” to a commitment based on unchosen beliefs, then no compensation is called for because “the bearer [of those commitments] would not choose to be without them”.<sup>34</sup> The paradigm case is that of religious convictions, which may be very burdensome and costly, and yet which cannot be traced to a “choice of religion”, because “people often no more choose to acquire a particular religion than they do to speak a particular language: in most cases, both come with upbringing”.<sup>35</sup> This is a questionable statement: even if we do not acquire a religion in a voluntary way, part of our religious maturity surely rests on constant decisions to retain one’s faith (or change it, as the case may be), and even a failure to examine one’s own faith can be plausibly represented as a choice.<sup>36</sup> But let us assume, *arguendo*, that religious commitments are by and large unchosen. Compensation for such convictions would be wildly implausible, and Cohen’s solution in the test: “Would a person choose to be without these convictions?” seems like a reasonable revision of the general luck→compensation rule. It suggests some sort of responsibility for commitments, and for the impact of those commitments on one’s welfare. It is also in line with the thin notion of choice/responsibility suggested here.

What *is* strange about Cohen’s proposal, however, is the suggestion that if certain costly effects are only indirectly (rather than intrinsically) related to underlying commitments, so that we can imagine a person wishing to be rid of these costly effects, without at the same time undermining her commitments, then society owes such a person a compensation.<sup>37</sup> His example is of a pilgrim, who deserves compensation for the costs of his pilgrimage: “I do not think that it is strange for a lame or poor person to request the cost of transport for a pilgrimage mandated by his religious conviction”<sup>38</sup> This Cohen uses as a case relevantly distinguishable from the “intrinsic costs of commitments” (which do not trigger a duty of compensation), and he later reasserts: “I see no glaring oddity in a believer’s claim that, since all should be equally able to worship as they will, his own worship, because it requires what happens to be expensive, warrants public subsidy”.<sup>39</sup> And yet it *is* odd because the line

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made for them”, Rakowski at 57-58. I could hardly find a better expression of my own views about the voluntary character of preferences, and their status under social equality.

<sup>34</sup> Cohen, “Currency” at 937.

<sup>35</sup> *Id.* at 936.

<sup>36</sup> For a critique of Cohen on that score, see Rakowski at 62.

<sup>37</sup> For a similar critique, see Rakowski at 60.

<sup>38</sup> Cohen, “Currency” at 936.

<sup>39</sup> *Id.* at 938, footnote omitted.

separating those religiously-based costly commitments, which require subsidy from those which do not, is drawn on two separate criteria, which do not seem to point in the same direction. The first criterion is whether the connection between underlying commitments and costly actions is intrinsic or not: if it is not, the believer has a good claim for compensation. Considering that Cohen conceded earlier that religious commitments per se were usually not voluntary, the argument should simply be the other way round, in order to keep coherence with the fundamental choice/chance distinction: something that is intrinsically related to unchosen commitments seems to warrant a better case for compensation, than something that is only indirectly or contingently related. The second criterion is that of a counterfactual regret: would a person prefer to be without those costly consequences, assuming that no underlying commitments would be undermined? If yes, compensation is owed; if not, it is not owed. This sounds like the thin notion of choice proposed earlier in this paper, but in the specific context of Cohen's example, I fail to see how it can be employed here. If a person would prefer to do without some costly consequences (such as a pilgrimage) of her commitments, and yet has to "suffer" them because otherwise the underlying commitments will be undermined, then it seems to be a proof that the link between commitments and costly efforts is intrinsic. And the example of the pilgrimage just proves this point. To support Cohen's argument, we would need to think of a religiously-driven action, which is not intrinsic to religious commitments, and which a believer would rather not suffer. If we can imagine such cases, then clearly they indicate caprice on the part of the believer: why should *that* be compensated by society at large?

Now we can confront the question of the status of talents: why should talents be seen as belonging to the pole of "chance" so as to be compensable, contrary to preferences? "We want to develop a scheme of redistribution, so far as we are able, that will neutralize the effects of differential talents..."<sup>40</sup> – this goal is perfectly in line with the status of talents as being the means to our success in life – our resources – which are largely independent of our will and choice. Of course, "[t]alents are nurtured and developed, not discovered full-blown, and people choose which talents to develop in response to their beliefs about what sort of person it is best to be".<sup>41</sup> Hence, the dramatic practical question is, are we able to disentangle the native ingredient from the layer which is due to a conscious effort aimed at development, cultivation and improvement of genetically or socially determined capacity? (For the purposes of this argument, we can consider social and natural luck jointly, as being something that a person equally cannot claim any desert for. Elsewhere, I have considered and rejected a proposal to de-link social from natural contingencies).<sup>42</sup> As Dworkin has observed: "it is no more possible to erase all differences in wealth that derive from inequality in talent without also erasing some of those that derive from choice than it was for Shylock to take his pound of flesh without drawing a drop of blood".<sup>43</sup> Marc Fleurbaey referred to it as the skepticism about "separability": the separability thesis claims that trade-offs between external resources and internal talents are independent of human will, so that we can compensate for inferior talents with extra resources, without offending the principle that equality should be insensitive towards choices people make. Such separability is rarely available to us in the real world.<sup>44</sup>

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<sup>40</sup> "Equality of Resources" at 312-13.

<sup>41</sup> *Id.* at 313.

<sup>42</sup> Wojciech Sadurski, "Natural and Social Lottery, and Concepts of the Self", *Law and Philosophy* 9 (1990): 157-175.

<sup>43</sup> *Sovereign Virtue* at 341.

<sup>44</sup> Fleurbaey, "Equal Opportunity" at 30-31.

Whether we can disentangle the native from the choice-based factors, so as to make distribution endowment-insensitive, but ambition-sensitive, is a practical matter, which I am going to put aside here. I wish only to note that there have been some more or less ingenious attempts to construct a matrix, which would reflect the native ingredient in a person's success, and attempt to establish a process of redistribution, which would take this ingredient into account. Some time ago, Jan Tinbergen advanced a proposal of a capability tax: taxes, Tinbergen argued, should be based on the innate capabilities of individuals, rather than on their incomes, so that we would not tax marginal efforts made by individuals. Accordingly, such "capability taxes" based on complex tests of innate abilities, would result in all additional income obtained from extra effort, remaining with individuals.<sup>45</sup> This would be one way (arguably a crude one, because it would not factor into the tax many other luck-based assets) of disentangling choice-based factors from luck-based ones. Note that this seems like one way of giving effect to Rawls's idea of a common pool of natural assets, as corresponding to the difference principle. As Rawls argued: "We see ... that the difference principle represents, in effect, an agreement to regard the distribution of natural talents as a common asset and to share in the benefits of this distribution whatever it turns out to be".<sup>46</sup> While the wording is misleading, and gave rise to the charge that the common-pool idea "does not take seriously the distinction between persons",<sup>47</sup> it is clear that the "common pool" is constituted by the social advantages accruing to natural assets, not to assets themselves. Such a common pool is a metaphorical way of expressing the idea that luck-based assets (such as talents) should not affect a person's position in social distribution.

Anthony Kronman wisely observed that "as a practical matter, talent pooling represents nothing more than a system of taxation".<sup>48</sup> How can such taxation be designed? Perhaps Tinbergen's proposal may be used as one such method. In any event, my aim here is not to inquire into how accurate and feasible such mechanisms may be. Perhaps they are not feasible at all, and luck-egalitarianism must be consequently confined to the category of those ideas which just cannot ever be put into practice. What I wish to emphasize is what follows from the earlier discussion of preferences: if talents are to be associated with the pole of compensable factors, then it cannot be that they belong to "circumstances" rather than "persons", and so the "persons/circumstances" distinction cannot be seen as central for the purposes of luck-egalitarianism. "My talents are mine in just the way that my values and convictions are mine. They are part of what makes *me*".<sup>49</sup> And if this identity-constituting character of talents is not sufficient to overcome the social obligation to compensate for the consequences of inferior talents (indeed, it is irrelevant to the goal of compensation), then it is hard to see why any identity-constituting characteristic should be relevant to any other factors people may possess, such as their convictions, preferences and desires.

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<sup>45</sup> Jan Tinbergen, *Income Differences* (North-Holland Publishing: Amsterdam 1975) at 63.

<sup>46</sup> Rawls, *Theory of Justice* at 101.

<sup>47</sup> Robert Nozick, *Anarchy, State, and Utopia* (Basic Books: New York 1974) at 228.

<sup>48</sup> Anthony T. Kronman, "Talent Pooling", in J. Roland Pennock, John W. Chapman, eds., *Human Rights: Nomos XXIII* (New York University Press: NY 1981) at 66.

<sup>49</sup> Hinton, at 152.

### 3. Resources and Welfare: Shortening the Gap

A person's position in society is influenced mainly by three sets of factors: (1) material goods and opportunities (which can be called external resources), (2) personal talents, skills, capacities and other characteristics, including strength and beauty (which may be called personal assets), and (3) individual choices, decisions, efforts and will (which may be called summarily choices). Luck cuts across all three categories, though in an uneven way: many external resources represent something we are born into; personal assets are largely, though not solely, determined by native determinants, and choices are partly affected by predispositions, which are in turn partly genetically determined. (There is also a lot of luck operating besides these three sets of categories, but social equality is mainly concerned with these three). EoR attempts to bring about rough equality in (1) + (2) across the population,<sup>50</sup> and hopes in doing so to neutralize the impact of luck upon our social positions. More specifically, it attempts to make a final distribution that takes contains only inequalities resulting from (3), and more accurately, from this aspect of (3) which is luck-independent, or which can be only traced to human decision and choices discounted by the degree to which those choices have been affected by chance.

If this is a correct statement of the ideal of EoR then the fundamental question which emerges is, are the two aspirations of EoR in line with each other, that is equalization of (1) + (2) and luck-neutralization? Is it necessarily, or even contingently true that if we attempt to correct luck (so that the outcome is luck independent), we will achieve an equalitarian state of affairs, in any meaningful sense of equality? But before I address this big question, a note on EoR versus EoW is in order. As our earlier discussion of the status of talents suggested, talents are seen as part of overall resources for the purposes of the EoR ideal: (1) and (2) are viewed jointly as things to be equalized. “[A] person's resources include personal resources such as health and physical capacity as well as impersonal or transferable resources such as money, and ... though different batteries of techniques are required to correct or mitigate inequalities in these two major domains of resource, both must command the attention of egalitarians”.<sup>51</sup> This suggests an eccentric, or a stipulative, understanding of “resources” which in turn implies a shorter gap between the ideals of EoR and EoW, than the abstract statement of the opposition would suggest. On the part of EoW, there is hardly anyone, who would advocate equality of *welfare* in its pure and unadulterated form: it would be both perverse and unattainable (and also deeply counterintuitive), if the aim of society were to achieve equality in the sense of well-being, or satisfaction, or any other positive subjective state of affairs, among individuals. This much has been well demonstrated by Dworkin and a legion of other authors. So the so-called welfarist proponents of luck-equalitarianism refer to equality of *opportunity* for welfare,<sup>52</sup> or equal *access* to advantage,<sup>53</sup> etc. – ideals, which largely depart from EoW *tout court*. One other, obvious, reason why EoW *tout court* is an unacceptable ideal for any luck-egalitarian, is that much of the inequality among persons issues from (or is traceable to) individual

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<sup>50</sup> “Rough equality” is an imprecise wording; at some points, EoR proponents establish a much higher test, for example that the transfers and redistributions should be such that “no further transfer would leave [people's] shares of the total resources more equal”, Dworkin, “Equality of Welfare” at 186. But this seems to be, in practice, a very strict test, which would require a comparison of a given distribution with all other possible distributions of total resources. Let us settle here for “rough equality” as a more practicable and lenient standard.

<sup>51</sup> *Sovereign Virtue* at 300.

<sup>52</sup> See Arneson, “Equality”.

<sup>53</sup> See Cohen, “Currency”.

choices:<sup>54</sup> insofar as it is, EoW would stand in direct contradiction with the main reason for adopting luck egalitarianism in the first place, which is to respect individual choices and hold people accountable for them. But nor does EoR mean equality of *resources* in the standard or conventional sense of the word. For, once we allow personal assets (such as talents, skills etc) into a category of resources to be equalized, we commit ourselves to some very significant implications, which can be detected by comparing these “resources” with more conventionally understood resources. Two differences are of particular relevance.

First, personal assets are not subject to redistribution or equalization in the same way as external resources are. We cannot shift and transfer among people human intelligence, beauty or energy. What we can do is compensate with other resources the relative deficit of some of these, compared to a social norm, say, to an average. But because these assets are incommensurable with external resources, any such compensatory move risks a high degree of indeterminacy. Or we can downplay the significance of any of these features for social distribution of other goods and opportunities. This, however, carries a risk of creating perverse counter-incentives against the cultivation and display of some of the characteristics which are socially beneficial. The second feature is that personal assets are not really resources *per se*: they are only good within a particular specific context. There is nothing particularly bad about someone being less intelligent than the average unless he attempts to obtain a job where intelligence is required: otherwise he may be a perfectly contented person. There is nothing particularly bad about a person not fitting the conventional standards of physical beauty, unless it becomes a hindrance in her professional or personal life: an ugly university professor may never think of this feature as being a disadvantage, and objectively speaking, it may not be a hindrance at all. In this way, personal assets are different from material resources, such as money, which is an all-purpose good. Well, nearly: money cannot buy you happiness, as the saying goes, but it can nevertheless do a great number of good things for you, in a broad range of contexts.

This second characteristic of personal assets suggests that they cannot be simply factored into a larger aggregate set of “resources” in a way which would enable us to compare the sets of resources belonging to particular persons throughout society: personal assets (or, rather, their deficits) will count only if they actually are an obstacle in a person’s life. Unless they do, they have no chance of being registered on our radars for the purpose of social equality. (Perhaps the cases of obvious physical disabilities are an exception to this proposition). They will register only if we know what the person’s aims are, and how a putative deficit of assets (intelligence, beauty, strength) may be a hindrance in the accomplishment of these aims, so that it requires social compensation (because, under the first characteristic, we cannot simply “add” this asset to a disadvantaged person). Disadvantage regarding personal assets will be always aims-relative.

But note that once we have adopted this position, the distance between EoR and EoW has narrowed quite dramatically. This is because some aspects of welfare have been incorporated into “resources” as a result of the extension of the category of resources to include personal assets, such as talents, skills and capacities. These aspects of welfare, which I have in mind, are precisely about the relevance of a given “raw” asset (intelligence, strength etc) to the aims a person has in her life. While we have brought into the picture the perspective of aims, and how we are equipped to achieve these aims, this scrutiny operates similarly to the scrutiny applied to the question of determining how a person is

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<sup>54</sup> See Arneson, “Equality” at 83-4.

*capable* to achieve satisfaction in her life, which is a typically welfarist perspective. To be sure, it is not about how equally people actually do achieve satisfaction, which would be an unadulterated EoW ideal. The ideal is absurd because a great number of factors, which stand between us and the achievement of our aims, may have to do with factors which cannot or should not be socially equalized.<sup>55</sup> We do not want to, or cannot, make people equally cheerful, positive in their outlooks, successful in finding great life partners, etc. – and all these, and many other, factors affect people’s level of well-being or satisfaction in life. But then, as already said, no one seriously postulates an unadulterated ideal of EoW.

This is not to deny that EoR (with the element of welfare included within it, as described above) and EoW (with the revisions emphasizing the *opportunity* for welfare, or access to advantage, etc) are different ideals. Even with the necessary qualifications just suggested, there still remain significant differences between the consequences of adopting the ideal as described by Dworkin, on the one hand, and Arneson on the other, to give just two examples of protagonists in the debates within luck egalitarianism. The identification of talents as resources will lead to consequences which are unfair to the more talented, claims Arneson,<sup>56</sup> while Dworkin rebuts this charge.<sup>57</sup> I will not go into this, and other, controversies within the luck-egalitarian school of thought. All that I want to emphasize is that the gap between the opposing ideals of EoR and EoW is narrower than the proponents of these ideals sometimes lead us to believe.<sup>58</sup>

#### 4. How Egalitarian Is Luck Egalitarianism?

Now is the time to face the most fundamental issue about luck egalitarianism: isn’t it an oxymoron? Is luck-neutralization really an egalitarian theory? According to some critics, there is nothing inherently, or even contingently, egalitarian about the pursuit of the aim of neutralizing the impact of luck, chance and other factors under human control, upon our social positions.

As always, it is important to be careful about the status of the question. Much of the criticism of luck egalitarianism is launched from the position of what may be called a collective notion of equality: luck egalitarianism is accused of being not really egalitarian, because it focuses on individualized equality and disregards the phenomena which should be truly a matter of concern for egalitarians, e.g. hegemony, domination, exploitation.<sup>59</sup> As I have suggested, the charge is unfair, and the distinction between individualized and collective notions of equality overdrawn, but that charge is quite different from the point which I am concerned with now. That other charge was, not accusing luck egalitarianism of being inequalitarian under its own criteria of equality, but rather that it operates through a

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<sup>55</sup> For an eloquent depiction of the consequences of such an ideal, see Dworkin, *Sovereign Virtue* at 302: “Of course, it is good when people are happy, think well of themselves, and are thought well of by others. The idea that people should be *equal* in their capacities to achieve these desirable states of affairs, however, is barely coherent and certainly bizarre – why would that be *good*? – and the idea that government should take steps to bring about that equality – can you imagine what steps those would be? – is frightening”.

<sup>56</sup> Richard J. Arneson, “Equality and Equal Opportunity for Welfare”, *Philosophical Studies* 56 (1989): 77-93 at 89.

<sup>57</sup> To be more precise, Dworkin recognizes that under EoR the more talented have no claims to the benefits of their superior talents, but does not find it unfair; under his “envy test” (which proclaims that equality is accomplished when no one envies another’s set of total resources) neither penalization for talent nor benefits for superior talent are allowed, “Equality of Resources” at 312.

<sup>58</sup> For an emphasis on the depth of the gap between these ideals, see Dworkin, *Sovereign Virtue* at 303.

<sup>59</sup> See, in particular, Anderson and Scheffler.



wrong matrix of equality: that it is looking at the wrong places so as to locate social equality. The point which I am going to discuss now is different: it is rather whether luck egalitarianism is egalitarian in *any* plausible sense, i.e., even under its own criteria of equality, can the pursuit of the aim of neutralizing luck be seen as leading to more equality (in the individualized sense of the word) in society? This is seen as self-evident by luck egalitarians: luck neutralization and the achievement of more equality are seen as co-extensive. In fact, this co-extensiveness is the constitutive feature of luck egalitarianism.

Perhaps the most devastating critique of luck-egalitarianism is that there is no reason to believe that if we indeed succeed in eliminating the impact of chance (or of “morally arbitrary” factors) then we will end up with a more egalitarian distribution than before: eliminating luck may bring all sorts of distributions, and if luck-egalitarians do not object to luck-affected *equality* (and why should they? they are egalitarians, after all!) then in fact they are not concerned about the impact of luck but about inequality as such; luck would play no independent role in their argument. Consider an example invented by Dennis McKerlie: in a particular society with a competitive economy, people’s positions are affected by all sorts of morally arbitrary factors (natural abilities, family backgrounds, etc), and yet “coincidentally the factors cancel one another out and the result is distributive equality”. According to McKerlie, people with egalitarian sympathies would not find such an equal distribution objectionable even though, in this special case, the emergence of equality does not mean “that the influence of morally arbitrary factors has been eliminated”.<sup>60</sup>

McKerlie follows up this train of thought with another example which, as he claims, “makes the same point”. Suppose that there is only one person in the world, and her good position in the world has been secured by the use of predominantly native assets. Would we find such a situation morally troubling? Surely not, responds McKerlie. “The example involves one life being influenced by morally arbitrary factors, but we do not object because it does not involve inequality between different people”.<sup>61</sup> From this, McKerlie concludes that we do not object to the influence of morally arbitrary facts on our life *per se* but only to the fact that such factors are responsible for inequalities among people; in effect, it is inequality (of a certain kind) *per se* which is objectionable, and not the fact that it was caused by morally arbitrary factors.

This is a non sequitur. The argument can be seen as proceeding in the following way. (1) We do not object to the fact that a single life has been affected (positively) by luck (as the second example, of a single person in the world, shows). (2) We object when some forms of inequality are created by the impact of luck. (3) It is not the impact of luck, but the fact of a certain inequality which is the cause of our concern; hence, luck (or morally arbitrary factors, more generally) plays no independent role in our condemnation of the state of affairs. The premise (1) is persuasive: few of us resent morally that someone’s position in life, viewed independently of the position of other persons, and especially when it is a good position, has been affected by luck and other choice-independent factors. Some luck-egalitarians admit so much explicitly,<sup>62</sup> but even those who do not would be probably surprised if such a bizarre view were to be attributed to them. But (1) cannot be added to (2) in order to produce (3) because (2) is about a totally different moral case: it is about the comparative positions of different people, in a context of inevitable scarcity of resources, where the distribution of at least some resources (which are part of a set of total resources

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<sup>60</sup> Denis McKerlie, “Equality”, *Ethics* 106 (1996): 274-296 at 279.

<sup>61</sup> Id. at 280.

<sup>62</sup> See e.g. Richard J. Arneson, “Luck and Equality - II”, *Proceedings of the Aristotelian Society* 75 (2001): 73-90 at 80.

which people have) is a zero-sum game. So the complaint about (2) is not a mere aggregate of individual complaints of the type (1) in a real society where there is a plurality of individuals; it is an altogether different moral concern. When faced with the distribution of scarce resources among people, we look for the kind of factors which affect individual shares, and the fact that someone's *comparative* share has been affected by morally fortuitous circumstances, and the fact that it is lower than that of others is an independent ground for moral concern. It may be challenged on its merits but it cannot be shown to play no independent role in the equality argument.

But this does not fully respond to another aspect of McKerlie's argument, as reflected in his first example, namely that if luck may happen to lead to *equality* (rather than to inequality) and if luck-egalitarians would not object to that outcome (and why should they?) then they are not really serious about luck equalization, but about equality *per se*. This leads us to a different objection to luck egalitarianism than the one just considered: it is not about whether luck elimination plays any independent role in luck egalitarianism, but rather about whether luck elimination will indeed lead to more equality? If McKerlie's first example is plausible, and therefore if we can visualize luck-affected equalities as plausibly as luck-affected inequalities, then indeed perhaps luck egalitarianism is an oxymoron? Interestingly, some luck egalitarians entertain such a hypothesis. Richard Arneson, in a recent article speculated: "it could happen by sheer chance that the operation of ... a market economy over time yields outcomes that satisfy whatever egalitarian or other principles of distributive justice are deemed morally required". From this he draws a conclusion: "when the operation of a market economy yields outcomes that fail to satisfy those justice norms, what is wrong is not that chance factors are bringing about the outcome. What is wrong is that justice norms are not satisfied".<sup>63</sup> So what is left of *luck* egalitarianism after such an admission?

There are two ways in which we can understand a claim which is, rightly or falsely (this will come as an upshot of this argument) attributed to luck egalitarians, about the connection between neutralizing luck and bringing about more social equality: a strong (necessary) and a weak (contingent) interpretation. The strong interpretation of the claim is that, whenever the impact of luck upon people's positions is neutralized, the resulting situation will necessarily and inevitably be more equal than before such a neutralizing action.<sup>64</sup> This strong claim seems almost certainly wrong because unprovable. McKerlie's and Arneson's examples just quoted are irrefutable: if it were the case that chance factors happened to produce an *equal* distribution of whatever goods we consider, then an action to eliminate the impact of chance would inevitably lead to less equality, not more. Consider this somewhat grotesque example: you and I are greatly unequal in our material goods in a way which (*arguendo*) largely corresponds to our unequal efforts, choices and responsibility; so at a time *t-1* the distribution is sensitive to choices, but largely insensitive to endowments. Then comes a flood or another natural disaster which effectively makes us equal: your palatial house and my modest hut have been both destroyed: we are now, at *t-2*, equal due to bad luck. Any attempt to neutralize the impact of luck, at *t-3*, would have the form of bringing more inequality between us.

Now observe something peculiar about this example. The description of "inequality" at *t-1* and *t-3*, and of equality at *t-2*, corresponds to our conventional, pre-theoretical

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<sup>63</sup> Id. at 80.

<sup>64</sup> Has any "luck egalitarian" ever sincerely endorsed such a position? For an exegesis of some leading luck egalitarians, and a conclusion that they have not, see Kasper Lippert-Rasmussen, "Hurley on Egalitarianism and the Luck-Neutralizing Aim", *Politics, Philosophy & Economics* 4 (2005): 249-65 at 255.

understandings of (in-)equality. However, under Dworkin's EoR conception we would have to say that, under some additional assumptions, our respective positions were equal at  $t-1$ . For *if* all the causes of our unequal positions at  $t-1$  were solely traceable to our choices, effort and will, and if the impact of our native abilities upon our position (including indirectly, via their impact on our industry, effort etc) has been already properly neutralized (and this assumption is necessary to make the example work), then we were at  $t-1$  equal in our resources. The aggregate sets of our personal and impersonal resources at  $t-1$  were, *ex hypothesi*, equal; it is just that the material segments of our total resource sets were vastly unequal but this (again, *ex hypothesi*) was due to our choices. The bad luck in the form of a natural disaster at  $t-2$  has upset this initial correspondence between our choices and our outcomes (hence, it has upset the choice-sensitivity of the distribution) and, assuming that nothing new happened about our relative wills, a reintroduction of the prior choice-sensitivity of distribution would re-establish equality rather than inequality.

But I do not wish to protest too much. I am unable to provide evidence for the argument that luck-neutralization will necessarily and always bring about more equality. It may happen that in some, highly artificial, examples it could be shown that the elimination of the impact of luck may do nothing to reduce inequality, or even bring about more inequality. While I confess that I cannot think of such examples in real life, I cannot refute the proposition *in abstracto*. Rather, I prefer to focus on a weak interpretation of the luck-neutralization→equality connection. Under this interpretation, it is a very plausible though a contingent proposition that, in the world as we know it, systematic neutralization of the impact of luck will, more often than not, lead to more equal outcomes than before, or in the absence of, such a luck-neutralizing campaign.

What are the “contingencies” upon which the contingent judgment about “luck neutralization→equality” rests? Most importantly, it presupposes as correct the view that much of the inequality in the social life of societies which we know today can be traced directly or indirectly to factors which are morally arbitrary, factors for which people cannot be held responsible and which present themselves to people as bad luck, in the case of those in inferior social positions. This is a partly empirical and partly conceptual question. The conceptual part of it is about which factors we characterize as morally arbitrary in the requisite sense: in the sense that their occurrence or not in a person, and the degree to which they occur in particular individuals, is a matter of brute chance. (The fact that it is a conceptual aspect does not mean that it is a purely analytical question, independent of our perception of psychological and social reality. But in the end, the proof that certain categories of factors, taken *in abstracto*, are outside our control, is impossible and so here we inevitably appeal to moral judgments about what it is proper to hold people responsible for; the judgments not reducible to judgments of equality because then the whole construction would be circular). The broader the range of such factors, the more egalitarian the potential of luck-neutralization will be. The empirical part of it is about the actual social diagnosis as to what extent observable inequalities are indeed caused by such morally arbitrary factors. While it is an empirical question, the view that a great number of inequalities in our society are due to factors outside our control seems so massively confirmed that the egalitarian potential of luck neutralization seems self-evident, even though contingent in the way described above.

But this is not the end of the contingencies involved. What about the actual *equalities* that have been produced by luck? After all, as Susan Hurley points out, “[e]qualities can be just

as much a matter of luck as inequalities”.<sup>65</sup> Once we eliminate these equalities, shall we not in the process cancel out all the removals of *inequalities* under the luck neutralization principle, and perhaps in the balance bring even more inequality than before? It sounds like a plausible proposition, that if we accept a luck neutralizing principle that (1) all inequalities that are a matter of luck should be eliminated, then we must be also committed to the principle that (2) all equalities that are a matter of luck should be eliminated; otherwise luck-neutralization does not play any role in the argument. Here we must be careful about what counts as inequalities or equalities for the purposes of these propositions. As the earlier example with natural disaster bringing about an (alleged) equality, it is easy to commit a conceptual failure and read equality only on the basis of one part of the total set of resources (if we adopt Dworkin’s version of luck egalitarianism). Such a *pars pro toto* mistake is easily committed, because, in our conventional observations, we consider only the easily observable aspects of total resources (such as wealth) and naturally disregard those which relate to personal assets, such as personal abilities and skills, and even less observably, these aspects of abilities and skills which are directly traceable to native endowments. But if we did the right calculation of resources, under Dworkin’s matrix, the category falling under (2) (i.e., resources which people have equally, but which result from luck) would be extremely thin. For, remember that the resources we have in mind in this category are only those which are “productive” (in the sense that they are useful in the pursuit of human aims), and it is hard to think of a sizeable category of resources which are at the same time equally distributed and a result of chance.

In any event, under a contingent (weak) interpretation of the luck-neutralization→equality connection, we would need to have strong reasons to believe that the category of luck-affected *inequalities* (1) is much more sizeable than the category of luck-affected equalities (2), so that luck neutralizations under (1) and (2) will not cancel each other out. Even under a conventional understanding of equality (that is, not as in Dworkin, where the relevant resources which count in the equality calculus include both personal and impersonal assets), hence, under an understanding where only impersonal assets are relevant to define a person’s relative position in society, it is quite evident that equalizing effects under (1) will greatly outweigh any possible inegalitarian effects under (2). However, I do not propose to even begin providing the evidence for such a prediction. All I wanted to do here is to suggest the way in which such a proof would have to be conducted (i.e., the sort of evidence which would have to be considered) in order to render “luck egalitarianism” an internally coherent term.

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<sup>65</sup> Hurley at 151-52.