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Two Concepts of Social Equality:
What Luck Has Got To Do With It?

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Abstract

A conventional distinction – that between an “individualized” and a “collective” concept of social equality – is misleading and unhelpful. This can be best shown by reflecting upon one, particularly interesting, and these days influential, theory of social equality – usually, but misleadingly, considered to be an epitome of an individualistic approach, namely so-called “luck egalitarianism”. Luck-egalitarianism is often (and with good reason) characterized also as responsibility-based egalitarianism – and therefore the relationship between “luck” and “responsibility” in this general conception of social equality is considered in this paper. Then, continuing this exploration of the *problématique* of luck egalitarianism, the paper discusses, and largely rejects, the fundamental equality-based objection to luck egalitarianism: that it is unfaithful to some of our widespread, equality-sensitive intuitions. The essence of this objection (which is *reject* in the paper) is that luck-egalitarianism is not really egalitarian in a morally attractive way.

Keywords

Equality – non-discrimination – social justice – paternalism

Two Concepts of Social Equality: What Luck Has Got To Do With It?

Wojciech Sadurski*

Legal philosophers debate various meanings and applications of equality understood as a value internal to a *legal* system: as a property of a fair application of the settled law, or as a norm determining when legal rules are discriminatory in the pejorative sense of this adjective, that is when the law itself violates the requirement of legal equality.¹ Political theorists, in turn, are more concerned about equality in the *political* processes, and in particular in various processes of deliberation and collective decision making, for example as reflected in various decision-making rules, such as majority rule or consensus.² But surely there is a broader application of equality as well, the equality *tout court*, more general than, and prior to, such “special” equalities. Only once we have established what such equality consists of, should we be able to proceed with discussions as to whether it is proper for the law and for the political decision-making system to approximate such equality. But this broader equality – which we can here call simply “social equality” – is not easy to describe and specify.

In this Working Paper, I will explore the main issues related to such a description and specification, and suggest ways in which the conventional distinction – that between an “individualized” and a “collective” concept of social equality, is misleading and unhelpful (Part 1). I will then test this proposition by looking in more depth at one, particularly interesting, and these days influential, theory of social equality – usually, but misleadingly, considered to be an epitome of an individualistic approach, namely so-called “luck egalitarianism”. Luck-egalitarianism is often (and with good reason) characterized also as responsibility-based egalitarianism – and therefore I will consider the relationship between “luck” and “responsibility” in this general conception of social equality (Part 2). Thirdly, continuing my exploration of the *problématique* of luck egalitarianism, I will discuss, and largely reject, the fundamental equality-based objection to luck egalitarianism: that it is unfaithful to some of our widespread, equality-sensitive intuitions. The outcome of this objection (which I *reject*) is that luck-egalitarianism is not really egalitarian in a morally attractive way (Part 3).

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¹ See Wojciech Sadurski, *Scrutinizing Discrimination: a Conceptual and Normative Analysis of Legal Equality*, European University Institute Working Paper, LAW No. 2005/19, Florence, 2005, <http://hdl.handle.net/1814/3769>.

² See Wojciech Sadurski, *Majority Rule, Legitimacy, and Political Equality*, European University Institute Working Paper, LAW No. 2005/21, Florence, 2005, <http://cadmus.iue.it/dspace/handle/1814/3925>.

1. Social Justice: Individualized and Collective

There are basically two answers, deriving both from an egalitarian perspective, to the question about the nature of the parameters of social equality. A first concept of equality, which we can call here an individualized one, considers the relationship between particular properties ($P1$, $P2$, etc) of individuals and the amount of socially distributed goods ($G1$, $G2$ etc) that these individuals control: the point is to identify the properties which must *not* trigger *unequal* amounts of social goods. Equality, according to this approach, will be achieved whenever, notwithstanding the fact that two individuals have unequal amount of $P1$ (for instance, family status as judged by prevailing social standards), they will still have an equal amount of $G1$ (for instance, salary). A second conception of equality, which may be referred to as collective, looks at the overall social structure and attributes the property of equality to society as a whole. According to a number of popular formulae, such equality may require that there are no settled hierarchies, or relations of domination, or oppression, or exploitation. Each of these four formulae (and there may be more) means something different and will result in a different substantive conception of equality. But what matters here is that the collective approach seems to be significantly different from the individualized one. Thus, before we proceed, we need to have a better grasp of the stakes underlying the choice (if a choice has to be made) between an individualized and a collective conception of equality, whatever further properties of the latter may be developed.

Starting with the individualized concept, a number of observations can be made. First, it looks like a purely *negative* concept: the way it has been formulated here implies at the outset that equality has been achieved when there is no correlation between unequal amounts of P s and the amount of G s: you and I may come from families which enjoy radically different social standings, but if it is not correlated to our incomes (or educational opportunity, etc), the conditions for equality are met. The negative character of this feature is, however, illusory: what matters is that notwithstanding unequal P there is an equal G : equality in G is an affirmative, positive feature, even though it is found against the background of unequal P . It is the disconnection of G from P , added to the ascertainment of the equality of G , which is of relevance. What is crucial, however, is that we do not limit ourselves simply to the determination of equality in G : this is neither here nor there from the point of view of the concept of individualized equality. I may *happen to have* the same salary as you, and this may be described, trivially, as equality. But no one would seriously think of such equality as an interesting candidate for an attractive moral *ideal* of equality: this could be just an incidental sameness. Such sameness starts qualifying as a (putatively) attractive ideal, when we can establish that notwithstanding a number of unequal characteristics, we still both have access to equal amounts of social goods.

Secondly, there is an immediate ambiguity in postulating that unequal P should not *trigger* unequal G . Is such an equality violated only when there is improper *causation* between P and G , or simply when there is a correlation? Without going into the details of the argument one should note that a stronger condition, that of non-causation, should be adopted. If correlation is understood in a weak sense, coming close to the mutual presence (high amount of P coexisting with high amount of G in a comparison between two individuals) then the resulting ideal of equality would be absurd. For instance, you could come from a highly respected family and I from a family of ill repute, and in addition I may have very little money because I just hate hard work for reasons (let us assume *arguendo*) that have nothing to do with my family background: to find the situation as violating a concept of

equality would be nonsensical. So, there is a need for a relation of causation. But what sort of causation may it be? Not a very exigent one, for sure. The tighter the test for causation we establish, the less likely we will find a violation of the principle of equality, and the more toothless the ideal of equality will be. If only a direct, strict connection chain is posited in the $P \rightarrow G$ relationship so as to establish that unequal G is caused by unequal P , then a great deal of inequalities in G will persist without triggering our equality-based concern. This much seems to be obvious.

But a mere “coexistence” of unequal P and unequal G , with no requirement of causation, may lead to absurd results as well. Suppose you and I have drastically unequal skills to perform a particular professional task, and it is also the case that you and I obtain unequal salaries. Is this difference in salaries a violation of the principle of equality? Not necessarily. Indeed, we usually think of individualized equality as requiring that morally irrelevant factors should not trigger unequal positions in life. But what we consider being relevant or not is a matter of a broader theory of justice. It does not derive from the principle of equality as such. If someone holds that inequality of skills must not count as a decisive factor in the determination of salaries, then the situation described earlier will indeed be deemed unequal, but this is a controversial and not widely accepted approach. If one adopts a substantive conception of justice according to which skills should play an important role in the determination of pay, then the coexistence of unequal P (skills) and G (pay) will not strike us as producing inequality. There will be inequality only if we determine that there is some other P between you and me which indeed is unequal and which our theory disqualifies from producing unequal results, and then we ascertain that this unequal P has triggered an unequal G . So this is the third observation that needs to be made: the very fact of the mutual coexistence between unequal P and unequal G cannot in itself serve as an indication of inequality, because inequality in G could be caused by inequality in some other P which, according to our theory of justice, does mandate unequal distribution of G .

So much for a schematic outline of equality in an individualized sense which can be also described as equality in distribution.³ As is clear, it requires a rigorous application of a principle according to which inequalities in some desired goods should not be tolerated when they result from certain characteristics of individuals, which are considered, in this instance, as morally arbitrary. The other conception of social equality – referred to as collective – is quite different. It applies to society as a whole, rather than to particular individuals: it is a property of a given social structure or social relations. Looking at what any two individuals receive in function of this or that property of these individuals is insufficient to form a judgment to assess whether social equality has been achieved. One way of construing equality in this sense is a requirement, popularized by recent republican writings, of the absence of any domination among citizens (or members of any other relevant unit within which equality is postulated). Non-domination has been mainly postulated as a requirement of republican freedom, but, for our purposes, we can adapt it as an egalitarian postulate. It demands that no one be subject to the possibility of an arbitrary interference by other people: non-domination is when people “live among others and when ... no other has the capacity to interfere on an arbitrary basis in their choices”.⁴ And while the ideal of non-domination has been developed, by the most influential contemporary republican philosopher Philip Pettit, as an interpretation for a plausible ideal

³ Ronald Dworkin uses the term of “distributional equality”, 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”].

⁴ Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Clarendon Press: Oxford 1997), at 67.

of freedom, it is also directly linked to equality: Indeed, Pettit explains that the republican principle of non-domination is required to support “structural egalitarianism” because maximizing the ideal of non-domination demands that people enjoy this ideal with equal intensity.⁵

There are other ways of construing a collective notion of equality. One way is to say, with Elizabeth Anderson, that the “point” of equality is “to abolish oppression – that is, forms of social relationship by which some people dominate, exploit, marginalize, demean, and inflict violence upon others”, and positively, that equality expresses people’s urge “to live together in a democratic community, as opposed to a hierarchical one”.⁶ Another is to say with Samuel Scheffler, that the nature of our concern with equality as a value is expressed in equal political citizenship: it is encapsulated in the reasons why “it is important to us ... to live in a society in which citizens relate to one another as equals”⁷. Inegalitarian societies, Scheffler explains, compromise human flourishing and exert “a stifling effect on human freedom and inhibit the possibilities of human exchange”.⁸ Or, in David Miller’s formulation of “social equality” (which corresponds to what I call here a collective one), “Wherever there is social equality, people feel that each member of the community enjoys an equal standing with all the rest that overrides members’ unequal ratings along particular dimensions. This is expressed in the way people interact: ... they shake hands rather than bow...”⁹

What does it mean to say that the collective concept of equality describes a property of social relations rather than an individualized property? One should be careful not to confuse different possible implications of this distinction. One meaning would be obviously false: this would be a suggestion that in the first sense equality as such resides in something specific to an individual, while in the second it derives from a social relation. However, both individualized and collective notions of equality are about social relations: equality is a relational concept *par excellence*, and it cannot be ascertained without drawing comparisons between individuals. (This partly resonates with a question, once discussed in theories of justice, whether justice is necessarily a comparative virtue).¹⁰ Saying that a person A is equal, without more, is semantic nonsense. The difference between individualized and collective concepts of equality cannot therefore reside in a relational versus non-relational character of the ideal. On the other hand, there is a temptation to say that the difference derives from the identity of the beneficiaries of the moral ideal of equality: according to the first conception, the beneficiaries are the individuals, while in the latter sense, it is society (or any other group within which equality is being ascertained). But this distinction, though not preposterous, is very dubious, because it would force us to say that under the second (collective) notion of equality, it is an ideal whose benefits do not trickle down to specific individuals, but remain, so to speak, at the level of the group. And yet, any social ideal which were to establish that it cannot encompass any particular goods that would be derived from it for individuals, taken one by one, would be extremely

⁵ Pettit, *Republicanism* at 110-17.

⁶ Elizabeth Anderson, “What Is the Point of Equality?”, *Ethics* 109 (1999): 287-337 at 313.

⁷ Samuel Scheffler, “Choice, Circumstance, and the Value of Equality”, *Politics, Philosophy & Economics* 4 (2005): 5-28 at 18.

⁸ Scheffler at 19.

⁹ David Miller, *Principles of Social Justice* (Harvard University Press: Cambridge Mass. 1999) at 239.

¹⁰ See Joel Feinberg, “Noncomparative Justice”, in his *Rights, Justice, and the Bounds of Liberty* (Princeton University Press: Princeton 1980): 265-305; Phillip Montague, “Comparative and Non-Comparative Justice”, *Philosophical Quarterly* 30 (1980): 131-40; Wojciech Sadurski, *Giving Desert Its Due* (D. Reidel: Dordrecht 1995): 14-23 [referred to as *Desert*].

dubious: why would anyone be attracted to an ideal which cannot identify any good effects reducible to individual benefits?

This point deserves to be dwelled upon. Indeed, according to a number of interpretations, equality is a puzzling, perhaps a disturbing value, precisely because it is claimed that equality is *that* sort of ideal: it is about an (alleged) good for the group that cannot be reduced to any meaningful good for the individuals. Such an argument serves to defeat equality as a good in itself, and to show that it is a confused ideal. Joseph Raz claims that, if equality were to be the only moral or political principle then it would have the following absurd consequence: “The only intrinsic goods and ills such principles admit of are relational ones. If they constitute the entire foundation of morality then the happiness of a person does not matter except if there are other happy people”,¹¹ which is evidently absurd. This can be construed as meaning that *if* equality were the only matter of value then nothing good or bad about individual people would matter, because goodness or badness would reside only in relational properties. But this “if” is a huge one, and Raz’s point only serves to reveal the absurdity of reducing all morality to the single value of equality. It would be absurd indeed, and it is hard to think of anyone espousing such an eccentric philosophy. Such a philosophy would indeed imply that we should be indifferent between equality in happiness and equality in suffering, or between equality achieved by giving deprived people extra goods and equality achieved by removing such goods from those fortunate enough to behold them. But granted that we accept Raz’s point, and that we use equality as a value necessarily combined with a number of other values that are not reducible to equality: that suffering is bad and happiness is good, for example. Cannot it be shown that equality, even used in tandem with another value, is in itself a confused value because it refers to what is good *between* people and not *for and about* people? As Denis McKerlie claims, equality (according to a number of interpretations, which he dubs “teleological”) “asks us to see as having value something that is in an important sense divorced from benefits for people. Achieving equality does not necessarily mean improving the quality of any life”.¹²

This, let us emphasize, is a conceptually *different* question to that which is often raised together with it, namely whether it is worth achieving equality even if it means taking away something from some people without giving anything extra to the others. This second question, which may be called a leveling-down question, is often adduced to underline the absurdity of egalitarian principles: such a regime of equality would imply accepting as a moral gain, as McKerlie argues, that “we reduce inequality in a way that harms some people and helps no one”, and in particular, that “the better-off person [is] simply reduced to the level of the worse-off person”.¹³ In the words of Raz, “Instead of achieving equality by giving the benefit to those who lack it one can equally (in so far as egalitarian principles are concerned) achieve it by denying the benefit to those who have it”.¹⁴ Indeed, both Raz and McKerlie connect the leveling-down problem with the alleged absurdity of identifying value in relational qualities only. But these are conceptually two separate questions. The leveling-down issue would become a thorny problem for egalitarians only if equality were to be conceived as the *only* value (which is absurd), or if it were so powerful as to trump the disutility of taking away from the better off (which is question begging). But if we combine equality with a number of other moral principles, which are not reducible to equality, such

¹¹ Joseph Raz, *The Morality of Freedom* (Clarendon Press: Oxford 1986) at 235.

¹² Denis McKerlie, “Equality”, *Ethics* 106 (1996): 274-296 at 285.

¹³ McKerlie at 286.

¹⁴ Raz at 227.

an absurd consequence is avoided: we will always be compelled to weigh the good of more equal relations against the bad of removing some goods from those who already have them.¹⁵ But the “relational” problem is a different one. It is that, as McKerlie correctly observes, there is indeed something deeply troubling about espousing a moral value which does not identify any particular good for the individuals, but whose goodness resides only in relations between people. It is very hard for us to visualize a moral good which, strictly speaking, does not benefit anyone.

So, if the collective conception of equality described earlier is to avoid clashing with our moral sensitivity it must be shown not to display such characteristics. It must be shown that critics of equality are not right when they claim that equality is a value whose worth cannot be coined in terms that are applicable to individuals, taken one by one. This can be done only by exploring the avowed *rationale* of those who posit collective notions of equality as an attractive moral ideal, and by assessing whether this rationale can be translated into goods that are meaningful to particular people, taken individually. Consider Pettit’s ideal of non-domination: is it an ideal which can be attributed meaningfully only to a group and not to individual members? Obviously not. Non-domination is directly related to the values which individuals have good reasons to try to achieve in the course of their individual lives: as Pettit puts it, it is “the sort of thing that anyone will desire for themselves and, generalizing to the case of others, will admit as desirable for anyone”.¹⁶ Likewise with the ideal espoused by Anderson: to live in a society of democratic equality means “that one is entitled to participate, that others recognize an obligation to listen respectfully and respond to one’s arguments, that no one need bow and scrape before others or represent themselves as inferior to others as a condition of having their claim heard”.¹⁷ And similarly with Scheffler. The way he describes the reasons for valuing equality is unambiguously coined in terms of individual values: the values of human flourishing, of personal freedom, of conditions for self-respect, and of inter-personal communication. “[T]o live in society as an equal among equals is a good thing in its own right”¹⁸ rather than being instrumental to other aims – and it is obvious that this intrinsic goodness is described purely in light of the conditions for an individual good.

The critique of egalitarianism as applying to relations rather than individuals is therefore easily countered when we assess the meaning of this ideal through the only prism which is accurate in the interpretation of normative values, that is, through the prism of the moral good which prompts us to postulate a given ideal in the first place. Once we translate the question: “who is the proper holder of the attribute of equality: individuals or a social group?” into the question: “who are the beneficiaries of the values carried by the ideal of equality: individuals or (only) a social group?”, the meaninglessness of claiming that equality cannot be attributed to individuals but only to the social group as an entity, becomes obvious. Consequently, this cannot be used as a basis to establish the distinction between the individualized and the collective conceptions of social equality.

So where does this difference reside? To answer, it may be helpful to explore the arguments of those who criticize individualized conceptions of equality from the point of view of collective equality. One approach to individualized equality (not the only one, but a

¹⁵ I take it that it is Cohen’s position, see G.A. Cohen, “Incentives, Inequality, and Community”, in G. Peterson, ed., *The Tanner Lectures on Human Values*, vol. 13 (University of Utah UPress: Salt Lake City 1992): 263-329 at 267-68.

¹⁶ Pettit at 82.

¹⁷ Anderson at 313, reference omitted.

¹⁸ Scheffler at 19.

particularly influential one lately) is so-called luck-egalitarianism: the idea that equality can be conceived as an ideal whose aim is to eliminate the impact of luck (or bad fortune) on our social positions, which (it is claimed) would have the result of creating a state of more equality than if these bad-fortune factors were operative. Luck-egalitarianism can therefore be easily translated into what was referred to here as individualized equality: it claims that some types of properties of individuals (P) must not trigger unequal distribution of certain goods (G). In this case, properties P which are disqualified from triggering unequal amounts of good G are those which can be properly described as fortuitous, morally arbitrary, or as being beyond any effective control for an individual concerned, etc.

This version of individualized equality has been subjected to strong criticisms from the point of view of a collective notion of equality. (Note that I am not concerned, at this point, about any possible critiques of luck egalitarianism, and they are legion; I am only interested in those critiques which can be properly seen as warranted by the values foundational to collective equality as such, as epitomized by the ideal of non-domination, or non-subordination, or non-exploitation, etc – for my only purpose at this point is to see what exactly is at stake in the distinction between individualized and collective ideals of equality). The most representative critiques are those presented by Anderson and Scheffler. They are important for our purposes here because both are offered explicitly and deliberately as the refutation, from the perspective of collective equality, of luck egalitarianism. Scheffler criticizes luck egalitarianism (which he calls “responsibility-based conceptions of equality”) for its excessive, as he claims, focus on questions of distribution, and because of its assumption (unjustified, according to this author) that “an egalitarian conception of justice is one that seeks to distribute something equally”. Thus, in the search for a “currency” of egalitarian distribution, the theorists espousing that conception “have made little attempts to situate the distributive principles they favor within a broader conception of the nature of egalitarian social relationships”.¹⁹ Similarly, Anderson rebukes luck egalitarians for conceiving of equality as a “pattern of distribution” rather than as “relational”, and of thus losing sight of the main objectives enshrined in egalitarian concerns, namely oppression and exploitation.²⁰ According to these authors, by pursuing the aim of compensating individuals for undeserved bad luck, the egalitarians espousing this ideal have “lost sight of the distinctively political aims of egalitarianism”.²¹

Both Anderson and Scheffler have advanced a number of very specific, important critiques of luck egalitarianism, but at this point what matters is only their rejection of the distribution-oriented concern of equality, on the basis of a relational, ergo collective concept of equality. Why should anyone find these two approaches antithetical? To start with, it is clear that there are many symmetries and mutual dependencies between both concepts of equality. There are many instances when individualized equality is a condition for the implementation of a collective ideal of equality. An obvious example, which springs to mind, is that of equal distribution of votes. Equal distribution of the weight of each citizen’s vote (hence, an implementation of an individualized notion of equality, implying here that certain P , such as education, wealth or IQ, cannot serve as rationale for an unequal allocation of a specific G , in this instance a voting right) is a condition of the sort of equality of citizenship, and of non-subordination, that Scheffler and Anderson have in mind when they defend their collective (my word, not theirs) ideals of equality. It is, of course, only a necessary and not a sufficient condition. But it is clear that any

¹⁹ Scheffler at 20, emphasis in original.

²⁰ Anderson at 313.

²¹ Anderson at 288.

differentiation in the weight of votes in function of factors such as those mentioned above would be offensive to the ideal of equal citizenship, in creating a class of people stigmatized as citizens belonging to an inferior category: "Once the status of citizenship is extended to all competent adults, it becomes essential that every member of the political community is treated equally, and this is given material expression in equality of voting rights".²² The example may be extended. A great number of inequalities (from the perspective of a plausible individualized notion of equality) violate the conditions of equality in a collective sense: unequal access to education leads to the possibility of manipulation and exploitation of those confined to lower educational levels; drastic unequal wealth status leads to marginalization and class subordination, etc. Some violations of the very ideal of luck egalitarianism, towards which Scheffler and Anderson are so critical from the perspective of collective notions of equality, will clearly undermine the possibilities for a non-hierarchical society: if, for example, "bad luck" – in the form of being born with a socially stigmatized family status – is not neutralized in the process of allocation of desired goods, a person will be confined to a marginalized and subordinated social category, and the conditions for a plausible collective notion of equality will therefore be undermined.

So we can see that some individualized strictures of equality condition the implementation of a collective egalitarian ideal. But there is also a reverse interdependence. A collective ideal of equality, that of a society where dominating structures do not pervade relations among individuals, is a condition for the implementation of any plausible individualized ideal of equality. This can be shown, again, with an ideal promoted by luck egalitarianism. It demands that people not be disadvantaged in the distribution of socially valued goods by factors which are a matter of "brute luck" – that is, for which individuals cannot be held accountable. This ideal makes sense only against the background of egalitarian assumptions in a larger sense, which are "collective" in their nature. This larger picture must include some assumptions as to the categories of social goods which should be distributed, and thus make some hypotheses as to the distinction between the sphere of life for which we should be held accountable individually and the sphere within which we have some duties of solidarity towards our fellow human beings. It must also include some moral ideas as to why it is wrong (and wrong from the point of view of fundamentally egalitarian motives) to let other people endure conditions resulting from social misfortunes. It must therefore identify what counts merely as a "natural" distribution of certain goods (e.g. an earthquake occurring in a part of the country, rather than another) as opposed to the social consequences of such facts (e.g. the failure to compensate for social disadvantages arising from a natural distribution). Furthermore, concerning in particular luck egalitarianism, this broader picture must include the ideal of establishing a free person's accountability for his/her actions: by drawing a line between "option luck" (the consequences of deliberately undertaken risks) and "brute luck" (fortuitous consequences not resulting from any deliberate gamble), the theory posits the importance of letting people choose, in light of consequences known beforehand, and therefore lead a style of life characterized by a degree of risk-taking that match a person's psychological predispositions. Overall, luck egalitarianism is based on a particular view about society as a whole: a society in which there is a certain morally attractive balance between the areas of people's responsibility for their own actions (including for the choice of an acceptable degree of luck in one's life) and, on the other hand, common responsibility for redressing other people's misfortunes, which cannot be traced to any deliberate choice or action taken by those people. In such a society, the ideal of equality takes into account the choices people make but not the factors

²² Miller at 238.

which are fully outside their control. A society which displays such a balance is, naturally, a society with a very limited tolerance for interpersonal oppression, exploitation and subordination.

One way in which the mutual synergy between the individualized and collective conceptions of equality may be depicted is by underlying that the collective approaches necessarily under-determine our rules for egalitarian distribution, and that individualized notions may serve to fill the gaps resulting from this under-determination. A plausible principle of collective equality, that of not allowing social inequalities to create permanently subordinate classes, fails to specify exactly what the differences in incomes should be, and at which point the disparity breaks down social cohesion and creates intolerable dependency. Individualized social equality may determine these more specific rules by identifying the factors, which may (within the limits dictated by collective notions) or not trigger inequalities. This can be so, similarly, when we are uncertain as to the role various morally relevant factors may have played in a particular individual performance - when we do not know what the relevant desert, as assessed according to the effort, the contribution, or any other morally relevant factor, should be. A conception of individualized equality may provide such a default principle, which would respond to such circumstances of uncertainty.²³

The picture which emerges from this discussion is that there is continuity, rather than a clash, between individualized and collective notions of social equality. Individualized ideals cannot be implemented without a pervasive spirit of egalitarian social relations postulated by collective ideals, and in turn these collective ideals are made possible through the implementation of morally plausible ideals of individualized equality. Contrary to the critics of individualized ideals who formulate their objections on the basis of collective ideals, there is a fundamental congruence, and the individualized ideals seem to be more precise, specific concretizations of vaguer ideals, i.e. the collective ones. Why should one believe otherwise?

There are two explanations for this startling contrast drawn by proponents of collective ideals. The first is that the language used by proponents of individual equality conceptions – in particular by “luck egalitarians” – is often misleading in its anti-collective orientation. In a canonical text of luck egalitarianism – the original Dworkin’s two-parts article on equality – which sparked the whole luck-egalitarian literature, Dworkin went to quite some lengths to emphasize that, according to his theory on equality of resources, “equality is in principle a matter of individual rather than group position”.²⁴ He went on to describe what he meant by this: “the theory supposes that equality defines a relation among citizens that is individualized for each, and therefore can be seen to set entitlements as much from the point of view of each person as that of anyone else in the community”.²⁵ I am not sure to what extent this particular statement weighed on the antipathy expressed by Anderson or by Scheffler against individualized conceptions of equality (as none of them refers specifically to this citation) but the tone of Dworkin’s words may have led critics to the conclusion that luck egalitarianism has no potential for any structural reform. This would be a mistake, though. This explanation proffered by Dworkin is made in a specific context, in which he draws a distinction between his own theory and that of John Rawls, as encapsulated in the difference principle. Dworkin argues that “equality of resources”

²³ Similarly Miller at 234-5.

²⁴ Ronald Dworkin, “What Is Equality? Part 2: Equality of Resources”, *Philosophy & Public Affairs* 10 (1981): 283-345 [referred to as “Equality of Resources”] at 340.

²⁵ “Equality of Resources” at 340-341.

focuses on entitlements of an individual *qua* individual as opposed to the difference principle, which is concerned with individuals, insofar as they are representative of groups. In this, but only in this sense, his theory is individual-oriented, while Rawls's difference principle may be seen to be postulating "equality between groups",²⁶ since individuals are conceptualized right at the outset, at the stage of the construction of the original position, i.e. as representatives of groups. But, obviously, the consequence would not be that the conception of equality of resources or, for that matter, any other interpretation of luck egalitarianism, is not concerned about structural dimensions of equality and differences throughout society.

My second hypothesis is that the most vocal critics of recent versions of individualized ideals of equality, i.e. Scheffler and Anderson, confuse social equality with conceptually distinct values of democratic self-government. (Again, I wish to emphasize that I do not address at this point their more specific objections against luck egalitarianism, to which I will return below, but am only concerned with their fundamental rebuttal of individualized notions of equality as such: their critique of luck egalitarianism is, at this point, of interest to me as an exemplification of a collective v. individualized equality confrontation). This comes rather clearly in both critiques. Scheffler argues that "an egalitarian scheme of distributive justice is best understood as one that tries to provide answers" to questions such as "what forms of political authority are compatible with a society of equals, what regime of rights and freedoms such a society requires, and how compatibly with a commitment to egalitarian membership and individuals' differing aims, values, identifications and group affiliations can best be accommodated".²⁷ Anderson formulates her critique in terms of "the point" of equality: in her view, "the point" is not to neutralize the effects of bad luck for individuals, but rather to remove oppression. She calls it "democratic equality", and explains that it "regards two people as equal when each accepts the obligation to justify their actions by principles acceptable to the other, and in which they take mutual consultation, reciprocation, and recognition for granted".²⁸ This formula, it should be emphasized, is being offered as a better *alternative* to equality of fortune according to which "two people [are] equal so long as they enjoy equal amounts of some distributable good – income, resources, opportunity for welfare, and so forth".²⁹ It seems, however, that Anderson's preferred formula is not another, more comprehensive understanding of social equality, but rather a parallel ideal, that of democracy, and more specifically, a deliberative version of it, according to which people are equally required to justify their proposed actions, by referring to standards acceptable to others. This impression is further strengthened when Anderson goes on to discuss the interconnection between freedom and (her understanding of) equality: the way she presents it, is by arguing that freedom flourishes in truly equal relationships, and the two ideals are thus coextensive: "Equals are not subject to arbitrary violence or physical coercion by others. Choice unconstrained by arbitrary physical coercion is one of the fundamental conditions of freedom. Equals are not marginalized by others", etc.³⁰ This may all be true, but the co-extensiveness of freedom and "equality" is achieved here through a very specific notion of equality: democracy is indeed equal freedom, and thus, trivially, it is true that equality of freedom reconciles equality with freedom in just this way. But the conflict cannot be put away so easily: what we want to know is how various aspects of social equality (equality in

²⁶ "Equality of Resources" at 341.

²⁷ Scheffler at 20.

²⁸ Anderson at 313.

²⁹ Id at 313

³⁰ Id. at 315.

the access to various other desired goods, not just political influence) can coexist with, and sometimes even be conditioned by, restraints upon individual freedom, and indeed upon the scope of democratic decisions. If we pose the question in such a way, equality is not simply reducible to equal political influence in a deliberative version of democracy.

We should therefore keep these ideals separate: both are important, but not identical. In my essay on political equality, I insisted on the separation of the political from the social realm: we are justified in insisting that there be equal influence on collective decisions, *and also* on equality in the distribution of social goods (when no plausible grounds for unequal distributions prevail), but these are different concerns, both conceptually and normatively.³¹ No advantage is gained from merging them into one aggregate ideal, because it prevents us from considering trade-offs, when equal citizenship may lead to objectionably unequal distributions, or when equal distributions are best secured by departures from the ideal of equal voting rights. This is just one other extension of the conceptual and normative separation between democracy and justice.

But Scheffler and Anderson may try to say something else when they reject a version of individual equality in the name of a collective one: they may be trying to contend that the whole aim of the great egalitarian movement (“the point of equality”, to use the preferred vocabulary of Anderson) has been to restructure society as a whole in a more egalitarian spirit, rather than to ensure equality in distribution of specific goods and opportunities – with less domination and hierarchy, and with more mutual recognition of people as equals, capable to deliberate at equal levels, and recognizing each other as equally worthy fellow citizens. In this light, call it a social-theoretic interpretation, the “point” of equality is badly distorted (the argument goes) when we try to assess the “currency” of egalitarian justice, raising questions about what it means to distribute goods to people equally, even though they have unequal endowments, aspirations, initial resources. This interpretation is clearly suggested by both authors who indicate repeatedly how dismayed they are by the equality-of-fortune approach: we should be thinking about societal hierarchies, we are told, rather than about whether “the state [should] support lazy, able-bodied surfers who are unwilling to work”, or “subsidize extremely costly religious ceremonies that its citizens feel bound to perform”, or “compensate people for being temperamentally gloomy”, etc.³² But if *this* is an interpretation of the “point” of equality, i.e., the best interpretation we can give of the movements and strands of thought which we intuitively recognize as egalitarian, then it is a strangely faulty one. For in the human thinking on equality the problems of “distributional” equality, that is, of equality in *who* gets *what* under *which* circumstances, have been as (if not more) prominent as the problem of the elimination of hierarchy. In fact, the idea that the latter can be seen as *replacing* the former in our egalitarian motives seems to be puzzling in itself. At this stage, this may sound as a mere assertion, not an argument, but all I wish to contend is that the idea of continuity between distributional and collective equality seems to reflect well our intuitive thinking about equality. Whether it withstands a critical analytical scrutiny is another matter, to be pursued further in this Working Paper.

³¹ See Sadurski, *Majority Rule, Legitimacy, and Political Equality*, Part 6; see also Robert E. Goodin, “Democracy, Justice and Impartiality”, in Keith Dowding, Robert E. Goodin & Carol Pateman, eds., *Justice and Democracy: Essays for Brian Barry* (Cambridge University Press: Cambridge 2004): 97-111.

³² Anderson at 287.

2. Luck and Responsibility in “Luck Egalitarianism”

So far I have been referring to “luck egalitarianism” only in the broadest terms, using it as a representative example of an individualized approach to equality, as opposed to the collective one. I have therefore disregarded any inner distinctions among various conceptions within the “luck egalitarianism” family, and any specific objections against this conception; I mentioned only those, which are related to its individualized property. But it is now necessary to explore the conception a little further, and assess in more depth some specific critiques raised against the idea of luck-neutralizing conceptions.

To start with, perhaps the very label “luck egalitarianism” is a misnomer: for one thing, the very concept of “luck” is ambiguous, as we will see below. Furthermore, there is a substantive problem of relationship between luck-neutralizing and equality (so that the concept “luck egalitarianism” may be seen as question-begging, since, according to many theorists, and most notably among them Susan Hurley,³³ there is no connection between the attempts to neutralize the impact of luck and any egalitarian motives or consequences of social action). Thirdly, even quite apart from the first two objections, “luck” figures in the “luck egalitarianism” label only *negatively* – insofar as egalitarians wish to *eliminate* the impact of luck on social positions of individuals. It seems to be more appropriate in describing a conception to use a concept which figures *positively* in a given conception, and so to speak perhaps about responsibility-based (or responsibility-sensitive) egalitarianism, because what connects the family of conceptions, which we will discuss is a deliberate and expansive inception of the standards of individual responsibility within the matrix of social equality. Individuals should occupy equal positions, insofar as their valued resources, positions and opportunities are concerned, unless unequal distributions may be plausibly explained by factors, which they are responsible for. “You are responsible for being in an inferior position vis-à-vis others” sounds like a conclusive and morally justified rebuttal to claims of unfairness, under the egalitarian conceptions, which I have in mind here.

But is responsibility the mirror image of luck? Can we indeed say that, when we are making distribution dependent on individual responsibility, we are thereby eliminating the impact of luck upon social distribution (or, vice versa, that when we are successfully eliminating all the effects of luck, we will end up with equal distribution, except for inequalities which can be traced back to individual responsibility)? The very way of formulating these two questions suggests immediately that we are facing two distinct problems, and that it would be unhelpful to merge them into one: a conceptual and a substantive question. The *conceptual* question is about whether responsibility is a mirror image of luck, and the response depends naturally on the concepts of responsibility and that of luck that we adopt. The *substantive* question concerns the relationship between the elimination of luck (once we have defined luck), or responsibility-sensitivity (once we have defined responsibility), to material equality: is it really the case that once we eliminate luck or make distribution dependent on responsibility, the resultant distribution will be more equal than now, or in the absence of such operations? Both conceptual and substantive questions are important, but they should be considered each at a time, otherwise the risk is for discussions to be led at cross-purposes.

At this stage, my concern lies in the conceptual relationship between “luck” and “responsibility”: are they mirror images of each other, for the purposes of discussing luck-

³³ S.L. Hurley, *Justice, Luck, and Knowledge* (Harvard University Press: Cambridge Mass. 2003). See also Timothy Hinton, “Must Egalitarians Choose Between Fairness and Respect?”, *Philosophy & Public Affairs* 30 (2001): 72-87 at 77-80.

egalitarianism (or responsibility-egalitarianism)? It depends on how we understand both concepts. To begin with “responsibility”, there are two separate dichotomies in the uses of the term in the present context, which need to be distinguished from each other. (But please note that I am not ruminating here on the various interpretations of “responsibility” *tout court*, but only about responsibility as actually figuring in the context of luck-egalitarianism). A first dichotomy results from the “defensive” and “affirmative” uses of the standards (whatever they are) of responsibility.³⁴ The *defensive* use is employed whenever egalitarians *challenge* the (by-and-large conservative) responsibility-based anti-egalitarian arguments, for instance those that are aimed at showing that social policies of equality violate the principle of responsibility (e.g., by rewarding those who choose not to work hard and penalizing those who have deliberately invested their time, effort and resources in their own education, business activity, savings, etc). Such defensive uses of responsibility are most typically employed when an argument is made (*vide* Rawls)³⁵ according to which we do not “deserve” many of the assets which contribute to our superior social positions, and, correspondingly, that those who are worse off are often disadvantaged due to factors for which they are not “responsible” in any meaningful sense of responsibility. In such arguments, “responsibility” is deployed to debunk the spurious (as egalitarians believe) appeals to responsibility made by anti-egalitarians. In contrast, *affirmative* uses of responsibility are applied whenever equality is demanded, on the basis that it gives effect to the actual responsibility of individuals for their distributive shares under a proposed scheme of a distribution. The deep logic of the argument is just like that of the conservative anti-egalitarians, but the conclusion reached is the opposite: once we follow fully the logic of responsibility, goes the argument, shall we obtain egalitarian distribution. So the disagreement between egalitarians and anti-egalitarians *seems to* concern only the predicted empirical consequences of the application of one and the same principle in real life.

It is, however, not the case. Two points can be made which are relevant to the “defensive” versus “affirmative” distinction. The first point is that, it is counterintuitive to claim that one may have a defensive conception, without at least allowing for there being an affirmative conception in the background. Translate the preceding discussion into that of “desert”: the argument for a “defensive” use would be that we do not “deserve” current (dis-)advantages (because we cannot be held responsible for many of the factors which affect our advantaged or disadvantaged position). But can we hold the “we do not deserve it” position without at the same time endorsing a position about what we *would* deserve? In other words, can a defensive use be self-standing, without being supported by an affirmative use? To be sure, we can find it easier to identify breaches of a moral principle (such as the one linking distribution to responsibility) that relate to the positive implementations of that principle, but it does not follow that the negative uses are intelligible without presupposing the positive ones.³⁶ Statements of the type “we do not deserve” make sense only insofar as they identify *departures* from the positive ideal, and, similarly, the negation of the link between the responsibility of a person and his/her distributive share is intelligible only insofar as there is, at least intuitively, a standard on what responsibility *would* warrant. Both anti-egalitarian conservatives and egalitarians, when

³⁴ For this distinction, see Scheffler at 7-8.

³⁵ “[S]ince inequalities of birth and natural endowment are undeserved, these inequalities are to be somehow compensated for”, John Rawls, *A Theory of Justice* (Oxford University Press: Oxford 1971) at 100 (footnote omitted).

³⁶ See, similarly, Sidney Hook, “In Defense of ‘Justice’”, in E. Kiefer & M. K. Munitz, *Ethics and Social Justice* (State University of New York Press: Albany 1968): 75-84; see also Hurley at 134-35.

they make defensive arguments about responsibility, must be prepared to accept the affirmative contentions as well. So I disagree with Sheffler who argues that “[i]n advancing th[e] ‘defensive’ arguments, egalitarians do not commit themselves to the principle of responsibility. They simply dispute the conservatives’ assessment of the implications of that principle”.³⁷ True, they may not have any explicit theory of a responsibility-equality link because their main immediate concern may be “defensive” rather than affirmative. But an implicit affirmative articulation must be available; otherwise the anti-conservative responsibility argument has no moorings.

The second point is as follows. It is tempting to say that the only difference between the responsibility-conscious anti-egalitarians and egalitarians lies in the prediction as to how the use of one and the same principle will make a difference in the real world. But this temptation should be resisted, because it overlooks too much of a genuine moral disagreement, and ends up with a deceptively simplified picture of what is at stake. Suppose there is a disagreement concerning the inequality in the material positions of A and B: A had a first-class education and is now a successful lawyer, while B had only an inferior schooling and is a manual worker; a tax policy is now proposed to reduce after-tax inequality between them. You object to the scheme by saying that such an equalization would ignore the responsibility factor, because it would fail to reflect the differences between the hard work reflected in undertaking education by A; I claim, on the contrary, that the inferior equipment of B as regards the assets that are rewarded by the job market was not due to his free will, effort, etc, and therefore that a redistribution will bring the material positions closer in line with the responsibilities of A and B for their current social fates. Is our disagreement about the empirical predictions related to the way the use of one and the same standard will turn out to equalize or differentiate the positions between A and B? Surely not: the standard is not “the same”: the concept of responsibility is used in different ways by you and me, and these differences are reflective of fundamentally divergent moral outlooks about what characteristics and facts about an individual should trigger social benefits and burdens. This is not to say that there is no room for an empirical, or factual, disagreement between me and you: we may disagree about what in fact was under A’s and B’s control: was B’s failure to obtain a better education a matter of his deliberate choice (he preferred to spend more time partying and surfing) or of unavailability of money for tuition? But our disagreements go further than that. To say that B was not responsible for a failure to secure a better education is based (or at least, may be based and is often based) on a particular view about what, as a matter of general principle rather than specific and local facts, is under a person’s control: are we “responsible” (i.e., do we have control over) for our character traits, which incline us towards certain actions, or for certain preferences which were imparted upon us by our family and friends, and which further affect our choices; or for our religious convictions which constrain our actions, etc.? To place any such factors on one or the other side of the line dividing those facts for which we are responsible and those for which we are not, requires to have recourse to a broader moral conception which in itself cannot rely upon a prior notion of responsibility. Indeed, a statement of responsibility is a conclusion rather than a basis for this line-drawing. Such a characterization of a particular fact or action is only partly value-insensitive, and as it relies to a certain extent on a moral conception, it cannot, itself, serve as an explanation as to where the principle of responsibility leads in terms of equality or inequality. In our example, the disagreement between me and you about how the principle of responsibility should affect the (re)distribution between A and B cannot be solved by

³⁷ Scheffler at 8.

reference to the concept of responsibility alone because this concept has already some further ethical conceptions built into it, and the differences between you and me in terms of endorsement or otherwise of these conceptions will affect our conclusions.

Let me now spell out the second dichotomy, and here I can be briefer. Marc Fleurbaey has observed that we may use the concept of responsibility, in the context of a discourse on equality, in two senses: in the first sense, as in someone being responsible for her act, and in which the distinction between one's choice and involuntary circumstances is central, and in the second sense, to refer to a number of choices, decisions, issues that are someone's "responsibility". This second use, Fleurbaey adds, "does not have anything to do with free will. This is a purely descriptive concept that is used to describe how a society allocates the power of decision to its members, and no particular explanation needs to be given as to how and why specific decisions are made".³⁸ This second meaning is independent of any considerations of free will, because however strong the factors affecting my decision, an indisputable fact is that I am a decision-maker in a given domain – and so this domain is under my "responsibility". "It involves an idea of authority as well as an idea of obligation or duty".³⁹

Let us call these two notions of responsibility respectively the input and the output responsibility: input responsibility would relate to notions of free will, voluntary actions and control over the factors leading to a decision or state of affairs, while output responsibility would identify merely who is in charge of choices in a particular domain. How will this distinction affect questions of luck egalitarianism? Input responsibility has an obvious implication. Equality would demand that this type of responsibility leave the resultant inequalities unaffected: equalizing redistribution would have to ignore the inequalities caused by input responsibility. But output responsibility is another matter: its role would be to distinguish between those areas within which a redistribution aimed at more equality should occur and those within which it should not. It would be akin to a public/private distinction with a proviso that social equality must not apply to the private domain. For instance, even if, according to any plausible input responsibility conception, I should be compensated for unhappily ending up with a nasty spouse (I had not known of her difficult character which became apparent only after our marriage) or a religion (I had no choice over my religion which was imposed upon me by my authoritarian parents, and now I cannot mobilize enough energy to convert to another faith), the principles of output responsibility would block such a redistribution. It would be only up to me, acting individually, rather than for the society in its redistributive actions, to do something about my unhappy fate in these domains.

We are thus faced with two oppositions within the context of social equality: between "defensive" and "affirmative" uses of responsibility, and between input and output responsibility. To assess whether responsibility-egalitarianism may be properly apprehended, at a conceptual level, as a simple mirror image of luck egalitarianism, we must now clarify the notion of luck. The popular distinction (in addition to that between good and bad luck, of course) is that between "brute luck" and "option luck". Option luck is said to result from some calculated gambles that a person freely undertakes; brute luck cannot be traced to such free decisions. As Ronald Dworkin, who had coined this distinction, observed, the difference between these two forms of luck is a matter of degree, but his

³⁸ Mark Fleurbaey, "Freedom with Forgiveness", *Politics, Philosophy & Economics* 4 (2005): 29-67 at 45 [referred to as "Freedom"].

³⁹ Id at 45, reference omitted.

explanation for this property of the distinction suggests that it is a matter of degree, only insofar as we are uncertain as to the presence of a “calculation” in the “calculated gamble”: “If someone develops cancer in the course of a normal life, and there is no particular decision to which we can point as a gamble risking the disease, then we will say that he has suffered brute bad luck. But if he smoked cigarettes heavily then we may prefer to say that he took an unsuccessful gamble”.⁴⁰ So the dimension of degree in the continuum ranging between brute and option luck is only a matter of uncertainty as to whether the cancer is a result of a deliberate decision to smoke, and also of our uncertainty as to the extent to which the decision matched the ideal criteria of voluntary choice, with the proviso of full knowledge of the (possible) consequences etc. But, once these uncertainties are dissolved, any luck-effect can be characterized, so it seems, either as a matter of option or brute luck.

We now have sufficient resources to compare the notions of responsibility with those of luck, in order to assess whether they are the opposite of each other, for the purposes of luck- and responsibility-egalitarianism. We can perhaps simplify the argument by putting aside “option luck”: such luck is not a simple opposite of responsibility, because we can trace (by definition) the effects of option luck to a decision for which we can hold a person responsible: a decision to gamble, participate in a lottery, engage in an activity, where the risks are known. Both bad and good option luck are outside the concerns of luck-egalitarianism, and indeed one of the tasks of the conception is to screen off option luck from the egalitarian actions of the society. “[W]e have no reason to object ... to a result in which those who decline to gamble have less than some of those who do not.... For the effect of redistribution from winners to losers in gambles would be to deprive both of lives they prefer....”⁴¹ To be sure, luck-egalitarians admit, indeed postulate, interventions aimed at eliminating the worst consequences of option-luck, but these arguments are made on paternalistic, rather than on strictly egalitarian grounds – not on the basis that there is something wrong about a disparity resulting from that sort of “luck”.⁴² The only type of luck which is viewed with concern by luck-egalitarians is therefore brute luck.

How does *brute* luck match, as an inverse, our various notions of responsibility? Consider the defensive v. affirmative distinction first. At a first glance, it is only the affirmative use of responsibility which should be of interest to us: eliminating the influence of brute luck on distribution means retaining only those disparities which are sensitive to that for which we are responsible. But as I have suggested, we need not be too concerned about the affirmative-defensive dichotomy too much, because, if I am right, there is continuity between them, and the defensive cannot plausibly stand without the affirmative in the background. Finally we have the input/output distinction. Output responsibility is about drawing the line between realms, and in particular, between the domain in which individuals can expect society to reduce their disadvantaged positions vis-à-vis the others, and those where it is only up to them to do something about it. This clearly cannot be seen as the opposite of luck. But then, it is not a matter of equality either. It is a matter of choices, which must be *prior* to the application of norms of equality, whatever these norms are: those prior choices are about the domain within which society should be responsible for reducing inequalities. These choices cannot be made on the basis of norms of equality themselves. Otherwise we would face infinite regress. They may be made on all sorts of grounds: opinions on privacy, autonomy, protection of self-respect, efficiency etc, but not equality itself.

⁴⁰ “Equality of Resources” at 293.

⁴¹ Id. at 294-95.

⁴² Id. at 295.

In fact, the matter is somewhat more complicated because the domain within which equal distribution should be made is bordered on two sides, so to speak, by *two* different territories: one is the sphere of the private (where inequalities are not subject to distribution, for example resources for family happiness or religious salvation) and another, the domain where we deliberately want to keep certain resources as public goods in a technical sense of the word, i.e., not subject to distribution in accordance with equality or with any other standard. We may want to keep certain goods under collective ownership (roads, some essential natural resources, etc) and immunize them from distribution, as goods to be enjoyed privately.⁴³ And we of course need some theory to justify the boundary between collective and private ownership, just as we need some theory to justify the boundary between the domain open and that closed to egalitarian interventions.

Now the very idea of output responsibility, as suggested (without using the word output) by Fleurbaey, is at first glance an odd one, because it rests on a metaphorical notion of responsibility, so as to exploit a moral connotation of the word, without relying on the moral sources of this connotation, namely, a relationship to free will. Free will is operative in input responsibility (as an analytical truth, we can trace what we are responsible for to the exercises of our free will), but irrelevant to output responsibility (what “is our responsibility”, in the output-responsibility sense, is not determined by what is affected by our free will: free will is neither here nor there in the delimitation of domains, as dictated by the output responsibility conception).⁴⁴ A line-drawing (or domains-distinguishing) function of this sort of responsibility must have some moral rationale, after all; as pointed out earlier, it may be based on privacy, autonomy, efficiency etc. We may, for example, believe that to make a social judgment about inferiority in a particular domain (as a prelude to a decision about compensation) is such a grave violation of the person’s conditions of self-respect, that any gains in terms of equality will be insignificant: to make a judgment about a person’s ugliness (to trigger a redistributive decision, e.g. in terms of resources for cosmetic surgery) or lack of social skills (as a basis for psychological services) would be intolerable, for reasons other than equality, because it would further undermine the person’s self-esteem, her sense of self-respect etc. So, not all socially valued goods should appear on the radars of social equality, and we need a general conception about the parameters – the boundaries – of social equality before we set about determining the standards operating within that domain.

But it is perhaps illusory to hope that we can keep some domains fully immunized from the intrusions of free will exercised in other spheres. For if we draw the borderline between the private and the public, and announce that in the former no equality of whatever sort is to be socially promoted, we are liable to a charge of moral hypocrisy: the boundaries between the private and the public are porous, and a person left fully to her own devices in the private may justifiably complain that her opportunities in the public sphere are compromised by her disadvantages in (what was defined as) the private one. (For instance, we may contend very plausibly that the differences in the ability to engage in interpersonal contacts are totally a private matter, and so we have no duty to undergo a process of social compensation for deficiencies in this ability. However, if someone’s low capacities in this domain affect adversely one’s employment opportunities, then what is essentially a private resource translates into a social disadvantage, and the claim for compensation – through, for instance, publicly supported training and advice service – is no longer implausible).

⁴³ See Eric Rakowski, *Equal Justice* (Oxford University Press: Oxford 1991) at 66.

⁴⁴ See Marc Fleurbaey, “Equal Opportunity or Equal Social Outcome?”, *Economics & Philosophy* 11 (1995): 25-55 at 51 [referred to as “Equal Opportunity”].

Thus, to confine something safely to the private, we must be able to show that it will not affect outcomes in the public, and consequently that it will not constitute the sort of “bad brute luck”, which is disallowed under responsibility-based views of equality. To this, but only to this extent, output responsibility must take some account of input responsibility.

This is a proviso which limits, but does not eliminate, the use of output responsibility in egalitarian theories. Beyond this, output responsibility is something prior and external to social equality aspirations. Input responsibility – responsibility linked to choice, control and free will – is, in contrast, central to social equality, insofar as it views as its mission to eliminate the impact of bad brute luck on human fortunes. The upshot of this conceptual reflection is, therefore, that yes, luck-egalitarianism and responsibility-egalitarianism may be seen as coextensive, with luck and responsibility perceived as direct inverses, under the condition that we understand luck in the sense of brute luck, and responsibility as input responsibility, when affirmative and defensive uses of responsibility are seen as mutually self-supporting.

3. Luck Egalitarianism and Its Critics

The main proposition of luck-egalitarianism (as I will be calling it now, interchangeably with responsibility-egalitarianism) is that only those unequal outcomes are justified which are caused by the factors for which a person can be held responsible in a meaningful rather than purely tautological sense of responsibility.⁴⁵ More specifically, it claims that those inequalities, which can be fully, or primarily, traced back to bad brute luck, should be eliminated. Bad brute luck can be defined in various ways, but the most usual way of giving it a more specific meaning is by identifying it with those aspects of a person's circumstances which are not chosen, and yet which affect her position of inferiority in the access to socially valued goods. The line to be drawn between the not chosen circumstances (the effects of which must be neutralized) and the person's choices (the results of which should be unaffected, even if they are unequal for different persons) is the object of one of the fundamental controversies within the strand of luck egalitarianism, and will be discussed shortly. Another side of the coin – usually, afforded much less attention in the writings of the main proponents of luck egalitarianism – is that compensation for these undeserved inferiorities is derived exclusively from resources held by those who are more fortunate, which are themselves undeserved, i.e., cannot be attributed to choices but only to unchosen circumstances. Luck equality thus provides a response to those detractors of egalitarian redistributions who claim that egalitarians condone taking goods away from the deserving – i.e. from those who have earned their prosperous positions through their own effort, superior abilities and knowledge, smart choices and clever risk-taking. Egalitarians respond that only those superior goods will be taken away (through redistributive transfers) which can be traced back to facts and features for which a person cannot be held responsible – or, to be more precise, which cannot be described as a person's choices. No-one who worked harder, for instance, to earn her current superior position vis-à-vis the one who has chosen to live a life of leisure will be penalized for that choice. So the principle of responsibility (or luck neutralization) figures on both sides of the redistributive equation. Generally, luck egalitarianism can be described as postulating the principle of social equality, while being at the same time sensitive to the actual choices people make in and about their lives.

⁴⁵ The tautological understanding would define the factors for which a person can be held responsible as those which can justifiably figure in the reasons given for an unequal outcome, see Scheffler at 9.

One immediate observation, which may be perhaps provoked by this description, is: it may be a principle of justice all right, but why call it a principle of *equality*? The idea that no one should be advantaged or disadvantaged by arbitrary factors seems to be a reasonably good candidate for a universal concept of justice,⁴⁶ with various specific theories about what constitutes arbitrariness giving rise to differing conceptions of social justice. The idea that we cannot claim any credit for the factors which are morally arbitrary – those that are outside our control – seems like one among many conceptions of justice, and it may be (so the argument goes) debated precisely in these terms: as a theory of justice, plausible though no doubt controversial. But why consider it under a rubric of social *equality*, and why characterize those who espouse this theory as luck-egalitarians, rather than luck-neutralization theorists of justice? After all, nothing on the face of the theory suggests in a self-evident manner that the implementation of luck neutralization will bring about equality, i.e. *more* equality, either in comparison with alternative conceptions (and much depends here on what specific theories we will use as comparators for this purpose) or in comparison with the real-life status quo. Two responses seem available here.

First, it can be contended that luck-egalitarianism is indisputably egalitarian by virtue of using social equality as a default position: unless inequalities can be clearly traced to facts and factors for which we can hold people responsible, equal distribution is required. In this understanding, responsibility-related factors are modifiers of the basic standard – which is that of equality. (Equality of *what?* is of course an obvious question here but this we can postpone to a further discussion; as long as a theory demands equality of *something*, it deserves being called egalitarian). The strength of this response is uncertain. In a situation where responsibility-traceable inequalities are massive, the modifier may devour the norm. This connects with a second possible response. It can be argued that, if we apply properly the standard of responsibility to real-life distribution, we will end up with much less inequality than there is in real life now, and, therefore, that if the social reality of today is to be taken as a baseline, the theory will bring about egalitarian reform. This response would have to rely on the contention that (1) much of today's inequality is traceable to facts and factors for which people cannot be properly held responsible, and also that (2) the additional *inequalities* produced by the implementation of the theory of luck egalitarianism compared to real life, that is the equal distribution of today, which, in light of the standards of responsibility are unwarranted, would be fewer than equalities produced as a result of (1). As one can see, these are rather contingent judgments. They may or may not be realistic. I will suggest, however, that while contingent, they are eminently plausible. Much will depend here, of course, on what particular facts and factors we take to be under a person's effective control, so that they will need to be considered as part of a person's choice rather than her circumstances. The broader the range of such facts considered being under a person's control, the less egalitarian the theory will be in its practical consequences. As I have suggested above, the disagreement about which factors to consider morally arbitrary in this sense (in the sense of being traceable to a person's choice) is not merely an empirical disagreement, but touches upon moral judgments, which themselves cannot be derived from the rule of equality. In this sense, the egalitarian character of luck-egalitarianism is both contingent and parasitic upon prior, non-egalitarian principles. But it does not follow that it is a mistake to call it egalitarian: we must just be clear about the relative thinness of this property.

⁴⁶ As it is often articulated, see e.g. G.A Cohen, "Where the Action is: On the Site of Distributive Justice", *Philosophy & Public Affairs* 26 (1997): 3-30 especially at 12 [referred to as "Distributive Justice"].

Before going further in specifying the contents of the theory (and in particular, addressing the “equality of *what?*” question) I should consider some of the important critiques which have been leveled against this theory, as described up to this point. Among these critiques, I will put aside those which I have already discussed above, in Part 1, where I was interested in the criticisms against an individualized theory of equality leveled from the standpoint of a collective conception, and where I considered luck-egalitarianism only as representative of a broader family of individualized theories of equality. The critiques considered then were not necessarily specific to luck egalitarianism as such. Here is the place to consider some of these more specific criticisms. In particular, I am interested in two related criticisms, formulated usually from the standpoint of intuitive judgments of justice: that not all inequalities based on un-chosen factors are *ipso facto* illegitimate (or, to formulate it from a positive angle, that some inequalities traceable to factors for which individuals cannot be held responsible are legitimate) and, on the other hand, that not all inequalities traceable to choice are acceptable (or that some inequalities based on factors for which persons may be plausibly held responsible need to be eliminated under the principles of social equality). These two objections taken together would render luck- or responsibility-egalitarianism effectively void.

Before considering these two objections in turn, let us observe that they are not correlates of each other: that the acceptance of the one does not necessarily commit one to the other. For someone may accept that some inequalities unrelated to choice may be legitimate but consider that all inequalities traceable to choice are legitimate: such a person would simply expand the range of legitimate inequalities beyond the choice principle. Choice, under that theory, would be a sufficient, but not a necessary condition legitimating a given inequality. On the other hand, someone may accept that there are many inequalities traceable to choice, which must be eliminated and at the same time claim that all inequalities unrelated to choice should be eliminated too: such a person would expand the range of morally required equalities beyond the choice principle. These are both plausible, morally non-contradictory positions: each of them rejects the premises of luck egalitarianism – though from the opposite moral perspectives. For this reason, both objections to luck egalitarianism need to be considered in turn.

Let us consider first an objection which, I think, is less detrimental to luck-egalitarianism, namely that in our intuitively accepted moral positions we consider as legitimate some inequalities which are based on unchosen factors, and which we cannot trace back to individual responsibility in any meaningful sense of the term. As Scheffler suggests, “many people regard material inequalities deriving from differences of talent and ability as acceptable within limits”. This proves, for him, that “any version of the principle of responsibility that is strong enough to support a luck-egalitarian conception of distributive justice is bound to be controversial”.⁴⁷ And he further observes that “few people endorse a blanket policy of refusing to reward unchosen talents or traits of character”.⁴⁸ It seems to me that here we face a problem of under-justification of a moral principle by referring to an intuitive judgment of justice. Would the intuitions to which Scheffler appeals pass the standards of being “fixed points” in a serious reflective-equilibrium type of moral exercise: would they rank as such unquestionable moral convictions that general principles must be tailored to match them? I have my doubts. “Many people regard”... - but not all; “few people endorse”... - but some do. I have no doubt that Scheffler’s reconstruction of conventional thinking will resonate with many people’s effective views, but perhaps they

⁴⁷ Scheffler at 10.

⁴⁸ Id. at 15.

are not as widespread, as settled and as fundamental as to undermine a contrary intuition, namely that those inequalities which are based on morally arbitrary factors are unjust, and that anything which is beyond our power to choose or modify is morally arbitrary. This doubt is reinforced by the evidence Scheffler provided for his point. Directly following the last-quoted sentence, Scheffler goes on: “In their personal lives, for example, few people have a general policy of refusing to praise their friends and acquaintances for anything other than effort or hard work. Such a policy would also be liable to strike us as strange and moralistic”.⁴⁹ And so it would, but it does not necessarily prove the point that in the domain of *social* equality an equivalent “general policy” would be inappropriate. Our private lives, and more particularly our actions of praising our friends and acquaintances for their achievements, are not a good model for social equality within a domain where socially valued goods are being distributed by collective means. This has been discussed above, when the choices regarding the domain of social equality were characterized as prior to, and independent of, judgments of standards of equality. We do express praise for people often without any morally good reasons; further, we often congratulate people for actions or achievements where there is obviously no moral ingredient (consider congratulating someone on winning in the lottery⁵⁰ or, in a different way, congratulating someone for buying a new house or a new car: arguably, a silly praise from the standpoint of any plausible theory of justice). Neither do we believe that the choices of friends, partners and spouses should be done on non-arbitrary grounds, and that everyone should get a friend or a spouse she deserves, according to a meaningful responsibility principle. The question of grades, literary prizes, sporting awards etc. is more complicated: these are much less private domains, and we clearly do accept such rewards based on largely unchosen factors. No one would wish for an equalizing of luck-related factors in such a way as to grant those rewards only on a basis which can be traced to a person’s choice. But here, I suggest, this unwillingness can be accounted for by several explanations, which do not necessarily affect the responsibility-inequality moral link: (1) the impossibility to discern with any plausibility the chosen ingredients (choice) and disentangle them from the unchosen (such as inborn talent); (2) the fact that much of the purpose in the acts of grading, prize-giving etc. is related to an incentive for future enterprises, rather than expression of praise for its own sake; (3) the fact that literary prizes and sporting awards etc. are not seen as a matter of dispensing justice, but rather as part of a certain rule-governed entertainment (*sensu largo*) and so cannot serve as a model for the rules of social equality in the general domains, where the distribution of socially valued goods takes place. In sum, the general tenor of my response to the argument according to which intuitively we do not question all inequalities based on the factors for which people are not responsible, is to express a doubt as to the strength and the scope of applicability of this intuition qua a ground for a moral argument.

The second objection is more challenging to luck egalitarianism: it is that not all inequalities based on free choice – on the factors for which a person can be held responsible – are morally acceptable, and that a theory of equality which postulates such a tolerance for choice-based inequalities is cruelly and implausibly unforgiving. As Elizabeth Anderson puts it: “the reasons luck egalitarians offer for refusing to come to the aid of the victims of bad option luck express a failure to treat these unfortunates with equal respect and

⁴⁹ Id. at 15.

⁵⁰ Perhaps, in line with the theory of “option luck” such congratulation may be seen as based on a congratulation of a wise gamble or a wise risk-taking, but I do not think that, as a matter of psychology, this is what congratulations for a win in lottery boil down to.

concern”.⁵¹ Timothy Hinton echoes Anderson’s concern: “Negligent accident victims, or those who choose not to buy catastrophe insurance, and in general people whose calculated gambles have severe outcome surely have some claim on us in justice for help. How could it be consistent with treating them as our equals to force such people to bear the entire costs of their poor choices or their bad behaviour?”⁵² In a similar vein, and appealing to widespread intuitive judgments, Samuel Scheffler observes: “most people do not have a blanket policy of refusing assistance to anyone who has made a mistake or a poor decision. Such a policy would strike us as harsh, unforgiving, insensitive to context, and unduly moralistic”.⁵³

This second objection is, I must admit, serious, and it may well point at a feature of the theory which may be truly embarrassing to the proponents of luck-equality. And yet, I am not convinced as to how successful the objection is. Indeed, consider two sets of parameters, which usually accompany the “parades of horrors” – the arguments about the harsh and unforgiving (and thus, intuitively unacceptable) consequences of legitimating choice-based inequalities. The first set of parameters is about the degree of probability of negative consequences resulting from a choice; the second is about the absolute badness of the consequences. As to the first one, it is perhaps telling that, almost each time the critics of luck egalitarianism (such as those just quoted above) decry the harshness of the theory, they refer to the examples of *option* luck: of a gamble that turned bad. And yet this is not the only example of choice-based inferiority. Another case is that of a *certainty* of the consequences: suppose I know for sure that if I do not spend more time studying I will be unable to secure a well-paid job. No gamble here: I deliberately choose a life of leisure now to forsake a higher economic position in the future. Is it necessarily harsh and unforgiving to have my choice reflected into the distributive scheme in such a way? So much of the persuasiveness of the “harsh and unforgiving” critique depends on whether we are talking about option luck (gamble) or certainty. In real-life, of course, our decisions are almost always taken in conditions of relative uncertainty, and there is a spectrum of decisions whose consequences can be predicted with a differing degree of certainty: on one end of the spectrum, we have gambles and lotteries, on the other, decisions about “more leisure, less income”. The more we approach the former end, the more persuasive the “harsh and unforgiving” critique is. This prompts us to wonder why it is the case. Perhaps there is a certain moral wisdom in the intuition that the choice to gamble is not equally morally weighty as the choice to accept the consequences which will follow it for sure (with the weight of the consequences being equal). This wisdom may suggest to us that the decision to gamble involves a lesser responsibility, than a decision whose consequences are certain, and this variable responsibility may well be accepted by luck-egalitarians and built into their theory. In this way, a victim of bad option luck is less responsible for her predicament than a “victim” of a decision whose negative consequences are certain. The maxim *Volenti non fit iniuria* may well apply to the latter, but not to the former case, and so a luck-egalitarian may, consistently with the spirit of the conception espoused, mandate a degree of redistribution for the victims of bad option luck.

The second set of parameters applies to the absolute badness of the consequences. Not every inferior position is equally bad, and allowing an uninsured negligent driver to die (one

⁵¹ Anderson at 295.

⁵² Timothy Hinton, “Choice and Luck in Recent Egalitarian Thought”, *Philosophical Papers* 31 (2002): 145-167 at 165 [referred to as “Choice and Luck”].

⁵³ Scheffler at 15.

of the favorite examples of critics of the harshness of luck egalitarianism)⁵⁴ is much worse than getting less income based on one's lower educational standard. The critics of luck egalitarianism exploit the moral horror of the examples where there is an absolute (as opposed to comparative) badness of the victim of bad decisions or bad option luck is enormous. But our intuitive response to cases of less dramatic inequalities is markedly different: we do not think that it is a breach of equal respect for victims of their own choices if they will have to suffer lower incomes, but still well above the threshold of living with dignity, if that is what they have knowingly decided to embark upon. We simply hold people to their deliberate choices, assuming that in their own minds they have made rational calculations of trade-offs between certain pleasures and gratifications (e.g., less study) versus certain negative consequences in the future (lower income).

This shows that luck egalitarianism, to have its moral plausibility rescued in the face of "harsh and unforgiving" critiques, must be accompanied by a safety net: it must accept that no one will be allowed to fall below a certain minimum, no matter what his choices were. The question is not whether luck-egalitarians do in fact allow for such safety net: they do (in his foundational text on luck equality, Dworkin made an express allowance for such interventions, either on paternalistic grounds, or on the grounds of "a theory of political equality").⁵⁵ The question rather is, can such safety-net measures be harmonized with the general spirit of luck-egalitarianism? The burden would be on the critics to show that they *cannot* be, and I fail to find the arguments which would support such an eccentric position. As one of the critics of luck egalitarianism admits himself: "few luck egalitarians present the luck-egalitarian principle as an absolute requirement or as constituting the whole of political morality; most acknowledge that the principle needs to be supplemented or qualified in various respects".⁵⁶ The proviso that there will be a safety net against the harsh consequences of one's choices may well be such a "supplement" or "qualification", and it may plausibly be calibrated along the lines suggested (as I have just claimed) by our moral intuitions, as a function of the degree of certainty of negative consequences arising from our decisions, and the absolute badness of such consequences. It is true that the rationale for such a safety net cannot be found in the logic of luck egalitarianism itself; after all, it is a qualification to, rather than an implication of, the principle. In this way, the theory loses perhaps its architectural elegance, but this "loss" matches our intuitive moral judgments, and should be accepted.

The only reason for considering the "harsh and unforgiving" critique of luck egalitarianism devastating would be if it could be shown that the safety net principles are *incompatible* with the theory of luck egalitarianism. This is the argument made by Elizabeth Anderson, who, after having listed all the nefarious consequences of abandoning the imprudent (the victims of bad option luck) to their own misfortune, recognizes that luck egalitarians resort to paternalistic devices in order to escape such implications of their theory. "Luck egalitarians do entertain modifications of their harsh system, but only on paternalistic grounds". Anderson goes on: "In adopting mandatory social insurance schemes for the reasons they offer, luck egalitarians are effectively telling citizens that they are too stupid to run their lives, so Big Brother will have to tell them what to do. It is hard to see how citizens could be expected to accept such reasoning and still retain their self-respect".⁵⁷

⁵⁴ Anderson at 295-6; Hinton, "Choice and Luck" at 165.

⁵⁵ "Equality of Resources" at 295.

⁵⁶ Scheffler at 16.

⁵⁷ Anderson at 301.

Anderson is right in saying that luck-egalitarians probably have to resort to some form of paternalism in order to justify a safety net: to exclude certain risk-takings, or certain decisions whose consequences are truly awful for the decision-makers. As such, paternalism is a troubling, but not an incurably implausible position. There is no need here to rehearse various arguments about paternalism *tout court*, because the only question which we face is, is the paternalism implicit in safety nets *necessarily* at odds with the reasons provided for luck egalitarianism in the first place. We already know that paternalism is a modifier of (rather than a simple consequence of) luck egalitarianism and therefore has to resort to *different* rationale than those underlying luck-egalitarianism; it would be embarrassing to luck egalitarians only if those rationale were incompatible with luck-egalitarianism's rationale. Only then would the paternalistic qualification be not credible enough to allay our concerns about "harsh and unforgiving" consequences of luck egalitarianism.

Although Anderson suggests that the arguments for paternalistic laws "move us away from equality of fortune",⁵⁸ it is hard to find the support for such a suggestion. Such a support cannot be found in the proposition (quoted above) that paternalism, as reflected in "mandatory social insurance schemes" violates citizens' self respect. Whether such schemes are offensive to individual self-respect is entirely question-begging: insofar as paternalism aims plausibly at protecting us from our own thoughtlessness, lack of imagination and defective knowledge, no necessary denial of self-respect is involved. After all, Anderson herself admits that "[s]elf-respecting people can endorse some paternalistic laws as simply protecting themselves from their own thoughtlessness".⁵⁹ And it is clear that to label a regulation paternalistic is not equivalent to condemning it: there may be laws which protect people against the effects of their own stupidity or weakness of will and yet which do not necessarily treat them with disrespect.

What criterion may be used to distinguish between an objectionable and a tolerable paternalism? The main yardstick should be, I suppose, whether a limitation of freedom for the sake of the agent herself expresses a fundamental disrespect for her own sincerely avowed values. As Isaiah Berlin had suggested, what is wrong about paternalism is that it is "an insult to my conception of myself as a human being, determined to make my own life in accordance with my own (not necessarily rational or benevolent) purposes".⁶⁰ But not every version of paternalism *sensu largo* (that is, where a person's liberty is restricted for her own sake) is at the same time such an objectionable paternalism, which conveys the sort of insult that Berlin was writing about. If a paternalistic (*sensu largo*) restriction follows our views about the risks which we would all consider too dangerous to take, under the stricter understanding of paternalism there is nothing particularly objectionable or insulting in it. So, for example, if the range of transfers and redistributions follows correctly a hypothetical insurance scheme designed by Dworkin (by providing insurance, at public expense) against bad fortunes which we all would have found reasonable to insure ourselves against, there is no necessary objectionably paternalistic defect in it. For our actual values are not being overridden: it is not the case that Big Brother tells us: "You may like to take such a risk, but we will not allow you to". Rather, we are forced to behave in accordance with the values which we actually espouse, but which we tend to disregard sometimes in our consumption, spending and saving decisions.

⁵⁸ Id. at 301.

⁵⁹ Id. at 301.

⁶⁰ Isaiah Berlin, *Four Essays on Liberty* (Oxford University Press: Oxford 1969) at 157.

One should not underestimate the hazard of such a reasoning: there is an underlying danger of hypocrisy when we tell people what their “real” values are, when not reflected in their actual behavior. So the availability for such a non-objectionable paternalistic argument depends on the accuracy of the detection of the actual values of people to whom it applies. And there will always be dissenters who will genuinely not identify themselves with a socially dominant judgment of unreasonableness of certain types of risks. To *them*, such a safety net regulation will be paternalistic in an objectionable way. But the legitimacy of such a regulation will crucially depend on how small such a group will be, and therefore how well the safety net will reflect the dominant judgment about unacceptable risks against which we should all be insured.

To be sure, there are perhaps also some possibilities of non-paternalistic rationale for mandatory social insurance schemes: one can say, for instance, that such schemes protect those prudent among us who do not want (and find it unfair) to pick up the bill for the careless risk-takers. As one knows from the literature on paternalism, it is almost always possible to identify some third-party interests protected by what seems, at first glance, to be a paternalistic restriction.⁶¹ The tendency to quickly resort to such rationale should be, however, resisted, because, as we also gather from the literature on paternalism, such third-party rationale are often *ex post facto* rationalizations for regulations, which are *predominantly* motivated by paternalistic motives. In my opinion, rather than conjuring up a third-party rationale for what is primarily motivated by the aim of protecting the person compelled to participate in a mandatory insurance scheme (or, more precisely, to participate in the redistributive scheme which mimics such an ideal insurance scheme), it is more candid to “bite the bullet”, to admit that safety-net devices added to the luck egalitarian scheme have a paternalistic character, and then try to see whether they are objectionable in a way which makes them incompatible with the basic premises behind luck egalitarianism.

What is odd is that some of the critics of luck egalitarianism – who argue that it reflects an insulting sort of paternalism whenever it resorts to safety-net devices supplementing the main scheme of choice-based redistribution – are at the same time opting for an objectivist assessment of personal values, hence an approach which favors rather than dismisses paternalistic interventions. Elizabeth Anderson, in a classic article, where she framed the objection of a paternalism against luck egalitarians’ approach to the victims of bad option luck, insists also that “democratic equality” (her own position of choice) urges that “the weight that a citizen’s claim has on others depends solely on the content of her interest and not on the importance she places on it in her own conception of the good”.⁶² But if we can disregard the subjective rankings of various particular interests that people conduct, the reasons to be hostile to paternalism seem to evaporate, because then there is no way that a person can object that *her own* values, properly internally ranked, have been replaced by the values of the legislators. Here is an example provided by Anderson to illustrate her point: “*From a public point of view*, it is more disrespectful to deny a person in a wheelchair access to public schools than it is to deny her access to an amusement park ride that only accommodates the walking. This is true even if she’d rather go through the Fun House than learn how to read”.⁶³ She draws this not to decry paternalism in luck egalitarianism,

⁶¹ See Joel Feinberg, *Harm to Self* (Oxford University Press, New York 1986) at 16-23; Gerald Dworkin, “Paternalism: Some Second Thoughts”, in Rolf Sartorius, ed., *Paternalism* (University of Minnesota Press: Minneapolis 1983): 105-12 at 109.

⁶² Anderson at 332, footnote omitted.

⁶³ Id. at 332, emphasis added.

but to criticize Arneson's subjectivist approach which would merge expensive tastes and disabilities into one category of expensive preferences. I think that Anderson has a point against Arneson, but the collateral damage of her own critique is that she disarms the paternalism-related weapons against luck egalitarianism. Because her own example, provided above, is paternalistic though not necessarily in an objectionable way. Assume that nearly all of us agree that it is much more important to access schools than Fun Houses, and that this ranking is shared by the disabled persons themselves, so that the specific preference for a Fun House in precedence of the school described in the passage from Arneson can be reasonably seen as a sort of aberration, perhaps resulting from weakness of will or ignorance. In that case, a social decision which facilitates the disabled person's access to schools in precedence to amusement parks is not paternalistic in an objectionable way. After all, Anderson argues herself, when introducing the amusement-park example: "Some deprivations of capabilities express greater disrespect than others, in *ways any reasonable person can recognize*".⁶⁴ The italicized words here and in the previous quotation from Anderson indicate precisely what renders the safety-net regulations, added to the luck egalitarian scheme, non-paternalistic (or not paternalistic in the objectionable sense of the word): if "any reasonable person can recognize" that falling below a minimum threshold of decent life is unacceptable, and if this "public point of view" is decisive for accepting the range of bad option lucks which cannot be tolerated, one wonders how an argument about the insult represented by a safety net to the self-respect of the victims of bad option luck can be consistently upheld.

⁶⁴ Anderson at 332, emphasis added.