

## Part 2

### Responsibility and Other Concepts

#### 4. Luck Egalitarianism – A Primer<sup>1</sup>

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Karl Marx was a fierce critic of early capitalist market relations.<sup>2</sup> His characterization of these relations, as they were forming in the nineteenth century when he observed them or as they have matured in subsequent centuries, strikes many people as inaccurate. But few doubt that an economy that resembled his description of early capitalism would be unjust.<sup>3</sup> In that economy, some people are born into extreme poverty and never have a chance to experience a life of decent quality. These proletarians through no fault or choice of their own have no lucrative marketable skills and in order to stay alive must work long hours at brutally hard and unrewarding jobs for bare subsistence pay

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<sup>1</sup> . I wrote this paper while enjoying the hospitality of the Centre for Applied Philosophy and Public Ethics, Charles Sturt University (Australian National University location), as Visiting Professor, January-February 2007. I thank the Centre for a congenial working environment and UCSD, my home university, for sabbatical support. Thanks especially to Andrew Cohen and Andrew Star for excellent discussions. I discussed the paper at Harvard Law School, the Murphy Institute at Tulane University, and workshops at the University of Melbourne, Australia, and at the University of Glasgow, Scotland. I thank the audiences and participants, especially Carl Knight and Steven Wall, for helpful comments.

<sup>2</sup> . See Karl Marx and Friedrich Engels, “Manifesto of the Communist Party,” in *The Marx-Engels Reader*, second edition, Robert Tucker ed. (New York: W. W. Norton and Co., 1978). Marx’s full view on the topic appears in Karl Marx, *Capital*, vol. 1.

<sup>3</sup> . Allen Wood effectively argues for this claim in his “The Marxian Critique of Justice,” *Philosophy and Public Affairs*, vol. 1 (1972), 244-282.

throughout their lives. Moreover, feasible alterations of these conditions that would give everybody reasonably good life prospects are feasible.

Imagine that Marx's critique had been different. Imaginary Marx holds that capitalism is unjust because under this regime a group of persons, the proletarians\*, though they begin life with inherited wealth and fortunate inheritance of genes for traits and immensely nurturing childhood experiences, somehow in their early adulthood years manage to squander all of these initial advantages through dissolute living and from then on are forced to work at rote boring jobs for subsistence pay in order to stay alive.

The imaginary Marxian critique I just sketched might make some sense. Maybe there is some unfairness in the plight of the proletarians\*. Granted, they had initial opportunities, and second and third chances, but maybe everyone always deserves another chance for a better life. But the charm and simple intuitive moral appeal of Marx's critique of the condition of the proletarians disappear entirely when we imagine a parallel critique of the condition of their imaginary counterparts.<sup>4</sup>

In recent years several political philosophers have begun to articulate principles of social justice that combine egalitarianism and a personal responsibility ethic that holds that more favorable treatment is owed to proletarians than to proletarians\*. Ronald Dworkin, G. A. Cohen, and John Roemer are prominent members of this group.<sup>5</sup> This family of views has come to be called "luck egalitarianism." This broad doctrine has attracted some estimable critics, who doubt that the luck egalitarian project is worth

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4. I do not mean to claim that Karl Marx was a luck egalitarian. He criticizes capitalism on the ground that its normal functioning requires exploitation, but one does not exploit another if one merely lets her alone, does nothing to her or for her. So perhaps Marx is best interpreted as what I call later in this essay a "social interactionist." Also, Marx at least flirts with the idea that each person is the full rightful owner of herself and therefore ought to receive the "full fruits of her labor." The luck egalitarian opposes the self-ownership doctrine. On the exegesis of Marx regarding these issues, see G. A. Cohen, chapters 5 and 6 of his *Self-Ownership, Freedom, and Equality* (Cambridge: Cambridge University Press, 1995). On the question what we should think on the issues, as distinguished from the question how we should interpret Marx, Cohen's entire book is apt.

5. Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge: Harvard University Press, 2000). This book includes versions of two seminal essays, "What Is Equality? Part 1: Equality of Welfare," *Philosophy and Public Affairs*, vol. 10 (1981), 185-246; and "What Is Equality? Part 2: Equality of Resources," *Philosophy and Public Affairs*, vol. 10 (1981), 283-345. See also G. A. Cohen, "On the Currency of Egalitarian Justice," *Ethics* 99 (1989), 906-44; also Cohen, *If You're an Egalitarian, How Come You're So Rich?* (Cambridge: Harvard University Press, 2000). For Roemer's contributions, see John E. Roemer, "Equality of Talent," *Economics and Philosophy* 1 (1985), 151-88; Roemer, *Theories of Distributive Justice* (Cambridge: Harvard University Press, 1996); Roemer, *Equality of Opportunity* (Cambridge: Harvard University Press, 1998). In this group I would also include Larry Temkin, author of *Equality* (Oxford: Oxford University Press, 1993) and the stage of Thomas Nagel that wrote *Equality and Partiality* (Oxford and New York: Oxford University Press, 1991). Other contributors include Richard Arneson, Eric Rakowski, Philippe van Parijs, Andrew Williams, Peter Vallentyne, Michael Otsuka, Kasper-Lippert Rasmussen, and Paula Casal. For Arneson's views, see his "Equality and Equal Opportunity for Welfare," *Philosophical Studies* 56 (1989), 77-93; "Egalitarianism and the Undeserving Poor," *Journal of Political Philosophy* (1997); "Egalitarianism and Responsibility," *Journal of Ethics* 3 (1999), 225-47; "Perfectionism and Politics," *Ethics* 111 (2000), 37-63; "Why Justice Demands Transfers to Offset Income and Wealth Inequalities," *Social Philosophy and Policy* 19 (2002), 172-200; "Desert and Equality," in Kasper Lippert-Rasmussen and Nils Holtug, eds. *Egalitarianism: New Essays on the Nature and Value of Equality* (Oxford: Oxford University Press, 2007), pp. 262-293. See Eric Rakowski, *Equal Justice* (Oxford: Oxford University Press, 1991); Philippe Van Parijs, *Real Freedom for All* (Oxford: Oxford University Press, 1995); Michael Otsuka, *Libertarianism without Inequality* (New York and Oxford: Oxford University Press, 2006.); Andrew Williams, "Equality for the Ambitious," *Philosophical Quarterly* 52 (2002), 377-389; Andrew Williams and Paula Casal, "Equality of Resources and Distributive Justice," in *Ronald Dworkin and His Critics*, ed. Justine Burley (Oxford: Basil Blackwell, 2004), pp. 150-169; Peter Vallentyne, "Brute Luck, Option Luck, and Equality of Initial Opportunities," *Ethics* 112 (2002), 529-57; and Kasper Lippert-Rasmussen, "Equality, Option Luck, and Responsibility," *Ethics* 111 (2001), 548-79.

pursuing. The critics have tended to fasten on the “luckism” component of the doctrine, but of course its egalitarianism is also controversial and stands in need of defense.<sup>6</sup>

This essay surveys varieties of the luck egalitarian project in an exploratory spirit, seeking to identify lines of thought that are worth developing further and that might ultimately prove morally acceptable. I do not attend directly to the critics and assess their concerns; I have done that in other essays.<sup>7</sup> I do seek to identify some large fault lines, divisions in ways of approaching the task of constructing a theory of justice or of conceiving its substance. These are controversial in the sense that in the present state of discussion it is unclear how best to view them or to which side it is better to scramble. But in the end of course I’m not a moral geographer and map-maker, just an involved spectator/tourist offering yet another view of the cathedral.<sup>8</sup>

### Preliminaries

First, a preliminary clarification. The reader might be forgiven for wondering what could be controversial about allowing room for responsibility within the theory of social justice. Who would disagree? To see that there is room for controversy, distinguish treating personal responsibility as intrinsically or as instrumentally significant. Tomorrow all of us might decide that responsibility is not intrinsically significant, perhaps because we all become convinced that what we call human actions are caused events, that occur according to probabilistic or deterministic physical laws, and that thinking through what this signifies, we conclude that if actions are events, they can’t be actions as we ordinarily conceive them—choices for which one can be responsible. We might be reasonable to take this line, roughly the line of hard determinism. Adopting this view would not in the least threaten to subvert the vast mass of our responsibility practices. In myriad institutional contexts we hold people responsible for the good or bad outcomes of their choices by attaching negative and positive sanctions, punishments and rewards, to them. An instrumental justification of this host of practices is available. Holding people responsible in these ways improves the future, contributes to the promotion of goals we want to achieve and if the goals are morally sound, contributes to the cause of morality. Negotiation, criticism, and reform at the margins of these practices may be salutary, but no one proposes scrapping the lot.<sup>9</sup>

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6. Critics include Marc Fleurbaey, “Equal Opportunity or Equal Social Outcome?”, *Economics and Philosophy* 11 (1995), 22-55; Jonathan Wolff, “Fairness, Respect, and the Egalitarian Ethos,” *Philosophy and Public Affairs*, 27 (1998), 97-122; Elizabeth Anderson, “What Is the Point of Equality?”, *Ethics* 109 (1999), 287-337; Samuel Scheffler, “What Is Egalitarianism?”, *Philosophy and Public Affairs* 31 (2003), 5-39; Scheffler, “Choice, Circumstance, and the Value of Equality”, *Philosophy, Politics, and Economics* 4 (2005), 5-28; Susan Hurley, *Justice, Luck, and Knowledge* (Cambridge: Harvard University Press, 2003).

7. Richard Arneson, “Luck Egalitarianism Interpreted and Defended,” *Philosophical Topics* (Spring and Fall, 2004) [actually published in fall, 2006], 1-20; also Arneson, “Luck and Equality,” *Proceedings of the Aristotelian Society*, supp. vol. 75 (2001), 73-90; also Arneson, “Luck Egalitarianism and Prioritarianism,” *Ethics* 110 (2000), 339-49; also Arneson, “Equal Opportunity for Welfare Defended and Recanted,” *Journal of Political Philosophy* 7 (1999), 488-97.

8. Here in a flat-footed way I intend to allude to a famous essay by Guido Calabresi and Douglas Malamed on the foundations of tort law. See their “Property Rules, Liability Rules, and Inalienability: One View of the Cathedral,” *Harvard Law Review* (1972)

9. For a statement of the difficulty involved in conceiving human actions as caused events, and the unavoidability of conceiving them in just that way, see Thomas Nagel, “Moral Luck,” reprinted in his collection, *Mortal Questions* (Cambridge: Cambridge University Press, 1979). On viewing responsibility as instrumental, see J. J. C. Smart, “Free-will, Praise, and Blame,” *Mind* 70 (1960), 291-306; also Manuel Vargas, “The Revisionist’s Guide to Responsibility,” *Philosophical Studies* 125 (2005), 399-429; also Vargas’s contribution to John Fischer, John Kane, Derk Pereboom, and Manuel Vargas, *Four Views on Free Will* (Oxford: Basil Blackwell, 2007); and R. Arneson, “The Smart Theory of Responsibility and Desert,” in Serena Olsaretti, ed., *Desert and Justice* (Oxford: Oxford University Press, 2003).

In contrast, holding that the fulfillment of some norm of responsibility is intrinsically morally valuable is controversial. Look back to the counterpart proletarian. We might justify high taxes on hard liquor and other commodities useful for dissolute living, vagrancy laws, subsidies for adult education and drug rehabilitation programs, on the ground that by some appropriate measure, the benefits to be gained exceed the costs. We improve the future by seeking to “reward” the responsible and “punish” the irresponsible in these ways. Alternatively we might dispense with the scare quotes in these phrases and hold it is intrinsically more valuable to improve the lives of the saints and heroes by a certain amount than it would be to bring about an identical gain for the sinners and scoundrels. Those who behave responsibly intrinsically merit policies that provide them better lives than those who behave irresponsibly. This moralism is controversial.

The term “responsibility” is used in different ways to express different ideas. When someone is appalled by the inclusion of responsibility norms into the theory of justice and someone else is horrified by the possibility of their extrusion, they might be talking past each other. Some explanation of terms is needed.

In one sense, responsibilities are obligations or duties. As a parent, one has responsibilities to care for one’s own child. Saying someone is a responsible person sometimes conveys that the person reliably fulfills her obligations and duties. Saying someone is a responsible person can also convey something quite different: that the person has the normal human capacities for choice and agency, so that she is, apart from special excuses or justifications that may apply, apt for assessment in the light of the good or bad quality of her choices and actions.<sup>10</sup> In this sense a dog and a human infant are not responsible; a normal adult human is. Saying someone is responsible for some outcome may just mean she caused it but may also be used to convey the further thought that since she, a responsible agent, did this thing, leading to this outcome, she is apt for assessment depending on its quality. Saying someone is responsible for the outcomes of her choices and actions may also be used to convey the different thought that it is appropriate (given her choices and the social environment in which choice occurs) that she bear the costs of these actions whether they fall on herself or on others. In a like vein, saying one is responsible for taking care of one’s own needs may convey the thought, not that one is obligated to take care of one’s own needs, but that no one else has obligations to make good any shortfall in need fulfillment that results from one’s self-affecting actions. The different usages of the term are somewhat ordered, not just a random heap, but still amidst the plethora of meanings of the term, talk of “responsibility” can breed confusion.<sup>11</sup>

## Two Faces of Personal Responsibility

The personal responsibility issue as framed by luck egalitarians faces in two directions. Looking one way, the doctrine is a response to conservative critics of the welfare state and egalitarian redistributive policies who assert that they erode personal responsibility, reward the undeserving, and punish the deserving.<sup>12</sup> The luck egalitarian response in

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<sup>10</sup>. See the distinction between “attributive responsibility” and “substantive responsibility” in T. M. Scanlon, *What We Owe to Each Other* (Cambridge: Harvard University Press, 1998).

<sup>11</sup>. Susan Hurley argues that luck egalitarianism founders on its advocates’ confusions about the concept of responsibility in her *Justice, Luck, and Knowledge*. For replies, see R. Arneson, “Luck and Equality”; also K. Lippert-Rasmussen, review essay in *Philosophy, Politics, and Economics*.

<sup>12</sup>. See Charles Murray, *Losing Ground: American Social Policy 1950-1980* (New York: Basic Books, 1984). In *Rethinking Social Policy: Race, Poverty, and the Underclass* (Cambridge, MA: Harvard University Press, 1992) Christopher Jencks concedes considerable ground to Murray on the failure of state intervention in the U.S. in the 1960s and 1970s to hold recipients of state aid to standards of behavior viewed as morally right to impose coercively. For a recent sophisticated development of Murray’s theme, see David Schmidtz’s

brief is that the question of what it is fair to hold an individual responsible for admits of coarse-grained answers which assess behavior as meeting or failing to meet a standard of conduct. Such coarse-grained standards may in some contexts be appropriate components of sensible, administrable social policies. But at a fundamental moral level, a more fine-grained approach to the questions of personal responsibility is far more compelling. On the fine-grained approach, one looks not just at whether or not the individual met a given standard of behavior but at the degree to which the individual's talents and capacities and the myriad background factors operating on the pertinent choice of conduct substantially modify the coarse-grained assessment whether by hardening or softening it. Most often, the fine-grained approach leads to softening judgments at least for the types of undesirable behaviors that are the concern of political conservatives.

Oriented toward academic political philosophy debates, the luck egalitarian line on personal responsibility is first and foremost a reaction against the desert-eschewing core of John Rawls's influential and powerful theory of justice.<sup>13</sup> In particular, attention has focused on Rawls's formulation of the difference principle, which affirms that inequalities in the distribution of social and economic benefits other than basic liberties are just only if they work to maximize the benefit level of the least advantaged members of society. (Inequalities to be just must also satisfy a stringent equality of opportunity principle stronger than the traditional liberal principle of careers open to talents.) Rawls was somewhat undecided about how to define the worst off group in society for purposes of applying the difference principle, but one formulation he suggests is that the worst off are those whose yearly income is less than one half of the median. The suggestion appeared to be that in the just economy institutions and practices are set to maximize the income of those whose income is well below the median regardless of characteristics of this group such as their labor force attachment.<sup>14</sup> On the face of it, the Rawlsian worst off group looks to be morally heterogeneous. It includes some people whose plight intuitively merits a great deal of consideration and other people whose plight should elicit less than that. When I first read *A Theory of Justice*, it struck me as odd that the basic distributive justice norm called for maximizing the income and other basic resources of a group of people that includes the Alfred Doolittles of the world—Doolittle being a working-class sage and self-declared representative of the undeserving poor, a scrounger who tries to sell the sexual services of his daughter to Henry Higgins upon noticing that this gentleman is showing some interest in her. He is a character in G. B. Shaw's play *Pygmalion*.<sup>15</sup> Something is wrong, was my initial response. Luck egalitarianism tries to elaborate this thinking.

The two faces of luck egalitarian personal responsibility are not necessarily inconsistent but they are definitely in tension with one another. Picture the luck egalitarian saying to the social conservative that denying provision of welfare state

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contribution to Robert Goodin and David Schmitz and Robert E. Goodin, *Social Welfare and Individual Responsibility* (Cambridge: Cambridge University Press, 1998), 1-96.

<sup>13</sup> . John Rawls, *A Theory of Justice*, rev. ed. (Cambridge: Harvard University Press, 1999). Originally published 1971.

<sup>14</sup> . For an interpretation of Rawls on this topic that opposes the suggestion in the text, see Philippe Van Parijs, "Difference Principles," in Samuel Freeman, ed., *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2003), 200-240. In "The Priority of Right and Ideas of the Good," *Philosophy and Public Affairs*, 17 (1988), 251-76, John Rawls suggests that one might hold that voluntarily unemployed persons have extra leisure, compared with the employed, that should result in their being considered to have more of primary social goods overall than the employed who work at lowest-paying jobs.

<sup>15</sup> . George Bernard Shaw, *Pygmalion*. Doolittle actually thinks he notices that Henry Higgins and his daughter Eliza are romantically involved or on the verge of that, assumes Higgins is sensitive to the peer pressure of respectable bourgeois opinion, and tries to extort money from him. The implicit threat is that unless Higgins pays, Doolittle will publicize the fact that Higgins and Eliza are involved.

benefits to the likes of Alfred Doolittle is probably unjust all things considered, because (1) it is hard and maybe too costly in practice to identify the truly undeserving and deserving poor and accord different treatment to each, (2) any negative assessment attaching to an Alfred Doolittle type may be significantly mitigated and even entirely compromised by further investigation that reveals any of a number of background causal factors that make it difficult, painful, and costly for that particular individual to conform to social duties and norms of prudence, (3) even if the Doolittle character can be shown to be genuinely responsible for bad conduct that dampens his claim to aid from the rest of us, offering him a helping hand may still be morally required all things considered, taking into account the great well-being gains that further provision of aid to him can bring about and his low lifetime well-being prospects, which trigger egalitarian/prioritarian priority for the project of bringing about improvement in his lifetime well-being.

Then the luck egalitarian turns around and says to a follower of John Rawls that the difference principle and other justice principles you embrace imply that the economy of a just society should be set so that the long-run income (and other social benefits) accruing to the least advantaged class should be maximized. But this class includes undeserving types like Alfred Doolittle along with prudent virtuous people in need. Your theory is unresponsive to this factor and denies that it is morally better as matter of justice to benefit the deserving in preference to the undeserving. In the same vein, when it comes to paying for policies that benefit the worst off, your favored theory of justice does not register any difference between a taxpayer's financial holdings earned by hard work and entrepreneurial energy, on the one hand, and holdings that just fall on people by sheer good luck on the other.<sup>16</sup> In both directions your theory gives short shrift to considerations of desert and is deeply defective for this reason.

Again, I don't say the objections against the social conservative advanced by the luck egalitarian must undermine her objections against Rawls's neglect of desert in his theory of justice. The discussion with the social conservative is conducted at the level of policy and the discussion with Rawls is conducted at the level of fundamental principle, and these levels of discourse are different, though connected.<sup>17</sup>

But at the very least the luck egalitarian's theoretical quarrel with Rawls on the topic of desert turns out not to issue in obvious large differences in the social policy recommendations the luck egalitarian as opposed to the Rawlsian is committed to endorsing. On this subject the dispute has the otherworldly quality of a tempest in a teapot.<sup>18</sup>

The luck egalitarian has two strategies available in response to the "tempest in a teapot" difficulty. She might adopt what I am calling a coarse-grained account of responsibility and desert or something close to it and insist that the view has clear policy

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<sup>16</sup>. It might be possible to tax the one type of income but not the other without altering incentives in undesirable ways (very much), and so the difference would then register in a Rawlsian office of tax planning. But the advocate of desert-catering principles of justice holds the difference should matter even if it does not influence the proper calculation of Rawlsian tax planners.

<sup>17</sup>. The dispute may also come to center on the question, what level of abstraction is the appropriate one for formulating a theory of justice. Some may hold that a theory of justice consists of public rules. The rules must be public in that they are understandable by all members of society and learnable by anyone who applies herself to the task, feasibly administrable or implementable, and such that members of society can check that others are complying or not complying with the rules. Others may hold that some fundamental moral principles are not suited to be public rules in one or more of these three senses, but are fundamental moral principles nonetheless, and should serve as the standard against which feasible implementable conceptions of justice should be assessed.

<sup>18</sup>. The statement in the text relies on a tired cliché to make its point. An even more stylistically atrocious formulation is available: The luck egalitarian finds no chocolate cake waiting for her at the end of her dispute with Rawls on desert.

implications, so the theoretical quarrel with Rawls is not purely academic. This response involves conceding ground to the social conservative. (Critics of luck egalitarianism tend to presuppose that the doctrine must go in this direction and that following this path is morally and politically misguided.)

Alternatively the luck egalitarian might insist on affirming fine-grained conceptions of responsibility and desert. The rough idea here is that given that one has failed to conform one's behavior to a social standard, and that the extent of this failure to conform partly determines one's social justice duties and entitlements, what matters ultimately is not just that one's behavior misses the mark but the degree to which it is reasonable to hold one fully responsible for this behavior in light of the full set of mitigating and aggravating circumstances. Here it is not reasonable to hold a person responsible for what lies beyond her power to control and a further companion principle also conditions responsibility assessments: Given all the past and present causal factors that press on one's choice in question and render it more or less difficult or easy, painful or pleasant, costly or advantageous as one saw it at the time of decision to do what is right, one thereby becomes more or less blameworthy if one does wrong and more or less praiseworthy if one does right. On the fine-grained view, two serial ax murderers who committed identical murders might vary greatly in degree to which each is truly responsible for this bad deed, and in principle my slightly faulty conduct might be amplified in its blameworthiness by serious aggravating factors, so that my blameworthiness for kicking the dog might exceed the blameworthiness that attaches to the ax murderer for a heinous crime.

But this line of thought is exactly the line of thought that leads Rawls to say that since true merit, desert, and the like, even if we could agree on the right standard to employ, are in practice beyond our capacity to measure accurately for purposes of public policy, we must eschew the attempt and drop notions of moral worth and true deservingness from fundamental principles of justice.<sup>19</sup>

The luck egalitarian can deny that the formulation of fundamental principles of morality should be conditioned on such facts as what we can implement in public policy with current administrative technologies. Moral principles are universal truths valid in all possible worlds. Hence in our quest for true principles, a single compelling description of a logically possible counterexample defeats the proposed theory. At the level of policy, things are different. Policies are devices for fulfilling correct moral principles to the maximum feasible extent. One defeats a proposed policy not with a counterexample but by proposing an alternate policy that better advances the ensemble of our moral goals properly weighted. Taking Rawls to be in the business of propounding a fundamental moral theory, the Alfred Doolittle counterexample stands. One should not deny the intellectual interest and integrity of pure moral theory, whether or not one can here and now draw practical recommendations for conduct and policy from the pure principle one has the strongest theoretical reasons to accept.

At this point the debate becomes at least in part a debate about the proper level of abstraction on which to conduct the theory of social justice. There is also a danger that the antagonists will in part be talking past one another—one objecting on policy grounds to what another is advancing as pure theory, another objecting on pure theory grounds to what another is proposing only as good public policy.

The luck egalitarian might also deny that her line on responsibility and desert, incorporating a fine-grained account of responsibility, has no policy implications that conflict with Rawls's approach. In my opinion this denial would be correct. However, the issue is tricky. Suppose one says that in the absence of people's differential

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<sup>19</sup> . Rawls, *A Theory of Justice*, revised edition, pp. 64 and 274.

responsibility for viciously imprudent conduct—failure to seek and hold gainful employment, for example—social policy should bring it about that among able-bodied persons, those with strong labor force attachment do better than those with weak labor force attachment. However, degree of labor force attachment might not be a good statistical proxy for true desert. If we roughly identify desert with conscientiousness, trying to orient one's will toward what is right and good, we must straightaway acknowledge the existence of subtle handicaps, so that even if one person registers as more conscientious than another, we should allow the possibility that with a proper adjustment for differential inner obstacles to becoming conscientious, the person who is overtly more conscientious would earn a lower properly adjusted score than the person who is overtly less conscientious.

The trick would be to find situations in which one is able confidently to hold that the fine-grained considerations (that threaten to render all personal deservingness assessments moot and undecidable) either cancel one another out, weigh decisively in one direction, or do not rise to the level of significance at which they begin to unseat coarse-grained judgments. Below I describe some toy examples (not intended even as a preliminary sketch of serious policy proposals) to illustrate how this might go.

*Overuse of antibiotics by well-off people.*<sup>20</sup> Consider the current threat that virulent forms of bacterial infectious disease resistant to antibiotic therapies might develop and pose large-scale health threats. The problem has many facets, but one significant one is that affluent consumers in wealthy countries overuse antibiotics. They pressure their doctors to prescribe antibiotics when they are inappropriate (e.g. for what is probably viral infection), or when their use is dubious (e.g. for bacterial infections overwhelmingly likely to clear up without administration of antibiotics). They also fail to follow through with complete antibiotic doses prescribed, and save a few pills to self-medicate when what strikes them as the same problem recurs. Affluent consumers in advanced countries also arguably passively tolerate, when they could effectively oppose, current pricing policies that make antibiotics in poor countries so expensive for poor people that underutilization there also seriously risks the development of resistant bacteria. The empirical facts here are not entirely clear, but just suppose the behaviors described pose serious threats by way of increasing the likelihood that antibiotic-resistant forms of disease will develop. A public health campaign can make affluent consumers aware of the problem if they are responsibly attentive. In that setting an array of public policies might mitigate the problem—for example, including changing the law to insulate doctors from legal liability when they decline to prescribe demanded antibiotics to their patients, even when the prescription might do some good for the patient, but at too great an expected cost to others. The justification for such policies includes the consideration that on the whole and on the average, the health costs to affluent consumers who would lose out as a predictable effect of these measures should be discounted to some extent because in the situation the affluent consumers are behaving badly and in this respect morally undeserving.<sup>21</sup>

*Excessive health care resources showered on affluent consumers in the last six months of their lives.* Suppose that one could devise a program that reduces the health care costs incurred by aged affluent consumers during the last six months of their lives, captures some of the savings, and diverts it to health care and elementary education

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<sup>20</sup> I borrow this example and the analysis of it from Michael Selgelid, "Ethics and Drug Resistance," *Bioethics* (2007), 1-12; see also Selgelid, "Ethics and Infectious Disease," *Bioethics*, 19 (2005), 272-289.

<sup>21</sup> There is an issue as to whether deservingness should be assessed situation by situation or over the person's life as a whole. Perhaps administrable policies will be responsive only to situational, local deservingness, but from the standpoint of fundamental theory what should matter is each person's lifetime deservingness.

for the poor in poor countries. One might devise tax policies that apply higher tax rates to the estates of people who, having already lived to a ripe old age, insist on expensive medical interventions with very slight prospect of significant benefit at what reasonable observers would perceive to be the end of their lives. Again, a part of the justification of such policies, perhaps tipping the scale toward adopting them if other considerations are finely balanced or uncertain, is that the aged affluent medical consumers who behave this way at the end of their lives are, again on the whole and on the average, behaving in a selfish and feckless fashion and hence their interests should be correspondingly discounted in public policy formation owing to their negative deservingness.

**Drunk driving.** Inebriated drivers cause a disproportionate percentage of serious car accidents and car accident fatalities. Any number of subtle factors can influence the decision to drive drunk, and render it more or less blameworthy. But the extent to which an excuse lessens blame depends on what is at stake. (The difficulty I have controlling my reaction to my wife's clever sarcastic quips at my expense may sometimes excuse a counterquip but not a murderous attack against her.) We might hold that the relevant facts about drunk driving are so well known and embedded in the culture that the act is for ordinary problem drinkers virtually never excusable. A public policy that works to lessen the inconvenience for stranded drunks in need of transportation, effectively bans from the roadway those so deeply in the grip of alcoholism that their responsibility in this matter is impaired, and imposes serious informal and formal penalties on all other drunk drivers might be justified, in part, by the fact that this behavior is almost always significantly morally blameworthy. In balancing opposed interests of drunken drivers and everybody else, the state is not impartially neutral, but tilts against the undeserving in its calculations.<sup>22</sup>

### Desert and Choice

To this point I have described the luck egalitarian position as though it consisted of some form of egalitarianism modified by responsiveness to desert. Justice should favor the deserving. This is not how the doctrine is standardly portrayed. A more common summary formulation is that distributive justice according to the luck egalitarian requires that unchosen or uncourted inequalities be undone and that chosen or courted equalities should be let alone. Ronald Dworkin distinguishes between option luck and brute luck: "Option luck is a matter of how deliberate and calculated gambles turn out—whether someone gains or loses through accepting an isolated risk he or she should have anticipated and might have declined. Brute luck is a matter of how risks fall out that are not in that sense deliberate gambles."<sup>23</sup> Dworkin's slogan is that his equality of resources doctrine requires initial equal division of resources, one's initial endowment of resources being viewed as having the quality of brute luck, and from then on no social tinkering with the results of option luck but full compensation for brute luck misfortune (and full expropriation of brute luck resource windfalls).<sup>24</sup> He presupposes here a fair (equal)

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<sup>22</sup> . For a discussion that complements and supports the line of thought in the text, see Bonnie Steinbock, "Drunk Driving," *Philosophy and Public Affairs*, vol. 14 (1985), 278-295. For a contrary view, see Douglas Husak, "Is Drunk Driving a Serious Offense?", *Philosophy and Public Affairs*, vol. 23 (1994), 52-73.

<sup>23</sup> . Ronald Dworkin, *Sovereign Virtue*, p. 73.

<sup>24</sup> . The text discusses Dworkin's 1981 views. His later writings move toward a view that identifies just distribution with policies that mimic the results of what people of average preferences and ambitions would choose in hypothetical insurance markets proceeding from fair (equal) initial conditions. See especially chapters 8 and 9 of *Sovereign Virtue*. For criticism of the hypothetical market approach as Dworkin develops it, see Michael Otsuka, "Liberty, Equality, Envy, and Abstraction," in *Ronald Dworkin and His Critics*, Justine Burley, ed. (Oxford: Basil Blackwell, 2004), pp. 70-79; also Otsuka, "Luck, Insurance, and Equality," *Ethics* 113 (2002), 40-54; John E. Roemer, "Egalitarianism against the Veil of

initial distribution of resources among the members of a society, and a setting in which people are free to interact as they choose provided they abstain from imposing certain costs of their behavior onto nonconsenting others (as when my careless driving causes my car to bump yours in traffic or my factory smokestack emits pollution that befouls your lungs).

On this view, the luck egalitarian distinguishes brute and option luck. You own the effects of your option luck, in familiar ways. If you decide to take an umbrella to the picnic and it rains, you enjoy the good fortune of being able to keep yourself dry. In contrast, the brute luck good and bad fortune that falls on you, does not belong to you—there is no moral presumption that the fortune should stick to the person on whom it has fallen. The line between brute and option luck does not neatly coincide with the line between what results from a person's substantially voluntary choices and substantially nonvoluntary choices. Negligence and carelessness can render unanticipated bad effects yours as though you had voluntarily chosen them or chosen to risk them, I don't intentionally fail to notice the slippery spot on the pavement while running pell-mell down the street, but if the risk is one I should have anticipated and might have declined, it falls on the side of option luck as Dworkin characterizes it. Along the same line, I suppose a misinformed choice can count as giving rise to option luck, if I am culpable for being misinformed, perhaps also if the misinformation comes to me as the predictable result of a fully voluntary considered choice of mine—I am really in a hurry so reasonably forego reading today's newspaper. Choices can be more less voluntary along several different dimensions of voluntariness, and negligence also varies by degree. Simplifying by supposing we know how to combine the scores on these various dimensions into an overall judgment, we might think of choices that an individual makes and behaviors undertaken ranging from zero to one in the degree to which they manifest option luck.

Call the view of personal responsibility for the theory of just distribution described in the previous paragraph the "Choice" view. Choice can be contrasted with Desert.

Suppose that so far as the egalitarian component of luck egalitarianism is concerned (more on this in the next section), there is a justice reason to bestow benefits on needy Smith or take away benefits from Jones in order to use them to provide benefits for needy Smith. The luckism component of luck egalitarianism asserts that this justice reason is dampened (weakened), depending on the degree to which either

1. *Choice.* One or both of Smith and Jones have arrived at their present condition via option luck not brute luck processes.

or

2. *Desert.* Smith has behaved in ways that qualify her as undeserving and/or Jones has behaved in ways that qualify her as deserving. (If Smith has behaved in ways that qualify her as deserving, or if Jones has behaved in ways that qualify her as undeserving, the case for transfer would be correspondingly strengthened.)

A test case for deciding between Choice and Desert is voluntary do-goodism. Suppose Sally and Harry up to this point have been fairly treated according to distributive justice norms. Say their resource holdings are fair. Then they both have an opportunity to do some great good deed that let us assume is clearly not morally required but is clearly very virtuous and admirable. Suppose that in the manner of Mother

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Ignorance," *Journal of Philosophy* 99 (2002), 167-184; and Marc Fleurbaey, "Equality of Resources Revisited," *Ethics* 113 (2002), 82-105, ; also Fleurbaey, forthcoming book.

Teresa<sup>25</sup> Sally devotes her life and fortune to the poor of Calcutta. There is no great fulfillment or personal payoff for her; she is just licking stamps for a good cause. (If doing this were morally required, we might then view her choice as forced and not fully voluntary and so not clearly giving rise to option luck.) Harry has the same opportunity to do good but declines it and behaves with impeccable bourgeois prudence. Sally ends up badly off and Harry ends up well off. According to Desert, there is now a justice reason to bring it about that Sally becomes better off, in view of her high level of deservingness (I assume that the deservingness standard yields this result.<sup>26</sup>) Putting it another way, if one's egalitarianism says there is reason to aid Sally, her desert strengthens the case for coming to her aid. According to Choice, no such strengthening reason exists. From initial fair equality Sally and Harry have moved via pure option luck processes to a new distribution. If your preferred version of egalitarianism says there is an egalitarian reason to boost Sally's current condition, Choice says this reason is weakened or dampened by the fact that the inequality here has arisen in impeccable option luck fashion.

### Varieties of Egalitarianism

In luck egalitarianism the personal responsibility or luckism component combines with some form of egalitarian commitment. What version of egalitarianism is most reasonable?<sup>27</sup>

We can separate the egalitarian ideal into two elements: a view about how to measure or assess people's condition for the purposes of applying the egalitarianism principle, and a view about the nature of the maximizing function to which our egalitarianism commits us. The two elements clearly interact, so in deciding which to choose we have to consider the whole package of elements and its overall appeal. (The same is true for luckism and egalitarianism; to give the theory a run for its money we need to find the total package of elements that is overall most appealing).

A simple example of interaction effects: One objection to opting for equality of welfare or equal opportunity for welfare as our egalitarian ideal is that taken by itself the demand to equalize welfare predictably will result in extreme redistribution policies in plausible circumstances. Suppose there are severely disadvantaged or disabled people who will be unavoidably far below the average level of welfare whatever we do, but whose welfare increases continuously ever so slightly as greater and greater sums of resources are applied to them. The disabled so conceived happen to be poor transformers of resources into welfare. Predictably then on any plausible interpersonal standard for measuring welfare, this norm recommends that justice requires ever more resource transfers that lower the average and aggregate welfare level in society to exceedingly low levels. If we find this counterintuitive, these views must be rejected, but it does not follow that welfare should not be the measure of people's condition for the theory of justice. Perhaps the problem lies in opting for EQUALITY of welfare.

*What maximizing function?* I simply list three principles that might give content to egalitarianism's maximizing function.

1. Sufficiency. Maximize the extent to which all persons attain a decent or good enough quality of life.

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<sup>25</sup> . The assumption being made here is that the conventional assessment of Mother Teresa's character is correct. For a dissenting view, see Christopher Hitchens, *The Missionary Position: Mother Teresa in Theory and Practice* (London and New York: Verso, 1995).

<sup>26</sup> . I discuss how a luck egalitarian should conceive desert in "Desert and Equality."

<sup>27</sup> . See Dennis McKerlie, "Equality and Time," *Ethics* 99 (1989), 475-91; also McKerlie, "Justice Between the Young and the Old," *Philosophy and Public Affairs* 30 (2002), 152-77.

2. Equality. Maximize the extent to which the quality of life enjoyed by every person is the same (or stays within a certain allowable range).

3. Priority. Maximize the aggregate of benefit (good quality of life) of all persons with extra weight given to achieving gains and avoiding losses for the worse off, as follows. The moral value of gaining a benefit for a person is greater, the greater the size of the benefit, and greater, the worse off in benefit level in absolute terms she would be over the course of her life absent this benefit.

Regarding sufficiency, one problem is to determine how nonarbitrarily one might fix the good enough or decent quality of life, the threshold that justice strives above all to bring it about that as many as possible reach.<sup>28</sup> Dworkin expresses skepticism that this problem admits of solution. He remarks that once we identify justice with enabling everyone to attain some decent minimum standard of living, “then too much is allowed to turn on the essentially subjective question of how minimum a standard is decent.”<sup>29</sup> That seems unfair. As I have characterized the luck egalitarian doctrine, at many points in order to arrive at a determinate principle, we would have to assign determinate weights to factors the rough preliminary theory tells us must be integrated but without specifying exactly how. So the type of exercise about which Dworkin is skeptical is going to be needed in any event, even just to fill out and complete Dworkin’s own view (for example, by weighting the components of voluntariness to give a determinate conception of option luck).

A related doubt troubles me, however. For practical policy purposes we might decide on a good enough level, a poverty level of resources for example. Such contingencies as the present level of wealth and the need for saving for future generations may help fix the reasonable poverty line for a time. Policies need clear cut-offs and thresholds, rigid lines. But the underlying considerations we care about seem ineluctably scalar, so one would think fundamental moral principle should reflect this underlying moral fact. There are just different levels of welfare, higher being better.

Regarding equality, the pros and cons are well known. Some doubt that it is per se morally important that everyone have the same in any respect, or indeed that how one person’s condition compares with another’s per se matters from the moral perspective.<sup>30</sup> This doubt is for some strengthened when one asks, among whom should equality obtain? There does not seem to be a principled reason for scope limitation, so equality then should obtain across all people, all rational agents past, present, and future anywhere in the universe. If we suspect equality appeals because equality (or better, limited inequality) in a small group tends perhaps to foster solidarity and community and other goods enjoyed by group members, then thinking about the imperative of equality unlimited in scope makes plain its lack of intrinsic appeal. But others disagree.

Regarding priority, one should note that it contains an apparent appeal that one quickly realizes is illusory or at best promissory. Priority conveys the idea of a single principle that combines two fundamentally important moral values—the value of maximizing the total amount of good in people’s lives and a concern for fair distribution of the sum of good, here understood as a tilt toward boosting the welfare of those with less. But of course the bare statement of prioritarian principles does not achieve that feat or even attempt it. To get a determinate principle we would actually carry out the task of

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<sup>28</sup> . One might wonder why sufficiency is being considered as an interpretation of egalitarianism. See Amartya Sen, “Equality of What?,” which suggests that one might construe the ideal of distributive equality as basic capability equality. This is a sufficientarian view. Sen’s essay, originally published in 1980, is reprinted in Sen, *Choice, Welfare, and Measurement* (Cambridge: MIT Press, 1982), pp. 353-369.

<sup>29</sup> . Dworkin, *Sovereign Virtue*, p. 3.

<sup>30</sup> . Harry Frankfurt gives forceful expression to this view in “Equality as a Moral Ideal,” *Ethics* 98 (1987), 21-43.

assigning relative weight to the two goals of maximizing and tilting to the worse off. In an aggressive spirit, one might say prioritarianism names a problem and does not contribute to its solution. But that also would be unfair. Priority says boldly that nothing matters except two things. Even if one qualifies priority by luckism, one still is saying there are just three values to which a just society needs to be properly responsive. If the framework is correct, its articulation is a great achievement.

But is the framework correct? This essay does not pursue this question. Notice there are two issues to face: One issue is what form of egalitarianism is most appealing and renders luck egalitarianism as plausible as it can be made. Another issue is whether any form of egalitarianism makes sense and is normatively acceptable.

*What should we maximize?* The next question is, what to maximize (in the sufficiency, equality, or priority way). In the luck egalitarian literature, debate has swirled around two alternatives—resources and welfare. A resourcist view says we should assess people's condition in terms of their holdings of all-purpose resources they will need to develop and pursue valuable plans of life. Given there are surely several distinct such resources, the question arises how to provide an index, a measure of how much by way of resources all in all a given individual has.

Welfare is usually understood as preference satisfaction or informed preference satisfaction. A variant identifies welfare with achievement of objectively valuable goods, items on a specified Objective List.<sup>31</sup>

A confusing feature of debate on this issue is that personal responsibility considerations, which I have so far tried to cabin under the issue of whether to interpret the luckism component of luck egalitarianism in terms of Choice or Desert, surface again in the welfare-versus-resources discussions.

The literature is large, but admits of brief summary.

John Rawls supports a version of resourcism by appealing to personal responsibility.<sup>32</sup> According to Rawls justice does not look behind the distribution of resources to determine, much less to maximize, the quality of lives people obtain by use of their resources. What quality of life you get, given a fair distribution of resources and the maintenance of a fair framework for interaction, is up to you. The just society as it were provides each person access to a car, supplies of gas, and a system of maintained roads and maps of off-road territory. How each person lives, what trips she takes to what places in what order at what speed, is up to her, a nondelegable responsibility for the conduct of her own life.

This view is subject to the objection that a division of external resources that might seem fair in the abstract will inevitably mean that individuals with a poor endowment of personal traits relevant to achieving success in valuable goals will have very little real freedom to achieve a good life, compared to the prospects of individuals who are fortunate to have a more capacious endowment. To decide what allocation of resources is fair, one needs to consider how a given allotment of external resources will interact with the recipient's internal traits to yield what combination of real freedom. One has the real freedom to do X if there is a course of action one can choose that will bring it about that one does or gets X. So the currency of justice, the measure of

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<sup>31</sup>. On Objective List accounts of well-being or personal good, see Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984), appendix. See also Richard Arneson, "Human Flourishing versus Desire Satisfaction," *Social Philosophy and Policy* 16 (1999), along with the references cited in that essay.

<sup>32</sup>. Rawls, *A Theory of Justice*, p.; also Rawls, "Social Unity and Primary Goods," reprinted in John Rawls, *Collected Essays*, ed. Samuel Freeman (Cambridge: Harvard University Press, 1999), pp. 359-387.

people's condition for justice purposes, should be real freedom or capability to achieve what we have good reason to value.<sup>33</sup>

Notice that the real freedom approach retains the responsibility conception. Given a fair share of real freedom, it is up to each individual to form values and make plans and live her life as best she can. Justice does not survey or presume to assess an individuals' achieved quality of life. That is a private not a public matter.

There is a simple but I think serious objection against the capability or real freedom approach. If capability were what we ultimately cared about, then it should be just as morally important to improve people's capabilities whether or not this will actually bring about anything good for themselves or others. Suppose one knows the capability will be wasted. One can save Smith from a beating at the hands of thugs but Smith will then immediately inflict a comparably bad beating on himself for some misguided reason. If society arranges to build huge opera houses and staff them with great performers and musicians so that every person in society has the real freedom to experience great opera, it should be a don't care from the standpoint of social justice if nobody actually avails himself of that option. Nobody actually attends the operas. But still, marvelous capabilities are had by all.

Reflection on these types of example persuades me that justice must look behind the distribution of resources, opportunities, capabilities and the like, to see to what extent these freedom enhancements actually succeed in enhancing the quality of anyone's life, the goods that people actually enjoy. We care about freedom and capability because many important goods are such that their attainment requires or is partly constituted by a complementary freedom. For example, we value freely chosen personal attachments more than relationships one must sustain no matter what one's will in the matter. But at the fundamental moral level, the currency of justice that registers in principles of justice must be individual well-being, excellent quality of life.

That an individual has a nondelegable responsibility to decide how to live her life does not preclude other people and institutions having back-up responsibilities to help her live well if she stumbles or otherwise fails to discharge the responsibility to a satisfactory degree. So the primary responsibility each of us has for her own life does not require that social justice principles must assess people's condition in terms of capabilities not life outcomes.

Objections to welfare as the measure of people's condition for justice purposes sometimes take the form of appealing to our sense that some particular conception of welfare under review is an inadequate tool for this purpose. If informed preference satisfaction is the candidate conception of welfare, one might doubt that the fully informed anorexic who prefers to conform to her thin body ideal even if doing so will bring about her swift demise is improving her life by satisfying this informed preference. But if such appeals succeed, they implicitly or explicitly call to mind a superior interpretation of the idea of welfare or personal good. Such an argument may persuade us to reject one or another proposed conception of welfare but not to cease regarding welfare rightly conceived as the proper measure of people's condition.

This quick sketch of a line of thought on the issue, what should be the currency of justice, obviously introduces the topic and is not intended to be definitive.

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<sup>33</sup>. See Amartya Sen, "Justice: Means versus Freedoms," *Philosophy and Public Affairs*, vol. 19 (1990), 111-121; also Sen, *Inequality Reexamined* (Cambridge: Harvard University Press, 1992), chaps. 1-3 and 5; also Martha Nussbaum, "Aristotelian Social Democracy," in *Liberalism and the Good*, ed. R.B. Douglas et al. (New York: Routledge, 1990), 203-52; Nussbaum, "Human Functioning and Social Justice: In Defense of Aristotelian Essentialism," *Political Theory* 20 (1992), 202-46. For Nussbaum's current views, see her *Frontiers of Justice: Disability, Nationality, and Species Membership* (Cambridge, MA: Harvard University Press, 2006).

I conclude this section by noting that if we take the maximand in the theory of justice to be human well-being, we are protected against a criticism frequently leveled against the luck egalitarian project—namely that it goes astray at the start by conceiving of the problem of justice as fundamentally a problem of distributing or allocating some stuff or other among some group of passive recipients. The objection is that justice is not fundamentally concerned, or at least not centrally concerned, with distribution at all. But if what is being distributed is what we really on reflection believe matters, this criticism falls flat. Moreover, to think in terms of distribution here is in many respects misleading. The fundamental justice imperative is to take efficient steps to improve the quality of people's lives giving fair attention to its distribution. But improving people's lives is not a matter of treating them as passive recipients. People are agents, who gain good by doing and achieving valuable things for self and others. Welfarist justice is a matter of facilitating agency.

### **Consequentialist and Nonconsequentialist Frameworks**

Luck egalitarianism can be housed in either a consequentialist or a nonconsequentialist moral theory. On the face of it, the choice immediately has far-reaching consequences. According to the consequentialist luck egalitarian, what matters is what the actions and policies one might choose would do to advance luck egalitarian goals, the extent to which luck egalitarian principles are realized.

Also, the consequentialist will assess a society's institutional arrangements by their overall impact on the quality of people's lives. No special significance is assigned to official state action or the policies of major institutions as opposed to the ensemble of actions by individuals living under the rules and arrangements. Consider a stylized example. Suppose the egalitarian planner can choose either (1) to raise the tax rate on the incomes of high earners and use the proceeds to fund redistributive transfer programs that improve the lives of the truly disadvantaged or (2) to maintain the status quo tax system. She might worry that raising the tax rate will induce high earners to shift their behavior from economically more productive to less productive uses; just suppose for the sake of the argument that she finds no appreciable effect of this sort to worry about. But it might be the case that the regime with the lower tax rates on high earners contributes to an ethos of philanthropy among very high earners and the effect of the extra philanthropic giving that the lower tax rate induces outweighs by prioritarian accounting the effect of the extra state transfers that higher taxes would generate. If this is so, the egalitarian planner prefers to keep tax rates low, since her concern is not what people do for the poor through the agency of the state but what is done for the poor by whatever means and agencies.<sup>34</sup>

However, this way of putting the point may exaggerate the significance of this division.<sup>35</sup> There could be a consequentialist theory that attaches special value to the

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<sup>34</sup>. The example in the text raises the broad issue, would a lightly regulated free market economy be reasonably expected over the long run to do better or worse than heavily regulated alternatives at advancing egalitarian justice goals. Richard Epstein is not a luck egalitarian, nor is David Schmidtz, but were they to adopt this type of morality, their empirical beliefs about the superiority of lightly regulated free enterprise systems to feasible alternatives according to the standard of being productive of good consequences in the long run would make them right-wing luck egalitarians. See Richard Epstein, *Simple Rules for a Complex World* (Cambridge: Harvard University Press, 1995); also David Schmidtz, *The Elements of Justice* (Cambridge: Cambridge University Press, 2006)

<sup>35</sup>. A standard nonconsequentialist morality would attach great significance to the distinction between doing or causing harm oneself and allowing others to cause harm and to the distinction between causing harm and merely allowing some harmful causal process not of one's making to unfold. The consequentialist holds that one morally ought always to do an act that brings about an outcome no worse than what would have occurred if one had done anything else instead. Consequentialist ethics is revisionary with respect to ordinary common-sense morality (the pretheoretical moral opinions of well

improvement of people's lives by state agency, and this consequentialism will not count improvements in people's lives achieved by the Bill Gates Foundation as counting for as much as improvements in people's lives brought about by state action.

Consequentialism versus nonconsequentialism should be distinguished from a further significant divide within luck egalitarianism. One might affirm luck egalitarianism as one's comprehensive fundamental morality or as merely a component of that. Luck egalitarianism might be one principle affecting distributive justice, but not the whole of it. Or luck egalitarianism might be all of distributive justice, which itself is one among several elements of social justice. Or luck egalitarianism might be affirmed as the whole story about social justice, which is one among several components of fundamental morality. Or finally one might affirm luck egalitarianism as comprehending all of fundamental morality.

The comprehensive versus noncomprehensive issue affects the possible responses available to the advocate of luck egalitarianism in the face of criticisms. For example, if the critic affirms that it is unfair to let people in peril languish unaided when luck egalitarianism dictates no provision of help, the noncomprehensive luck egalitarian can respond that the neediness of the person in peril is a social justice reason for offering aid that sits along with luck egalitarianism in the panoply of social justice reasons. The comprehensive luck egalitarian cannot follow this line.

Comprehensive luck egalitarianism is a bolder, more ambitious view. Being bolder, it is more exposed to criticism.<sup>36</sup> Although one might concoct a nonconsequentialist comprehensive luck egalitarianism, I suspect that a plausible comprehensive version of the view will also be consequentialist. Priority views profess to amalgamate the values of maximizing aggregate well-being and achieving fair distribution of it. My desert-catering priority view is both comprehensive and consequentialist.

### **An Asocial Theory of Justice**

In its pure form luck egalitarianism is an asocial theory of social justice. By that I mean that the particular social relationships that obtain in a given setting do not fundamentally affect what we morally owe to one another according to this doctrine. Such facts as that we are fellow members of the same community, that we are fellow citizens of a single nation-state, that we are engaged in ongoing significant cooperative schemes regulated by nonoptional rules, that we trade regularly or are together involved in a single wide encompassing trading network, do not have intrinsic normative significance so far as luck egalitarianism is concerned. These facts might well be among the various circumstances that fix what policy in these circumstances would best fulfill luck egalitarian goals, but of course any facts could conceivably play this role. Call a theorist of justice who thinks egalitarian justice principles apply only on the condition that some form of social interaction is in play a "social interactionist."

One aspect of its asociality is that the luck egalitarian is concerned to alleviate bad brute luck of any kind. Or if she is a desertarian, she is concerned about all misfortunes that fall on people, modulating her response by the size of the misfortune, the badness of the person's life on whom this extra misfortune falls, and the person's virtue or vice

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brought up people in modern societies). Inheriting this disagreement, the luck egalitarian consequentialist and nonconsequentialist would have lots to argue about. The text here simply notes that how one's standards for assessing consequences may dampen (or for that matter amplify) the practical importance of this theoretical ethical disagreement.

<sup>36</sup>. The view in the text is only roughly true. In principle, one might affirm a comprehensive consequentialist position that attempts to handle objections not by rebuffing them but by adding more and more values to the set of values that is to be maximized, with correct weights attached to each value. This strategy might look like death by a thousand qualifications or gradual approach to the complicated, messy truth, depending on your point of view.

level. In contrast, some believe firmly that justice regulates advantages that come to people through society not nature. The mere natural fact that someone is born with natural disadvantages and therefore has bad life prospects is insufficient in itself to trigger justice concerns. (If society treats the poorly endowed person in ways that count as unfair, magnifying the negative consequences of natural misfortune, then justice concerns are triggered.) Sometimes the luck egalitarian responsiveness to natural misfortune is viewed as per se a liability, a sign the theory has gone off the tracks. Here is an allegedly absurd implication of the luck egalitarian Don Quixote quest to right natural wrongs: If there is a distribution of physical attractiveness, then this is potentially a social justice problem for the luck egalitarian. The just health care system provides cosmetic surgery—but this is clearly absurd. So the theory that implies this result is wrong-headed.

I fail to see the absurdity. It would be nice to alter human culture so that people pay less attention to physical attractiveness than they do and reflect that beauty's only skin deep, yea, yea, yea.<sup>37</sup> But that aspiration may be utopian. Short of that, we should note that physical attractiveness, crucially useful not only for attracting sexual partners but for attracting partners for social interaction generally, is an important factor affecting human well-being prospects. If we consider for simplicity a single scale of attractiveness from beautiful to ugly, we should note that in the middle ranges of the scale, physical attractiveness levels may not be a crucial determinant of life prospects, but at the extremes, degree of attractiveness matters massively. To be ugly as sin is a curse, and not only during adolescence. There are serious questions about what policies would be sensible for a just society to adopt in this domain, and one can easily conjure up silly and counterproductive policies. But it strikes me as narrow-minded to fail to see the issue as a serious one for social justice. For example, a health care system might offer effective cosmetic surgery and other attractiveness-enhancing medical therapies, along with counseling, to people who are located at the negative tail end of the physical attractiveness spectrum. The service is available to those who seek it and provided in discreet locations and in privacy-protecting ways. Such a policy would be desirable, I suppose. (I assume compressing the distribution of physical attractiveness would eliminate stigma for those who have less of it than others; observers of an individual are responsive to absolute as well as relative levels of his attractiveness.)

The asocial character of luck egalitarianism emerges from examination of an example introduced by Robert Nozick and also by David Gauthier.<sup>38</sup> They imagine people as living independently and self-sufficiently on separate islands, one individual on each island. Each person is the first appropriator of whatever land and natural resources she finds on the island on which she happens to find herself living. The separated islanders engage in no trade and nobody's activities have any impact on anyone living on any other island. The islanders we suppose differ in strength, intelligence, and other personal traits that affect their ability to prosper in their circumstances. The islands are variously hospitable to human habitation. Some have rocky soil and scant rainfall; others have fertile soil and plentiful rainfall.

Nozick made two claims regarding the isolated islanders:

1. So long as the islanders live autarchically, none has any moral right to any of the possessions or property of any of the others. Each has moral rights not to be harmed by the others (in certain ways that would qualify as violation of someone's Lockean natural rights). But none has any moral right, and certainly not an enforceable justice right, to receive aid from any of the others. Everyone has her own life to live and is

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<sup>37</sup> . Quoting a song recorded by The Temptations.

<sup>38</sup> . Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), p. 185. David Gauthier, *Morals by Agreement* (Oxford: Oxford University Press, 1986), pp. 218-9.

morally free to pursue it. (In this setting it is supposed to be clear that first appropriation of land and resources yields full valid property rights to them.)

2. If absent trade and interaction no islander is under any moral obligation (corresponding to potential recipients' moral rights) to supply any aid to any other islander, merely engaging voluntarily in mutually beneficial trade and other forms of cooperative social interaction does not give rise to positive duties to aid and rights to be aided.

The luck egalitarian agrees with Nozick on claim 2 but disagrees on claim 1. The social interactionist might or might not agree with Nozick on claim 1 but is committed to denying claim 2.<sup>39</sup>

From a luck egalitarian standpoint, what generates distributive justice obligations is the sheer fact that some people are leading avoidably bad lives, or anyway lives whose quality is not high as measured by an appropriate standard, and other people are better off and able to help.<sup>40</sup> One further condition is that help can be carried out in such a way that it is reasonably cost-effective. This condition admits of various construals, but the general idea is that it is not the case that for a prosperous islander to get one unit of happiness to his less fortunate counterpart he does not have to give up an excessive amount—say, ten units of happiness—for himself or gouge ten units from others. The more favorable the ratio of the gain-to-recipient-if-aid-is-forthcoming to the loss-to-benefactor-if-she-supplies-aid, other things being equal, the stronger the moral case for providing aid.

No social context or community relationship needs to be introduced in order to generate justice-based duties to aid on the luck egalitarian account. If it somehow came about that by pressing a button resources would magically disappear from the island of Prosperous and magically reappear on the island of Needy, there would be moral reason for Prosperous to press the button.

So far in this section I have been concerned to describe the asocial character of the broadly egalitarian component of luck egalitarian thinking. Egalitarianism, at least when it takes the form of priority, is asocial. It does not matter per se that the people are living on separate islands rather than together as a band of brothers. Only the facts that some are on the way to leading lives of lower quality than others, and that there are available courses of action that will improve the aggregate sum of priority-weighted well-being, are per se morally important for deciding what policy to choose.

The other component of luck egalitarianism is luckism. Luckism is asocial just as egalitarianism is. In broad terms, for one who accepts luckism, there is a standard of behavior, and conforming to a greater or lesser degree to the standard of behavior brings it about that the moral value of improving one's condition (or the moral disvalue of worsening one's condition) is correspondingly amplified or dampened. It does not matter per se that the people who are possible recipients of aid, or possible people to be tapped on the shoulder and asked to aid the needy, are engaged in a dense network of cooperative activity, are fellow members of a nation state, share solidarity in their common membership in a tribe or other social group, and so on.

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<sup>39</sup>. Or something in the neighborhood of claim 2. For example, the social interactionist might deny that trade alone generates strong egalitarian duties, but hold that some form of social interaction thicker than trade does this.

<sup>40</sup>. The statement in the text is not quite right. In principle prioritarian ethics might require that badly off people should transfer their resources to assist the projects and improve the lives of already better off people. Upward transfers might be justified, says the prioritarian. What one should do depends on what action of those available would do most to boost the priority-weighted aggregate sum of well-being. The luck egalitarian prioritarian adds a further modification, so one is to maximize priority-weighted and desert-weighted well-being. (This position is a family of views not a definite proposal pending determination of the proper weight to assign to its three elements.)

It should be noted that the asocial character of luck egalitarianism's luckism component is controversial. Absent social relations or any social context, the so-called egalitarian planner might be challenged: "Who gave you the authority to impose this standard of conduct on us and assess our conduct by it and declare that the outcome of this assessment exercise conditions the moral value of improving our lives?" Standards of desert and deserving conduct might seem to presuppose a social arrangement that gives some people authorized standing to carry out this type of evaluation.<sup>41</sup>

Being an asocial account of social justice, luck egalitarianism contains nothing inside itself that provides a rationale for confining its scope. In responding to the Nozick-Gauthier separated islanders example, nothing hinges on the islands being in close proximity to one another. Move the islands farther and farther apart, and nothing in our judgment should change, unless the greater distances have an effect in altering the costs of transferring resources or the damage that resources being transferred will suffer by decay or spoilage. Moreover, not only is it the case that the physical distance separating people is not per se a determinant of what they morally owe one another. It is also the case that national borders and political jurisdictions do not matter per se for luck egalitarian assessment as characterized to this point. Luck egalitarianism in its core, unless encumbered with added moral commitments that do not arise from the internal development of its rationale but are instead just slapped on from outside, is a global cosmopolitan account of social justice.<sup>42</sup>

Whereas the responsibility component of luck egalitarianism has rather ambiguous or uncertain practical implications, the practical implications of the asocial character of luck egalitarian doctrine are simple and substantial.

The global (or for that matter, universal) scope of luck egalitarian justice turns our usual ways of thinking about egalitarianism on their head. For example, the Scandinavian social democracies are usually thought to be among the most egalitarian societies in the world. If any societies in the modern world conform or roughly conform to egalitarian justice norms, one might think, these societies do. However, a global perspective on social justice unseats these preliminary verdicts. For example, suppose that virtually all of Norway's citizens are prosperous and lead lives of high quality. Egalitarian transfer programs and universal provision of an array of services and (once upon a time) solidaristic wage policies all work to compress the distribution of after-tax income and (or so one might hold) the distribution of after-tax lifetime well-being prospects as well. However, viewed from a global perspective, the impact of Norway's policies on Norwegians (who are almost all almost bound to be above-average on the world scale virtually regardless of the state policies enforced) might be negligible in ameliorating the condition of the global poor. In contrast, we might imagine that a highly inegalitarian society that lacks Norway's generous social infrastructure might nonetheless allow illegal immigrants precariously to gain and hold jobs at the very bottom of its occupational hierarchy, but the net result is that these hard-working immigrants use their bottom-of-the-barrel labor market opportunities to amass sums of money that they regularly disburse to even poorer relatives living back in their countries of origin. Judged

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<sup>41</sup>. Stephen Darwall presses this line of thought in his recent work on the second-person standpoint. The consequentialist will hold that whenever challenged from the second-person standpoint, one can always simply affirm the impartial, third-person justification of what one is doing. Darwall demurs, and presents interesting arguments. See his *The Second-Person Standpoint: Morality, Respect, and Accountability* (Cambridge, MA: Harvard University Press, 2006).

<sup>42</sup>. This claim in the text needs to be modified by consideration of Ronald Dworkin's view. Dworkin holds that the duty to treat everyone with equal consideration and respect (the duty from which equality of resources) is derived) applies to governments, and applies because they claim to act in the name of all members and subject all members to a heavy dose of coercion. The duty does not apply to an individual acting in a private capacity. In my terms, Dworkin is a social interactionist.

by luck egalitarian standards applied on a global scale, the impact of the ungenerous bare tolerance of illegal immigrants by the inegalitarian rich country might swamp the highly democratic and egalitarian policies implemented in Scandinavian social democracy. The former might do more for the global poor, and hence score higher according to a luck egalitarian global justice norm, than the latter.

Luck egalitarianism as characterized here is asocial in two distinct ways: (1) the requirements of egalitarian justice at the fundamental level hold across all persons and do not hold only on the condition that certain social relationships obtain, and (2) deficits in the condition of individual persons (provided the persons are equally deserving) generate reasons of justice to improve the condition of these badly off persons, and the strength of these reasons does not vary depending on whether the bad condition of the individuals is socially or naturally caused (so the luck egalitarian is not committed to the claim that some such distinction makes sense in the first place). I don't mean to deny that one could slap onto the core luck egalitarian doctrine a qualifying claim that its requirements are only triggered by some form of social interaction. I do say nothing in the core would justify any such addition.

### **Against Social Interactionism**

In this section I try indirectly to support the first aspect of the asocial character of luck egalitarianism by raising a doubt about the social interactionist rival.<sup>43</sup>

Suppose one affirms that when people are engaged in an ongoing beneficial scheme of cooperation that has large consequences for participants' lives, and functions according to rules and procedures that are de facto binding on all, the requirement that the scheme be justifiable to all participants issues in strong egalitarian principles regulating its distribution of benefits. In the absence of interaction one owes only the moral minimum, a duty of humanity that perhaps requires that one leave no one below a sufficient or decent level of existence provided the cost and risk to the agent of supplying humanitarian aid are not excessive. But when people interact within rule-governed practices, stronger egalitarian duties are triggered.<sup>44</sup>

Another version of this idea holds that when people share membership in a state, and hence support a large-scale scheme of coercion of all members that is used to enforce a cooperative scheme that benefits some more than others, this subjection to coercion for differential benefit stands in need of justification, and the most plausible justification is that the scheme is set to maximin—to do the best that is possible by way of provision of benefits to those who are left worst off by the operation of the scheme.<sup>45</sup>

A third version of the broad idea that interaction gives rise to egalitarian duties holds that when a person acts with the intention of inducing others to act in ways that

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<sup>43</sup> . Many authors belong to the broad family of views I am calling social interactionist. See Thomas Nagel, "Justice and Nature," *Oxford Journal of Legal Studies* 17 (1997), 303-21 ; Allen Buchanan, "Genetic Justice and Human Nature," in Buchanan, Dan Brock, Normal Daniels, and Daniel Wikler, *From Chance to Choice: Genetics and Justice* (Cambridge and New York: Cambridge University Press, 2000); Charles Beitz, *Political Theory and International Relations* (Princeton: Princeton University Press, 1979); Michael Blake, "Distributive Justice, State Coercion, and Autonomy," *Philosophy and Public Affairs*, vol. 30 (2001), 257-296; Michael Blake and Mathias Risse, "Two Models of Equality and Responsibility," forthcoming in *Canadian Journal of Philosophy* (2008); Thomas Nagel, "The Problem of Global Justice," *Philosophy and Public Affairs* 33 (2005), 113-47; Richard Miller, "Cosmopolitan Respect and Patriotic Concern," *Philosophy and Public Affairs*, 27 (1998), 202-224; A.J. Julius, "Basic Structure and the Value of Equality," *Philosophy and Public Affairs* 31 (2003), 321-55; A. J. Julius, "Nagel's Atlas," *Philosophy and Public Affairs* 34 (2006), 176-92; Joshua Cohen and Charles Sabel, "Extra Rempublicam Nulla Justitia?," *Philosophy and Public Affairs* 34 (2006) 147-75, and Aaron James, "Constructing Justice for Existing Practice: Rawls and the Status Quo," *Philosophy and Public Affairs* 33 (2005).

<sup>44</sup> . Beitz is one who takes this line.

<sup>45</sup> . Versions of this idea appear in Nagel, Risse, Miller, and Blake.

benefit him, a justification is owed to those pressured in this way, and that when one is involved in a large network of such interactions that coalesce in an ongoing social structure that produces one of several feasible patterns of benefits, the justification will take the form of showing that the pattern achieved conforms to the maximin principle.<sup>46</sup>

The versions vary significantly, the common thought being that a participant in a scheme of social interaction triggers requirements to equalize the benefits gained from the scheme across persons or to bring it about that the persons who gain least from the scheme gain as much as possible. Merely being in a position where one can help someone who is badly off does not generate strong egalitarian obligations but at most the duty to be a minimally decent Samaritan.<sup>47</sup> (Of course, if one ratchets up the duty of minimally decent Samaritanism owed to people as such, the difference in principle between the social interactionist and the luck egalitarian on this score lessens. But I hold that such ratcheting up would reflect concession to a fundamentally luck egalitarian viewpoint.)

On the rival view, egalitarian justice norms are social not asocial. They apply not just in virtue of the fact that you are better off than another person and able to help her; they apply because you are interacting regularly, doing things to each other, especially if your engagement in this steady interaction is not plausibly represented as substantially voluntary on all sides.

The proposal that egalitarian justice norms are binding only within a social context raises the possibility that in a society governed by such demanding norms, a group of better off people (for simplicity, call them the “rich”) will find it in their interest to cease to cooperate or socially interact with the worse-off people (call them the “poor”) in order to escape the burdens of the norms. On the social interaction views, it will be very hard if not impossible to represent this secession from the cooperative arrangement as unjust. If there is a norm that a male should take off his hat if he is in church, then so far as this norm is concerned, a male who is in church and wants to avoid the obligation to keep his hat off can simply leave the church. For my part, I find it counterintuitive to regard social justice obligations as optional or avoidable in that way.

Consider the view that common membership in a state triggers justice obligations. Now the rich find the obligations onerous and they calculate they would do better if they formed a political secession movement and left the present state, taking their property and reasonably dividing the land of the existing state, and then establishing a new state, Richland.

No doubt some political secession movements answering to this description would run afoul of the minimal morality of humanity that we owe even to strangers. Political secession by the rich might leave the poor left behind essentially stateless, lacking the capacity to continue a functioning state that provides the essential public goods of order and security that people need to have a reasonable chance of leading decent lives. But we can imagine the case in such a way that the transition from a unified state encompassing a range of social classes to two divided societies does not involve any such harm to the rump society that the duty of humanity would register.

Suppose that political secession by the rich leaves the poor with reduced prospects but still the capacity for a fully functioning state and an economic capacity that leaves all above the minimally decent standard of living, falling below which triggers the duty of humanity and a moral demand for humanitarian aid.

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<sup>46</sup> . Versions of this idea appear in Julius, Cohen and Sabel, and James.

<sup>47</sup> . The idea of the minimally decent Samaritan as distinguished from the Good Samaritan of the biblical parable is drawn from Judith Thomson, “A Defense of Abortion.” *Philosophy and Public Affairs*, vol. 1 (1972), 47-66.

Political secession, except in the unlikely case in which every person who wants to secede lives in one part of the existing state, and everyone who does not want to secede lives in the remaining territory, requires transfer of people, and perhaps forced transfer of some people from their homes, to bring about a sufficient cluster of those who want to secede on one compact territory and those who don't on another. What sorts of movements of people are morally permissible for the purpose of facilitating secession is a complex issue, but we may suppose that according to reasonable answers to it, the secession of rich from poor that we are imagining can satisfy the governing moral requirements. The rough idea is that the transition is handled fairly and in particular the costs of transition are split fairly and common property is fairly divided.<sup>48</sup>

However, the political secession and more broadly cessation of participation in cooperative schemes that would produce a perfectly just state of affairs in which rich are obligated to rich and poor to poor and only the minimal morality of rescue from disaster connects rich and poor, very well off, well off, and badly off members of society, should call into question the theories of justice from whose premises this putatively just scenario was derived.

Objection: the scenario of political secession just depicted is completely improbable. A viable economy cannot consist only of CEOs, lawyers, stockbrokers, accountants, and movie stars. A viable economy requires assembly line workers, clerks, trash collectors, miners, farmers, nurses, and so on.

The improbability of the example is neither here nor there. The point is that imagining this secession scenario, which is logically coherent, involves no violation of the laws of physics, and is technologically feasible as well, is a vivid way of calling attention to what we now see is the fact that the social interaction theories rest too much on too little. If we only owe minimally decent samaritanism to people in the absence of social interaction and special ties, it is implausible that engaging in mutually beneficial cooperation and trade entirely transforms and radically amplifies our duties owed to each other.

Moreover, the example strikes me as not farfetched at all. If very strong duties to equalize advantage levels across people with very different talents and marketable skills and legitimate property entitlements are in place, in almost all cases it should be possible to isolate a set of better off people who would be better off withdrawing from this cooperative scheme and forming their own.<sup>49</sup> Notice that they need not forego all services produced with workingclass labor. Once ensconced in an independent nation-state, they can engage in trade with other countries up to a level that falls just short of whatever level of interaction the social interaction theory we are considering would regard as triggering egalitarian justice requirements beyond the duty of humanity. The services of assembly line workers, clerks, trash collectors, miners, farmers, and nurses are available to them, in the form of purchased goods from abroad, temporary guest workers, and the like.

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<sup>48</sup> . On the moral requirements for justified political secession, see Christopher Heath Wellman, *A Theory of Secession: The Case for Political Self-Determination* (Cambridge: Cambridge University Press, 2005).

A left-libertarian might argue that one has no genuine (in principle, enforceable) obligation to use one's body in any way to aid others, given full self-ownership, but that what property external to the self one is entitled to is always to be adjusted so egalitarian norms such as equal opportunity for welfare are satisfied. See Michael Otsuka, "Self-Ownership and equality: A Lockean Reconciliation," *Philosophy and Public Affairs* 27 (1998), 65-92 . I believe that this strategy attempting to fuse full libertarian self-ownership and egalitarian ownership of external goods does not succeed, but the argument is for another occasion. If the left-libertarian says one has no proper entitlement to breathe any air or stand on any part of the earth unless one agrees to use one's body to fulfill strong luck-egalitarian principles, the self-ownership has become an idle wheel and luck egalitarianism is ruling the roost.

Objection: It is one thing, morally speaking, to refrain from initiating social interaction with somebody. It is quite another thing to terminate social interaction practices already established. This is like the difference between never marrying and breaking up an already established family. The former may be morally permissible and the latter impermissible. The history of association may generate moral obligations on the part of the better off members of society that they might never have incurred but that, once incurred, cannot be erased. So the social interaction theories of justice may have the resources to reject the possibility of secession and the cessation of cooperative practices once begun.

Reply: This objection prompts us to reflect about how we would view a possible history of the world that unfolded differently from what actually occurred. Imagine that modern social interactionist theories of justice are propounded early in history and as a result nations coalesce and patterns of trade and social cooperation form in ways that are decisively shaped by the desire of the rich not to interact or unite politically with the poor in ways that would trigger stringent egalitarian justice requirements, since as it happens they can advance their expected life prospects by declining to include the poor and untalented in such cooperative schemes. When the history of the world unfolds along these lines, only the minimal duties of humanitarianism, the duties to behave as minimally decent Samaritans, ever apply to the rich in their dealings with the poor.

The alternative history of the world might turn out to be a great improvement on actual history, since the latter contains, wars, massacres, enslavement of populations, marauding and pillaging on a grand scale, subjection of people in rigid caste and class hierarchies, and so on, all of which the alternative history might lack. Even so, the alternative history strikes me as involving injustice at its core. The lucky well-off and advantaged people in avoiding interaction with the unlucky badly off and disadvantaged are also failing to fulfill their duties toward them.

The social interactionist might dig in her heels at this point and simply decline to accept the judgment I am proposing about the world of exclusion. Let me say something to support the judgment or at least place it in a context. One might say the underlying view to which I am appealing is that an individual does not enjoy full and unvarnished self-ownership recognized by moral principles. Each of us has her life to live, but we live in a world where avoidable misery and blight suffered by many jostle with windfall luxury and enjoyment of the full range of the goods of life that simply fall on others. In such a world those born and raised in ways that give them enormously favorable personal traits are not morally free to use them or waste them as they please but have an obligation to make something good of their unmerited good fortune for self and others. Those, especially the disadvantaged, who can gain substantially from certain uses of one's talents, have rights to aid, vague property rights in the bodies of others. So what Allen Buchanan has called "the morality of inclusion" is not morally optional.<sup>50</sup> We are obligated not to sequester ourselves into cooperative associations that are maximally to our own benefit, but must engage in cooperative schemes that include all and spread their benefits widely.

Back to the Objection: I agree that terminating a cooperative practice or a social relationship may require a justification that goes beyond the justification that would have rendered it permissible never to have begun the practice or relationship, according to the social interactionist. But in her framework, given a standard liberal presumption of liberty including liberty to renegotiate past commitments and begin life new, I doubt one will plausibly reach anything like a blanket prohibition on cessation and secession. After all, divorce that breaks up a marriage is widely—and I suppose, reasonably—thought

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<sup>50</sup> . Allen Buchanan, "Choosing Who Will Be Disabled: Genetic Intervention and the Morality of Inclusion," *Social Philosophy and Policy* 13 (1996), 18-46.

morally acceptable in many circumstances. So my initial worry still stands: our reaction to the scenarios of cessation and secession in this case indicates that egalitarian justice is not triggered by histories of interaction we might altogether avoid or carefully cease.