Luck Egalitarianism and Prioritarianism

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In her recent, provocative essay "What Is the Point of Equality?", Elizabeth Anderson argues against a common ideal of egalitarian justice that she calls "luck egalitarianism" and in favor of an approach she calls "democratic equality."[1] According to the luck egalitarian, the aim of justice as equality is to eliminate so far as is possible the impact on people's lives of bad luck that falls on them through no fault or choice of their own. In the ideal luck egalitarian society, there are no inequalities in people's life prospects except those that arise through processes of voluntary choice or faulty conduct, for which the agents involved can reasonably be held responsible. Anderson asserts that the adherents of luck egalitarianism, which can be elaborated in many different ways, include John Roemer, Erik Rakowski, Thomas Nagel, Ronald Dworkin, Gerald Cohen, Richard Arneson, and (with a qualification) Philippe Van Parijs.[2] In contrast, according to the democratic equality conception, justice as equality requires an end to oppressive social relationships. In the ideal society of democratic equality, the social conditions of everyone's freedom are secured, each stands to every other in a relationship of fundamental equality, including equal respect, and all have real freedom to participate in democratic self-government.

Anderson's criticisms of luck egalitarianism score good points against a variety of views, including views I have defended.[3] In this comment I do not aim to defend luck egalitarianism across the board, but rather to identify one (outlier) member of the luck egalitarian family that is not vulnerable to Anderson's criticisms, is plausible in its own right, and in particular emerges as superior to the "democratic equality" conception of

egalitarian justice. The version of egalitarian justice that I endorse I call responsibility-catering prioritarianism.[4] Roughly stated, the idea is that justice requires us to maximize a function of human well-being that gives priority to improving the well-being of those who are badly off and of those who, if badly off, are not substantially responsible for their condition in virtue of their prior conduct. Further elaboration is given below.

As characterized by Anderson, luck egalitarianism amounts to the following combination of claims: (1) it is morally bad if some are badly off through no fault or choice of their own, (2) it is morally bad if some are worse off than others through no fault or choice of their own, and (3) social justice requires us to eliminate, so far as is possible, the moral bads described in (1) and (2). To capture the luck egalitarian ideal, both claims (1) and (2) are necessary.[5] By itself, (2) would not support the judgment that it is morally unfortunate if disastrous bad luck brings it about that everyone is made far worse off so long as everyone ends up equally badly off.

Luck egalitarianism seems to involve a conditional affirmation of equality—it is morally desirable that everyone's condition should be the same unless differential merit or differences in people's voluntary choices give rise to inequality. The prioritarianism I defend is committed to claim (1) but not claim (2), and involves no commitment whatsoever to the idea that it is morally desirable, from the standpoint of distributive justice, that everyone's condition be equal. So there may seem to be a mismatch, in that what I defend is not quite what Anderson attacks. However, Anderson explicitly mentions the leximin version of priority to the worse off as a variant of luck egalitarianism that falls within the intended scope of her criticisms.[6] It should be of some interest to explore whether or not any of her criticisms inflicts damage on what I regard

as a plausible close cousin of luck egalitarianism. Moreover, what I say in defense of prioritarianism casts doubt on Anderson's democratic equality conception of social justice.

First criticism: Luck egalitarianism takes the distribution of goods and resources to be morally important in its own right, but the concern of social justice should rather be the quality of human relationships. Anderson urges that the luck egalitarians wrongly focus their attention on the distribution of privately owned goods among individuals. Against this shopping mall egalitarianism, we should insist that the point of equality is creating and sustaining a community of equals. What matters is equality in certain human relationships. So says Anderson. The issue raised here is how the egalitarian should be measuring inequality among persons. If egalitarian justice requires those who are better off to help those who are worse off, we need some standard that tells who are better off and who are worse off. One proposed standard is that people are equally well off when the resources they command that can be used to further their goals are the same or equivalent; variants of the proposal suggest different yardsticks for measuring individuals' overall resource levels. In these views the resources I have will surely include many goods that are not candidates or suitable candidates for private ownership.

But even the broadest and most inclusive measure of a person's resources would be rating a person's condition by the tools and means and opportunities she has available. I would suppose that what we fundamentally should care about when we are evaluating the distributive fairness of society is the quality of life that individuals reach by these means, in other words their level of well-being, where this is identified neither with bare preference satisfaction nor enjoyment but with achievement of what is objectively

worthwhile or choiceworthy in human life. This stipulation defeats the fetishism objection that the luck egalitarian must claim as of fundamental moral importance what is at most of instrumental significance. The egalitarian of well-being is concerned with the quality of human relationships that people sustain in a society, but these are evaluated by their impact on well-being. If we were to institute relationships of perfect equality according to some measure of relational equality, but people ended up living avoidably miserable and blighted lives, then we should institute some inequality in relationships, in order to improve the quality of people's lives and the fair distribution of this aggregate well-being. Whether a type of relationship should qualify as oppressive should depend on whether or not it has an oppressive impact on people's well-being.

In short, my response to the first criticism is to agree with Anderson that it is fetishistic to take the distribution of resources across persons to be morally important for its own sake. But this criticism touches only resource-oriented versions of luck egalitarianism. From the standpoint of distributive justice, what should matter for its own sake is the distribution of human well-being—how well people's lives are going. The aspect of social life that Anderson takes to matter intrinsically, the quality of relationships, is itself reasonably regarded as instrumental to well-being, not morally important in itself.

Second criticism: Luck egalitarianism misconceives the role of individual responsibility in distributive justice. Anderson holds that luck egalitarianism builds consideration for individual responsibility into the theory of justice in the wrong way, with disastrous results. The luck egalitarian identifies justice with minimizing and equalizing the effects of bad brute luck on people, luck that falls on people in ways that

are beyond their power to control, but this involves a harsh toleration of misfortune that falls on people through their fault or choice. In a society that is just by luck egalitarian standards, some members of society must be allowed to fall into utter destitution that is deemed to arise through their fault or choice. The luck egalitarian imperative of making social decisions to help or decline to help needy individuals on the basis of the degree to which they have exercised or failed to exercise responsibility in socially approved ways is unfair to the needy who are labelled faulty and left to languish. But the social process of distinguishing responsible from irresponsible, deserving from nondeserving citizens is inherently disrespectful and unfair to all members of society. Those who receive aid are stigmatized as incompetent failures. Those who are deemed unworthy of aid are stigmatized as morally irresponsible and undeserving. In a luck egalitarian society all members will find their privacy violated by intrusive and offensive investigative procedures that aim to classify them according to the level of badness of their lives and the degree of irresponsibility of their life choices. These invasions of privacy signal that taking the imperative of justice to be undoing the effects of all brute bad luck inherently erases the line between what is the legitimate concern of society and what should be left to individual discretion.

Some versions of luck egalitarianism attempt to mitigate harsh treatment of those deemed irresponsible and undeserving by recommendations of paternalistic restriction of freedom designed to protect these putatively irresponsible and undeserving individuals from self-harming conduct. Here the thought is that some people may be incapable of prudent and responsible conduct, so we must restrict their liberty in self-regarding matters to give them a fair opportunity for a decent life. Anderson finds paternalism so

motivated to be unacceptable because it inherently expresses adverse judgments on citizens' lives which no society should make.

In response: I agree for the most part with Anderson's characterization of the luck egalitarian line on individual responsibility, which the version of prioritarianism I embrace also follows. I argue below that Anderson is wrong to reject individual responsibility so construed. Before developing this response, I place Anderson's third criticism of luck egalitarianism on the table and describe a doctrine of responsibility-catering prioritarianism (RCP) that can withstand both criticisms.

Third criticism: Luck egalitarianism violates the norm that we should respect persons. According to Anderson, luck egalitarianism is defective in a deeper way than has been noted to this point. This theory fails to express equal concern and respect for all persons. The considerations that are the basis for adopting luck egalitarian principles essentially involve appeal to a contemptuous pity of the unfortunate on the part of the fortunate and in return envy of the haves that gnaws at the have-nots. Neither the attitude of pity for those viewed as worse off nor envy of those deemed to be better off is compatible with a proper egalitarian regard for persons. Luck egalitarian principles embody the idea that what fundamentally matters morally is how well off one person is as compared to others. At the root of this conception is a morally incorrect perspective that leads to distorted notions of what we owe to one another.

This last objection misfires if it is aimed at the prioritarian branch of the family of egalitarian principles. Prioritarianism holds that institutions and practices should be set and actions chosen to maximize moral value, with the stipulation that the moral value of obtaining a benefit (avoiding a loss) for a person is greater, the greater the well-being

gain that the person would get from it (the smaller the loss in well-being), and greater, the lower the person's lifetime expectation of well-being prior to receipt of the benefit (loss). Prioritarianism is egalitarian in tilting in favor of those who are badly off. But priority is assigned to aiding an individual in virtue of how badly his life is going, as measured by an objective scale of well-being, not intrinsically by any comparison between his life and that of others. If the attitude that a theory expresses is given by the reasons that warrant its adoption, then I see no basis for associating with prioritarianism with a psychology of pity and envy. The root idea of prioritarianism is that one ought as a matter of justice to aid the unfortunate, and the more badly off someone is, the more urgent is the moral imperative to aid. The moral ground for helping someone is the badness of their situation, not any determination of how one person's situation compares with another's. So envy is not in play. Moreover, the misfortune that is supposed to trigger the obligation to aid according to prioritarianism is misfortune due to bad luck, so there is no basis here for holding oneself superior if one happens to have experienced good luck rather than bad, and to be in the position of helper rather than beneficiary.

Prioritarianism aside, Anderson's association of luck egalitarianism with unseemly emotions of rancorous envy and contemptuous pity is off the mark. Claims (1) and (2) as stated above express the root idea of luck egalitarianism, so the invocation of emotions that feed on social status is otiose. More generally, I doubt that invocation of an ideal of respect for persons can do any work in selecting principles of justice or in determining that some candidate principles are driven by unseemly motives. If one wants to be fair and do what is just, and after full reflection one is convinced that some version of luck egalitarianism is the correct theory of justice, then one's adoption of luck

egalitarianism reflects one's belief that this doctrine picks out what justice requires coupled with one's desire to conform to the requirements of justice. One expresses due respect for persons and treats them respectfully by acting toward persons in accordance with the moral principles that are best supported by reasons. In this sense respect for persons looks to be an unobjectionable but purely formal idea, neither a clue to what principles are best supported by moral reasons nor a constraint on what principles might be chosen.

Prioritarianism as stated does not attribute moral value per se to channeling benefits toward the more deserving and responsible, though such considerations would no doubt play an instrumental role in a fully articulated prioritarian theory. I myself am inclined to think that if two persons voluntarily engage in high stakes gambling, from which the loser emerges with unfavorable future life prospects, it is intrinsically, not merely instrumentally more valuable to provide the means to a one-unit gain of well-being to someone who is just as badly off as the unlucky gambler but arrives at this condition through bad luck that is beyond his power to control than to the unlucky gambler. Hence it is better to amend prioritarianism to responsibility-catering prioritarianism. According to the latter doctrine, the moral value of altering a state of affairs in a way that makes someone better off or worse off depends, other things being equal, on the degree of responsibility the person bears for her present condition. It is morally more valuable to provide a gain in well-being of a given size for a person with a given well-being prospect if she is less rather than more responsible for her present condition (if it is bad). In a similar way, less moral disvalue is produced by bringing about a loss in well-being of a given size to a person with a given well-being prospect if

the person is less rather than more responsible for her present condition (if it is good). To have a theory, rather than a quick sketch of a theory, one would have to provide an account of responsibility and attach weights to the three elements of well-being, priority for the badly off, and responsibility in responsibility-catering prioritarianism (RCP).

RCP even if fully articulated would be an abstract moral theory, a set of principles of justice, not a specification of just institutions or just practices. These latter would vary with circumstances, which determine what institutions and practices and actions would best achieve the RCP moral goals. On any remotely plausible theory of human well-being, even if in principle interpersonal cardinal well-being and responsibility judgments can be made, in practice individuals and institutions would not have access to such information, so in practice we would be designing the most relevant and appropriate proxies we can find for the values that really matter to us. Anderson's attractive ideals of democratic equality are pitched at a somewhat lower level of abstraction than RCP, and might for all I know be a reasonably good set of means for implementing prioritarian values under favorable modern circumstances. Indeed, some of her criticisms of luck egalitarianism might be interpreted as criticisms of inept strategies for implementing RCP values.

Real disagreement arises when allegedly wrongful policies that invade privacy, restrict people's liberty for their own good, and restrict rights to equal participation in democratic politics would improve the quality of people's lives and distribute these improvements fairly according to the weighted well-being standard. One aspect of the disagreement is that Anderson accords priority to freedom on her favored interpretation of it (see below). According to RCP, having real freedom to achieve basic human goods

is valuable both instrumentally and for its own sake, insofar as having wide freedom is itself a constituent of a good human life. But freedoms according to RCP are important as constituents of well-being, and the ultimate moral standard is the extent of (appropriately weighted) well-being that we achieve. To enhance weighted well-being, this or that freedom must sometimes give way. Freedom, even freedom on its morally most adequate interpretation, is not an absolute moral value that trumps all others. For example, perhaps all paternalism inevitably carries some cost of insult and stigma imposed on those whose freedom is restricted for their own good. But when paternalistic policy satisfies RCP, the insult and stigma cost is outweighed by genuine well-being gains, and is not then inherently disrespectful.

Fourth criticism: Wrongful bloating of state authority. Closely connected to the problems that Anderson finds in the role that luck egalitarian justice assigns to individual responsibility is her conviction that luck egalitarianism illegitimately extends the scope of supposed distributive justice concerns and the sphere of state coercion. According to the luck egalitarian, in principle any undeserved inequality in people's condition can trigger the requirement that the state should intervene coercively to compensate the losers. According to the rival democratic equality conception of justice that Anderson affirms (described below), the proper role of social justice is more modest. There are two features of Anderson's view that constrict the scope of justice. One is that natural inequality in bad luck, as in the natural distribution of talent potential across persons, is not the concern of social justice, but only socially caused, oppressive inequalities in human relationships. Another feature of Anderson's view is that beyond a threshold of material adequacy that ensures all members of society the equal status of democratic

citizen, people are within broad limits morally free to lead their lives as they choose, with whatever distribution of wealth and resources and opportunities happens to result. In his way Anderson's view caters to a notion of individual responsibility that limits the writ of state-imposed compensation and transfer.

This fourth criticism raises large issues that cannot be fully addressed in a short comment. I will limit myself here to stating briefly how RCP draws the moral boundary between public and private and limits the writ of state coercion. RCP rejects the idea that misfortune caused by nature is not the concern of social justice. It may be a natural fact that people are susceptible to disease, accident, and natural catastrophe, but the impact of these phenomena on people's lives is to some degree within our power to ameliorate. To the extent that it makes sense to compensate people for misfortune because the ratio of the cost of helping them to the value of the resulting improvements in their lives is sufficiently favorable, RCP justice demands that we so compensate. Governmental mechanisms of coercion are reasonable just to the extent that they efficiently advance this moral goal. The difference between human misery caused by natural disaster such as a flood and human misery caused by social interactions does not for RCP mark the line between a space wherein social coercion is prohibited and a space wherein social coercion might be morally acceptable. Nor does RCP countenance a threshold of sufficiency such that undeserved and unchosen bad luck misfortune that falls on people above the threshold triggers no social justice concerns. Freedom to live one's life as one chooses against a background of substantive opportunities and genuinely available alternatives is morally important, but bad luck can crimp people's freedom through no

fault of their own, so the concern for human freedom for all including the victims of misfortune morally fuels the engine of justification of compensation.

Democratic equality characterized and criticized. Anderson's arguments against luck egalitarianism pave the way for the democratic equality conception that she proposes to replace it. The latter is complex; this discussion just highlights some main features. The democratic equality ideal requires that all members of society should have a fundamental equal status, constituted by the real freedom possessed by all over the entire course of their lives to function as humans, to participate in civil society, and to participate in democratic political decision making. In other words, all persons are equally guaranteed the capacity to achieve a threshold acceptable level in these three domains, the generic human, the sphere of association, and the political. The maintenance of these equal freedoms is to be guaranteed over the course of people's entire adult lives, come what may. This guarantee is asserted to contrast favorably with luck egalitarianism, which countenances allowing people to languish in bondage or squalor if they are deemed to have had a fair opportunity and squandered their opportunities through their own fault or choice. Democratic equality guarantees only freedom at an acceptable threshold level. Inequalities above the threshold are not deemed per se morally undesirable. This limited guarantee imposes on individuals the responsibility to order their lives as they choose above the threshold and eschews the politics of envy that Anderson associates with luck egalitarianism. Personal responsibility also receives its due in the democratic equality norm in another significant way: The guarantees that democratic equality enforces are guarantees of access to

functionings (real freedom to achieve a set level of functioning), not a guarantee of any achieved level of functioning.

This democratic equality ideal is intended to be a sketch of a theory that needs further refinement, so criticism may be premature. But as presented so far, the implications of democratic equality are implausible where they disagree with those of RCP. Democratic equality holds that once someone is above the basic capability threshold, justice is unconcerned with whether or not his life goes better or worse. Why not? Suppose that society faces an issue, say a choice of tax policy, where the interests of those who are far above the basic capability threshold (and thus on the average high in well-being) are starkly opposed to the interests of those who are just above the threshold (and thus on average significantly lower in well-being). Unfortunately someone's ox must be gored. Whose? RCP says that on the facts as described, other things equal we should favor the worse off in order to fulfill the requirements of justice. Democratic equality says that the issue is a "don't care" from the standpoint of justice. I disagree.

The force of this criticism could be blunted to some extent if the threshold of basic capability is set at a very high level. But only to an extent. Moreover, this move brings another difficulty into view. Democratic equality extends an unconditional guarantee that each member of society shall have access to the basic functioning level. But this priority ranking is too stringent. When misfortune strikes, it is a regrettable fact that some people cannot be sustained at the threshold level no matter what resources are poured into the coffers earmarked for their aid. In other cases, sustaining an individual at the threshold level is possible only at too great a cost. Morally sensitive cost and benefit calculation must be carried out to determine whether maintaining an individual at the

guaranteed level (or at some specified distance from the level) is morally worthwhile all things considered, but democratic equality is inhospitable to the needed tradeoffs. The higher the threshold level of basic capability is set, the more glaring this problem becomes.

Democratic equality eschews moralizing judgments about the quality of individual lives and hectoring assessments of the degree to which individuals have behaved responsibly. Is this avoidance an advantage? To focus on the relevant issues, ignore questions concerning the availability of the information needed for making these judgments and assessments and concerning the moral cost of discovering this information if it is available. RCP affirms that what is morally right to do depends on this information. But in circumstances in which the information is unavailable or costly to obtain, RCP affirms whatever norms and policies will most efficiently advance the RCP goals. Consider then simple examples in which the relevant information is readily available. Suppose that a national park service rescue team can choose between one of three lifesaving missions. Each involves significant risk of severe harm to rescue workers, but promises a significant net saving of lives. Suppose these risks and benefits are the same for each of the three rival missions. The park rescue team must choose either to assist (a) a party of stranded schoolchildren caught in an unanticipated blizzard while on a school outing, (b) a party of experienced climbers who carefully chose to pursue a difficult route under hazardous conditions which then suddenly turned desperate, or (c) a party of tourists who ignored warning signs and the stern advice of park rangers to venture on a foolhardy hike across a treacherous steep slope, rendered more treacherous by their mid-hike alcohol consumption. One might suppose that the rescue

team's policy should be set in part by consideration of its incentive effects on the behavior of future park visitors, but suppose the park is about to be shut down and there are no such incentive effects to consider. I take it to be a datum in this case that the fully voluntary choice of the climbers to shoulder the risk they take and the grossly reckless conduct of the hikers reduce their moral claims to be aided by comparison with the claim of the stranded school children. This is the basic idea of the responsibility-catering element in responsibility-catering prioritarianism. A proposed theory of justice that excludes it excludes a factor that is intrinsically morally important.

Anderson's democratic equality attempts to balance concern for the well-being of the badly off and concern for individual responsibility by guaranteeing each individual a level of material provision that secures the status of equal democratic citizen for all, and above this line, by allowing individuals to obtain whatever outcomes result from the sensemble of individual voluntary choices. But this way of splitting the difference between social guarantees and individual responsibility does not fully take the measure of the problem of accommodating individual responsibility within egalitarian distributive norms. In the Andersonian democratic equality society with guarantees of a threshold of guaranteed functionings for all, some individuals might behave culpably irresponsibly, again and again, so that the cost of maintaining them at the guaranteed threshold level becomes prohibitive, or swallows up all social resources. In this situation the guaranteed social minimum would be unfairly draining resources that should go to other members of society/ RCP would deny that such a a guaranteed social minimum not qualified by the reciprocal requirement of a threshold level of responsible conduct by citizens could be just. At the level of practical policy, a guaranteed minimum of some sort might be the

best we can do to balance conflicting considerations, but at the level of principle, the democratic equality synthesis cannot be upheld as morally fair and just.

RCP also incorporates the belief that what we should do depends both on how much good we can do for people and how badly off they will be absent our intervention. In the example, policy should respond to the consideration that it is objectively worse to have one's life cut short as a child, other things being equal, than to have one's life abruptly ended after one has lived longer and had ample opportunity to sample the goods basic to a normal human life. No doubt measurements of well-being and well-being prospects are beset by conceptual difficulties such that commensurability is only partial even in principle, quite aside from the practical difficulties of acquiring the information that in theory is needed for assessment. But I have never seen a good argument for maintaining an asymmetry between the good and the right in this regard: If one supposes no rational agreement on the good is possible, one's skepticism will by parity of reasoning lead one to conclude that no rational agreement on the right is possible, and one should abandon moral theory as a lost cause.

If one rejects wholesale moral skepticism, then liberal egalitarian teleology remains a viable contender for our reflective allegiance, and responsibility-catering prioritarianism stands as one interpretation of its fundamental principle. The point of equality I would say is to improve people's life prospects, tilting in favor of those who are worse off, and in favor of those who have done as well as could reasonably be expected with the cards that fate has dealt them.

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[1]. Elizabeth S. Anderson, "What Is the Point of Equality?", Ethics 109 (1999): 287-337.

[2]. John E. Roemer, Theories of Distributive Justice (Cambridge: Harvard University Press, 1996); Erik Rakowski, Equal Justice (New York: Oxford University Press, 1991); Thomas Nagel, Equality and Partiality (New York: Oxford University Press, 1991); Ronald Dworkin, "What Is Equality? Part 2: Equality of Resources," Philosophy and Public Affairs 10 (1981): 283-345; G. A Cohen, "On the Currency of Egalitarian Justice," Ethics 99 (1989): 906-944; Richard Arneson, "Equality and Equal Opportunity for Welfare," Philosophical Studies 56 (1989): 77-93; and Philippe Van Parijs, Real Freedom for All: What (if Anything) Is Wrong with Capitalism (Oxford: Oxford University Press, 1995).

[3]. See also Richard Arneson, "Rawls, Responsibility, and Distributive Justice," in Justice, Political Liberalism, and Utilitarianism: Themes from Harsanyi and Rawls, ed. Maurice Salles and John A. Weymark (Cambridge: Cambridge University Press, in press).

[4]. On prioritarianism, see Derek Parfit, "Equality or Priority?", The Lindley Lecture (Department of Philosophy, University of Kansas, 1995); also Dennis McKerlie, "Equality and Priority," Utilitas 6, (1994): 25-42; also Paul Weirich, "Utility Tempered with Equality," Nous 17 (1983): 423-439. On the variant responsibility-catering prioritarianism, see Richard Arneson, "Equality of Opportunity for Welfare Defended and Recanted," Journal of Political Philosophy, forthcoming.

[5]. A further complication should be noted. Claims (1) and (2) are compatible with (3): It is morally bad if some are as well off as others through no merit of their own. Moreover, (1) through (3) are compatible with the denial of a straight assertion of equality, (4): It is morally bad if some are worse off than others. What Anderson calls "luck egalitarianism" might then be interpreted as a principle of moral meritocracy along the lines of (5): It is morally desirable that each person be exactly as well off or badly off as she deserves on the basis of her moral merit. So far as I can see, my responses to Anderson's criticisms of luck egalitarianism and to her grounds for endorsing the rival "democratic equality" view are not affected by ambiguity in her characterization of luck egalitarianism.

[6]. Anderson, p. 291. (Leximin holds that we ought, as a first priority, maximally to improve the condition of the worst-off individual, then as a second priority, maximally to improve the condition of the second-worst-off, and so on up to the best-off. Prioritarianism holds that we ought to maximize a weighted sum of benefit that gives extra weight to obtaining a benefit for a person, the worse off she is prior to receipt of the benefit. This will imply giving priority to helping the worse off.)