Luck and Equality

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Writing about essays on equality by Ronald Dworkin, G. A. Cohen comments that it is Dworkin's notable achievement to have rescued the notion of personal responsibility from the arsenal of the right wing of the political spectrum and to have rendered it serviceable for left-wingers.[1] But personal responsibility is tricky. Is this a weapon that is always prone to misfire, or in some other way unsuitable for egalitarians?

In her contribution to this symposium Susan Hurley brilliantly dissects a pattern of erroneous reasoning into which the political philosopher who invokes responsibility may fall.[2] We may be tempted to notice that the life outcomes that individuals reach are largely due to the operation of unchosen luck, affirm the moral desirability of undoing the influence of unchosen luck, and infer that equality (or for that matter any other distributive pattern) is morally desirable. As Hurley explains, the inference is fallacious. From the fact that a particular unequal outcome pattern is due to luck it does not follow that adopting the aim of undoing the influence of luck should lead us to adopt the aim of establishing a distributive pattern in which everyone's condition is relevantly the same. The aim of eliminating the impact of luck cannot provide a basis or argument for favoring any particular principle that specifies a just pattern of distribution.

Hurley's analysis also indicates that we should be cautious about the supposed moral imperative of undoing the effects of unchosen luck. How we should regard luck as

a determinant of people's fate in a particular setting depends on the moral principles we accept, not the other way round.

All of this leaves it entirely open whether principles of distributive justice should be sensitive to luck, and in particular to the difference between chosen and unchosen good and bad fortune.[3]

Although it is easy to describe examples in which the judgment that some equally needy people deserve to be helped more than others may appear plausible, there are examples and examples, and it is far from clear that one can develop a principle of responsibility or deservingness that plausibly integrates such factors into a theory of distributive justice.

It is important at the outset to distinguish an instrumental and an intrinsic significance that considerations of responsibility might be deemed to have. Social policies that attempt to identify the deserving and undeserving poor and the deserving and undeserving rich and to accord favorable treatment to the deserving might be justified entirely by appeal to their expected good effects that are identified by principles that do not themselves contain any notions of deservingness. Here norms of deservingness and responsibility would be functioning in a purely instrumental capacity, as tools to bring about increased fulfillment of other values.

The crucial idea for the instrumental conception of responsibility is that of holding a person responsible for her action. On an instrumental basis, I am responsible for an act if others would be reasonable to hold me responsible for it, and holding a person responsible for an act is reasonable or unreasonable depending on the consequences of this further act of holding. To hold someone responsible for an act is to

regard her as properly liable to praise or blame, reward or punishment, for its quality. The holdings, praisings, and blamings are justifiable just when they produce better consequences than would occur in their absence.

Within a consequentialist framework, responsibility instrumentally regarded is unproblematic. If using responsibility in the form of deployment of carrots and sticks induces improved behavior over the long run, leading to better states of affairs, then responsibility notions are vindicated. Whether taking responsibility to be intrinsically significant makes sense is, so far, still open.

I

The issue that Hurley artfully discusses has a recent history. In 1971 John Rawls rejected the idea that whatever distribution of goods is brought about by the operation of a competitive market economy is just. His objection is that in such a system distributive outcomes are improperly influenced by 'natural and social contingencies,' factors that are 'arbitrary from a moral point of view.'[4] The factors to which Rawls alludes are such matters as being born with a genetic disposition to be more or less talented in various ways, inheriting wealth and social connections from one's parents, and being well or badly educated and nurtured in early childhood. These matters are entirely beyond the individual's power to control. To the extent that they determine an individual's life prospects, they do so as sheer brute luck, luck that falls on a person directly and independently of any choice she might make.

In *Anarchy, State, and Utopia*, Robert Nozick accuses Rawls of begging the question if he intends to argue from the arbitrariness of luck to the moral desirability of equality. Unless we have already established a presumption in favor of equality, and

Nozick denies that we have, the fact that the luck of arbitrary contingency plays a role in bringing about an unequal outcome does not per se undermine whatever moral legitimacy the outcome enjoys. Nozick also points out that under the operation of Rawls's favored egalitarian principle of justice, the difference principle, who ends up with more and who with less will depend on contingencies no less arbitrary than those that were claimed to taint the distributive outcomes brought about by the operation of a market economy unregulated by the difference principle.[5]

One might say that luck comes in different flavors. Moral principles will have a taste for some and not others. Whether an outcome that is in some sense brought about by luck is morally suspect is determined by the moral principles we accept. To identify a luck outcome as morally arbitrary presupposes that we already are committed to moral principles that fix what is and what is not morally arbitrary. According to Rawls, if brute luck factors contribute to bringing it about that the difference principle, fair equality of opportunity, and the equal liberty principle are more perfectly implemented, the contribution of luck to the outcome does not morally taint it. According to Nozick, if brute luck factors influence the endowments and possessions that individuals come to have, provided that this distribution does not come about via violation of anyone's Lockean rights, the contribution of luck to the outcome does not morally taint it.

It is a nice question, whether or not Rawls makes the error that Nozick diagnoses. Nozick himself distinguishes a positive and a negative argument from the arbitrariness of contingency that Rawls might be making. The positive argument would argue from the arbitrariness of natural contingency to the desirability of erasing outcomes due to such contingency and implementing instead some egalitarian principle. The negative

argument starts from an already established egalitarian baseline and rebuts an objection. The objection is that people deserve by their efforts and achievements the superior position that the operation of the egalitarian principle would diminish. The negative argument rejoinder is that what an individual can take credit for by way of effort and achievement is intertwined with influences that are entirely beyond her power to shape or control and for which she could in no way claim credit. There is no feasible way to untangle this mixture of influences so as to sort out what people truly deserve in a reliable way that could guide social policy. As Rawls states, 'The idea of rewarding desert is impracticable.'[6] Whether or not Rawls actually intends to assert what Nozick classifies as the positive argument, he clearly intends the negative argument. So perhaps Rawls does not after all make the mistake that Nozick alleges and that Hurley carefully analyzes.

The negative argument may mingle with the positive argument at one point in Rawls's discussion. Arguing that the primary subject of justice is the basic structure of society, the way that major institutions combine to influence initial life prospects, Rawls distinguishes deep and shallow inequalities among individuals.[7] Shallow inequalities arise as adults interact and conceivably might be justified by norms of individual desert or responsibility. Deep inequalities are thrust on individuals at birth or early childhood, so they cannot conceivably lie within the individual's power to control, and cannot possibly be justified by claims about individual responsibility and desert. Rawls also characterizes deep inequalities as those that are formed by the basic structure of society as it shapes initial prospects. These two characterizations of deep inequalities do not coincide, but let that pass. If Rawls supposes deep inequalities need justification whereas

deep unchosen equalities would not, he may just be assuming equality as the moral baseline or he might conceivably be making the fallacious inference from produced-by-luck to should-be-altered-to-equality.

My hunch is that Rawls is not guilty of the charge that he infers from the fact that inequalities in people's condition are due to luck to the conclusion that the luck outcomes should be eliminated and equality of condition established. My further hunch is that despite misleading rhetoric, egalitarians such as Ronald Dworkin, G. A. Cohen, and John Roemer are also innocent of this confusion. This assertion is not offered by way of criticism of Hurley, whose interest lies in analyzing a pattern of argument, not ascribing it to anyone in particular.

The pattern of argument that does recur in the literature is closer to what Nozick calls 'the negative argument.' Against the background of a presumption in favor of equality of condition (or some other norm of justice that favors egalitarian distribution), the objection is made that many of the individuals who would be required to relinquish resources they currently hold if egalitarian justice were implemented deserve or merit their present advantages. The flip side of this same objection is that many of the individuals who would be benefited if egalitarian justice were implemented are negatively deserving or are at any rate responsible by their choices for their present unfortunate state. Considerations of individual responsibility and deservingness militate against acceptance of egalitarian justice--so goes the objection. Against this objection the negative argument answers that if individual responsibility and deservingness are rightly understood, they will be seen not to militate against egalitarian distribution as the objection supposes. Individuals to a large extent become better off than others and secure

advantages for themselves in modern societies by processes that reflect the influence of luck for which no individual can rightly claim credit. The achievement of advantages that is claimed to render the achiever meritorious turns out under examination to be mainly the result of luck--contingencies that are arbitrary from the moral point of view.

Different versions of the negative argument vary in the extent of their negativity. At one extreme, one might claim that no one ever truly deserves anything. Nor is any one ever truly responsible for anything. No objection against egalitarian justice from the standpoint of deservingness or responsibility could then stand. More concessionary responses to the objection are also possible. The advocate of equality of condition might qualify her commitment to equality by holding that it is bad if some are worse off then others through no fault or choice of their own--but that it is not bad if some are worse off than others thought their own fault or choice. The prioritarian of well-being might hold that moral value should be maximized and that the moral value of obtaining a gain (preventing a loss) for a person (1) is greater, the lower the person's well-being would be without this benefit, and (2) is greater, the more deserving or virtuous the person is. The extreme version of the negative argument denies any role for desert and responsibility at the level of fundamental principles of justice and the moderate version includes desert or responsibility in just this role.

Notice that the negative argument can unfold along two dimensions. Against the claim that well-off people, being responsible for their advantages, or virtuous, should not be deprived of them for the sake of equality, one might either (1) deny that the criteria of responsibility or virtue implicit in this claim are coherent and morally acceptable or (2)

deny that well-off people satisfy these criteria to a greater extent than badly-off people.. One might also do both, in varying degrees.[8]

Whether the negative argument is sound or unsound, it evidently does not make the mistake that Hurley is concerned to display.

Another reason to doubt that egalitarian theorists rely on the reasoning Hurley rightly rejects is that writers like Cohen and Roemer take Ronald Dworkin's framework as the starting point for their reflections.[9] But Dworkin explicitly does not aim to provide any arguments for distributive equality besides providing the best interpretation of the ideal, the one that is normatively most attractive. Since he does not provide any arguments for equality, a fortiori he does not offer the one Hurley criticizes. He does not infer from the claim that the inequalities we see are brought about by sheer luck to the conclusion that they should be eliminated. His concerns rather lie in the neighborhood of the negative argument. He takes it to be obvious that people who make choices and act on them from a baseline of equality should not be restored to a position of literal equality of condition--doing so would in fact offend against the ideal of equality itself properly conceived. He is then concerned to elaborate a moderate version of the negative argument.

II.

Rawls considers what he calls the 'system of natural liberty,' in which there is a market economy that is laissez-faire except that the norm of careers open to talents is enforced. Of this system he comments that since there is no attempt to preserve equality of social conditions, 'the initial distribution of assets for any period of time is strongly influenced by natural and social contingencies. The existing distribution of income and

wealth, say, is the cumulative effect of prior distributions of natural assets—that is, natural talents and abilities—as these have been developed or left unrealized, and their used favored or disfavored over time by social circumstances and such chance contingencies as accident and good fortune. Intuitively, the most obvious injustice of the system of natural liberty is that it permits distributive shares to be improperly influenced by these factors so arbitrary from a moral point of view.'[10]

The last sentence might seem to suggest the fallacious inference from caused-by-luck to should-be altered-to-equality that Hurley exposes. But I see here another formulation of the negative argument. Against the backdrop of a presumption in favor of initial equality, we see the cumulative results of people's market choices tending to deviate from equality. This might be morally acceptable if the process that creates inequality has a character that confers legitimacy on the outcome. But according to Rawls that is not so in this case. Instead chance contingencies, unchosen luck factors, strongly influence the distributive outcomes as they unfold over time.

The observation that outcomes are determined or partly determined by luck that simply falls on people in ways that are not mediated by their choices can hardly be the determining factor in assessing the outcomes from the standpoint of justice. After all, it could happen by sheer chance that the operation of such a market economy over time yields outcomes that satisfy whatever egalitarian or other principles of distributive justice are deemed morally required. Hence when the operation of a market economy yields outcomes that fail to satisfy these justice norms what is wrong is not that chance factors are bringing about the outcome. What is wrong is that justice norms are not satisfied.

The question that is not touched by any of the above and is still entirely open is whether or not the distinction between chosen and unchosen luck can carry a heavy load of justification of distributive outcomes. Also, what principles best articulate the moral considerations that should be moving us when we appeal to this distinction?

The lightly regulated market economy as described by Rawls produces inequalities in people's initial life prospects. We might imagine these as life prospects calculated for individuals as newborns, before they could possibly make responsible or irresponsible choices or act in deserving or undeserving ways. People face these unequal initial life prospects on the basis of unearned contingencies such as possession of inherited talent, expected favorable upbringing, family social connections, and so on. The issue here is not merely that a norm of equality is violated, but that the luck of the market operating over time might well frustrate a broad range of principles specifying what might be thought to be a morally desirable pattern of distribution.

At any rate, that people might face unequal initial life prospects does not seem to capture the core of what is problematic about the operation of luck within the system of natural liberty. For we can imagine this feature of the scenario is eliminated, yet moral criticisms still apply. To rehearse a suggestion of Brian Barry, suppose we discover that nurses have been switching the identity tags on newborn babies in a complicated lottery scheme such that at birth all individuals have equal life prospects.[11] Otherwise the system of natural liberty operates as previously described. Shortly after birth, after the nurses' lottery is complete and one has been placed with a set of parents according to the outcome of the lottery, individuals face vastly unequal life prospects through no fault or

choice of their own. If the original scheme was morally objectionable, the system of natural liberty amended by the nurses' lottery still seems objectionable somehow.

The amended system of natural liberty does bring about equality of initial life prospects across individuals. (How to measure life prospects is for the moment left open; we can suppose that whatever conception of life prospects favored by the theory of justice is employed.) This achievement is morally nontrivial. Under this system each individual has a real chance of enjoying a good quality of life, unlike what occurs in the unamended system of natural liberty. Nonetheless the nurses' lottery hardly institutes an egalitarian utopia.

Taking equality of condition to be the baseline state of affairs favored by justice, we might hold that it is bad if some are worse off than others through no fault or choice of their own, and find fault with the amended system of natural liberty for failure to satisfy this norm. This objection can be stated in more general terms. The thought that morality should make it a priority to offset uncourted disadvantage need not be yoked to any affirmation that equality of condition is per se desirable. The justice standard might insist that we should equalize, or equalize at the highest feasible level, or provide everyone at least a level deemed sufficient, or maximize the total sum, or maximize the average, or prioritize, and so on. Any such doctrine can be qualified so as to be responsibility-catering.

In what follows I shall suppose that life prospects should be assessed in terms of well-being (or welfare or utility). In assessing an individual's condition for purposes of distributive justice, what matters is the ensemble of circumstances the individual faces as they affect some function of the individual's well-being over her life course. The notion

of well-being in play here is left unspecified, though my hunch is that an Objective List conception of well-being yields the most plausible version of welfarist distributive justice. The choice of a welfarist framework is controversial, but cannot be defended here.[12] I further assume well-being is cardinally interpersonally comparable.

Consider then the proposal that distributive justice requires that each individual should have a fair opportunity for welfare. Fairness, by whatever standard it is specified, regulates opportunity for welfare. The rough idea is that if I have an opportunity to get X amount of welfare, then there is a prudent course of action available to me that will yield me X if I take it, and if I do not, the responsibility for my lower welfare level lies with me. But the rough idea should be qualified, because identifying a fair opportunity with what one could get by perfect prudence is too demanding, and itself unfair.[13]

A person's opportunity for welfare is the level of welfare that she would gain if she conducted herself throughout her life as prudently as could reasonably be expected. Reasonably expectable prudence is distinguished from perfect prudence. A person who conducts herself in a perfectly prudent manner always takes the most efficient means to advance her own welfare. Doing this might be either painful or difficult for a person to do. Making the prudent choice might require solving a mathematical equation, which one person could do easily, another, if at all, only with great difficulty. Carrying out the prudent choice might require skill, which some can muster easily, others, if at all, only with great difficulty. Making and executing the prudent choice might be pleasant or at least painless for some, but painful for others (at the limit, so painful that being prudent would be physically impossible for the person). On the proposal under review, it is deemed that merely bringing it about that if one behaved perfectly prudently throughout

one's life one would gain a level of welfare that is fair would not sufficiently cater to the individual's moral interest in having access to welfare. The standard of individual conduct is relaxed by identifying a degree of prudence that is as much as one can reasonably expect an individual to exhibit in each setting of action. Distributive justice then requires that society be arranged so that each individual can get a level of welfare deemed fair provided that she behaves prudently to a reasonably expectable degree throughout her life.

The ordinary connotations of the word 'opportunity' do not apply in this specification of opportunity for welfare. One ordinarily would say that when a person has an opportunity for some good, she has both the option to choose and get this good and also the option to decline it. An opportunity opens a door through which the individual may or may not choose to walk. Having opportunity implies having freedom, open options.

But on the suggested construal of opportunity for welfare, a change that lessens an individual's freedom may give him more opportunity for welfare. With more money and more freedom, one would choose--imprudently but not below the threshold of reasonably expectable prudence-- to take heroin, and one's welfare would diminish, compared to the state of affairs one would reach if one behaved throughout one's life in a reasonably prudent way, faced with less money and freedom. In the same vein, one might have greater opportunity for welfare in given circumstances, if a single change is made, lessening one's freedom by legally prohibiting heroin consumption, than if the change were not made.

Opportunity for welfare in a fair opportunity norm might be defined in at least two different ways: either the opportunity is that if one behaves reasonably prudently over the course of one's life one will get (1) a certain welfare level or (2) a certain expected level of welfare. In either of the versions mentioned, fair initial opportunity for welfare is problematic as a (partial) conception of distributive justice for at least three reasons.

First, it is too unforgiving. The ideal of fair opportunity is that justice requires that a path be provided to each individual such that if the individual stays on the path throughout her life, the outcome she reaches (or the expected outcome) would be fair. I have softened the norm of responsibility informing this ideal by, in effect, widening the path, so that it is not too painful or difficult for the individual to avoid straying from it. But what happens to the individual if she strays off the path even by a slight amount is a 'don't care' from the standpoint of this conception of justice. This is an ineliminable and implausible feature of the ideal. A young adult may behave in an irresponsibly careless way that fails to meet the soft standard of responsibility, but just by a smidgeon, then encounter incredibly bad luck, and end up facing horribly grim life prospects that we could alleviate by further provision of resources to her at modest cost. The fair equality of opportunity of welfare account responds to such a case by insisting that justice demands no transfers of resources to alleviate the errant individual's plight because any such transfer would diminish the fair equality of opportunity for welfare to which others are entitled.

A second problematic feature of the account is that by design it does not discriminate between virtuous and nonvirtuous imprudence. Virtuous imprudence is

failure to pursue one's own self-interest to the maximum (within the constraints of required duties) in order reasonably to benefit other persons or some worthy cause. Think of Mother Theresa devoting herself selflessly to the poor of Calcutta. Nonvirtuous imprudence is failure to pursue one's own self-interest to the maximum either from carelessness in identifying one's interest or fecklessness in its pursuit or unreasonable pursuit of small gains for other persons or for a good cause at excessive cost to oneself. The idea behind fair equality for welfare is that if society (all of us regarded collectively) provides the individual with a path she could take, that would yield a fair level of welfare (or expected welfare) if she took it, then the individual, and not society, is responsible for any welfare deficit for her that arises from proceeding along another path. It may be perfectly reasonable and even admirable to sacrifice oneself for some good cause in a supererogatory manner, but doing so does not generate duties of other persons to boost one's welfare back toward what it would have been had one not veered from the prudent path. So holds fair equality of opportunity for welfare. This is not on its face a crazy view, but it is controversial, very far from self-evidently correct.

A third problematic feature of the account is that it embodies what may seem on reflection a weird causal requirement. Compare a person who behaves wildly imprudently on many occasions, but is very lucky, and suffers no misfortune. (He plays Russian roulette on himself with a loaded gun repeatedly, just for fun.) He then suffers a brute luck misfortune--an utterly unpredictable earthquake destroys his house. Under a regime in which fair opportunity for welfare holds an individual responsible for outcomes that befall him due to option luck but not brute luck, he is eligible for compensation for his brute luck misfortune. In contrast, consider his neighbor, who behaves almost all of

the time with impeccable prudence but on one occasion behaves very slightly

imprudently and then has terrible bad luck, so the slight imprudence gives rise to personal

disaster. Jones suffers misfortune *through* her fault or choice, so she is responsible for

the consequences that fall on herself. Smith makes many more faulty choices, but the

actual misfortune he suffers does not come about *through* his fault or choice, so he is not

responsible for the bad consequences that fall on himself.

In principle, one could devise a responsibility account that avoids these

difficulties, but at a price. In what follows, various possible revisions of responsibility

are described, that gradually reduce the difficulties, incurring various moral costs.

One possible move would be to give up the idea that distributive justice requires

compensation for misfortune that individuals suffer only if it is the result of brute and not

option luck. Instead the soft account of personal responsibility is applied over the

individual's entire life, the dimensions of responsibility are assigned weights, and an

overall score measures the degree to which an individual is responsible for her current

condition. The lower the degree of responsibility that an individual bears for her current

condition, the better it is to secure improvements for her if it is bad, and the less bad it is

to worsen her condition if it is good in order to improve the condition of others. This

proposal accommodates the *too unforgiving* concern but not *weird causal requirement* or

failure to distinguish virtuous and nonvirtuous imprudence.

Another possible responsibility norm holds that other things being equal, two

individuals who conform over their entire lives to the same degree to the standard of

behaving reasonably prudently should enjoy the same level of well-being. This proposal

accommodates two of the three mentioned difficulties. It fails only with respect to *distinguishing virtuous and nonvirtuous imprudence.*

A third possible norm holds that other things being equal, it is morally more valuable to gain an increment of well-being for a person, the greater her lifetime virtue. A person's virtue is greater, the greater the extent to which her will is disposed toward morally good conduct, at each moment of her life.

These proposals move in the direction of abandoning any version of fair opportunity for welfare in favor of a norm that good fortune, other things being equal, should be made proportional to the degree of responsibility one exhibits over the course of one's life. There is also the further issue whether responsibility or virtue should be the basis for differential treatment of persons on some egalitarian conception of justice (that is, should virtuous and nonvirtuous imprudence be distinguished, as the virtue accounts affirm and the responsibility accounts deny?). The moral considerations favoring each of these distributive norms are quite different. The idea of fair opportunity is that the world should be arranged so that each person would gain a fair level of well-being, if she chooses to be prudent and behaves as prudently as it would be reasonable to expect given her choicemaking talents and unchosen socialization experiences that fix the difficulty and unpleasantness of making and executing prudent choices. A qualification to fair opportunity that is within the spirit of the proposal is that if a person deliberately and voluntarily chooses to gamble she should live with the results even if they are bad for her.

The idea of the proportionality norm is that some type of conduct is picked out as meritorious, and justice requires that, other things being equal, each person's lifetime level of good fortune or well-being should be made proportional to her level of merit

exhibited in her conduct over the course of her life. Those who are deserving should be rewarded according to their deservingness. A fair equality norm holds that good fortune and bad fortune that accrues to individuals as a result of morally permissible choices and hence as a result of option luck properly belongs to the responsible individuals. A proportionality norm smooths out these outcomes due to option luck in order to render good fortune proportional to responsibility or moral merit. The fair opportunity norm and the proportionality norm evidently embody different moral attitudes toward good and bad luck enjoyed by equally responsible individuals.

III.

This critical discussion of how to integrate personal responsibility into distributive justice may appear to have driven into a dead end.[14] The proposal that other things equal, the more morally deserving one is over the course of one's life, the better one's life should go, could be regarded as a reductio ad absurdum of the project of making justice responsive to responsibility. It would be a silly idea to try to run a monastic community of men all of whom have dedicated their lives to a common religious ideal according to the standard that good fortune should be made proportionate to one's true moral virtue. If the abbot of a monastery could not base a sensible governance policy on this norm, then surely it is irrelevant to the governance of a large diverse democracy that aims to be just.

Two distinct forces combine to put pressure on the idea that distributive justice should be responsibility-catering. One is that people differ in contingencies beyond their power to control that shape their ability to choose and act in a responsible and deserving manner. Since these contingencies are subtle and various, and hard to observe, the task of separating what one can and cannot reasonably be held responsible for becomes more

difficult. Furthermore, the project of designing institutions and practices that would carry out this task in the context of a modern society looks increasingly utopian. A second source of pressure is that one can be led to find it appropriate to judge the unit of deservingness or responsibility to be the conduct of an individual over the course of her life. If a person's conduct is assessed on the basis of a single act or the quality of her acts over some limited fraction of her life, the judgment that is reached can be anomalous with respect to the comparable judgment about her life as a whole. But the idea of a social agency that monitors the lifelong deservingness and responsibility scores of all of its individual members is a chimera.

Nevertheless, the proposal that considerations along the lines just mentioned provide good reasons to exclude considerations of responsibility and deservingness from playing a role in fundamental principles of morality and justice strikes me as mistaken. We should keep separate practical concerns about the prospects for implementing this or that aspect of justice and theoretical concerns about what justice, as best conceived, actually requires. One reason for doing so is simply that these questions just are different. At some times and places, given human intransigence and the power of entrenched law and custom, slavery might be, for now, ineliminable. But the fact that there is no way right now to get rid of it does not imply that it is right now just. Even an aspect of current social systems that we suspect can never be eliminated might still be unjust, provided that we can coherently describe a logically and physically possible world in which this moral bad is eliminated.

A second reason to place in separate mental compartments the issue what justice in principle requires and the issue how best in a given setting to fulfill this best

conception to the greatest extent possible is that if we run the questions together we may too quickly foreclose possibilities of implementation. Even if we cannot directly enact a policy that is explicitly aimed at bringing about a certain aspect of justice, we might be able to devise proxies for approximating to a greater or lesser extent the realization of the conception we cannot directly implement. In this respect the notion of responsibility and the notion of human well-being are alike. Once we engage in reflection about the nature of well-being, we find that the conceptions of it that make most sense will render an individual's well-being level difficult to observe and standards of well-being controversial to apply. But it would be a mistake to decide that well-being is morally unimportant just on the ground that it is difficult to measure and to apply in public policy. The same goes for responsibility and deservingness.

Another consideration to bear in mind in this connection is that if responsibility and deservingness as they are most plausibly conceived in the best theory of justice should turn out to be very difficult to implement, and indirect strategies of implementation by proxy are unfeasible, then perhaps responsibility and deservingness, though morally significant in principle, might be irrelevant in practice. What we cannot implement reliably at all we may have to ignore. To achieve this recognition may require that we have investigated the theory of responsibility and deservingness and seized on their theoretically best interpretations. That responsibility wrongly conceived may be readily implementable may then be of little interest.

But it is not credible that responsibility and deservingness matter only instrumentally and are not intrinsically morally significant. Imagine that social science research of the next century surprisingly demonstrates that we can identify the truly

deserving and responsible and that social justice norms other than responsibility-catering itself can be more efficiently achieved by arranging institutions and practices so that vice is rewarded and virtue punished and that other things being equal, sinners have far better life prospects than saints. Imagining this possible world, I find myself preferring that other justice values be sacrificed to some extent in order to bring it about that those whom a fine-grained account of responsibility deems more virtuous or deserving should other things being equal enjoy better life prospects than the vicious and undeserving. Of course this leaves it open that a fine-grained theory of responsibility would have it that all of us are equally deserving and undeserving and that the appropriate response to the irresponsible or vicious agent other than oneself is always 'there but for the grace of God go I.'

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[1]. Dworkin 1981, as cited in Cohen 1989.

[2]. Hurley, this volume.

[3]. The core idea here is R. Dworkin's distinction between option and brute luck in Dworkin 1981. Dworkin stipulates that '[o]ption 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.' Luck that is not option luck is brute luck. So construed, the distinction is a matter of degree along at least three distinct dimensions. A given risk can be more or less foreseeable, more or less avoidable by the agent if she chooses, and the risk can be avoidable by courses of action that are more or less advantageous in prospect for the agent. For this understanding of option luck I am indebted to Peter Vallentyne.

[4] . Rawls 1999, p. 63.

[5] . Nozick 1974, chap. 7, section II, esp.p. 219.

[6] . Rawls 1999, p. 274.

[7] . Rawls 1999, p.7.

[8] . Thanks to G. A. Cohen for suggesting the content of this paragraph.

[9] . Cohen 1989; Roemer 1996; Dworkin 1981a and 1981b.

[10] . Rawls 1999, p. 63.

[11] . Barry 1988.

[12] . Arneson 2000b.

[13] . Arneson 1997.

[14] . For further grounds for doubting that the distinction between chosen and unchosen luck should play a significant role in fundamental social justice principles, see Anderson 1999. For response, see Arneson 2000a; also Arneson 1999.