Justice
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The topic of "justice covers a broad range. This essay focuses more narrowly on "distributive justice."

Just about everything concerning the topic of distributive justice is contested. Even the name is controversial (Nozick, 1974). In this chapter the term "distributive justice" refers to fairness in the distribution of benefits and burdens to persons in society.[i] There are at least four ideas at work here, each one variously interpretable: (1) what counts as a *fair* distribution, (2) how to conceive of benefits-and-burdens, (3) what are the necessary and sufficient conditions for being a person (a being whose condition matters for purposes of distributive justice), and (4) what are the relevant individuation conditions for a *society* or alternatively put, what is the spatial and temporal scope of principles of distributive justice. (3) and (4) are important issues, but my discussion concentrates on (1) and (2).[ii]

In what follows I shall follow John Rawls (1971/1999) and assume that judgments of justice have priority over other normative judgments. If a society is unjust, it ought to be changed to eliminate the injustice, whatever other nice features the society might have, even if those nice features would be threatened by moves toward justice. Like the other terminological decisions discussed so far, this one has controversial implications, and in particular, it exerts pressure towards adoption of an expansive and inclusive account of justice, so that it can be plausible to deny that a society that is unjust might nonetheless all things considered be worth preserving as it is in order to preserve its desirable nonjustice attributes. Viewed this way, justice assessment is fundamental moral assessment and the principles of justice are the fundamental moral principles. The treatment of the topic of distributive justice that follows is not comprehensive, but merely examines some recent prominent proposals.

Utilitarianism.

Utilitarianism comes in many versions and flavors. For our purposes two are relevant. The act utilitarian principle of right action is that one ought morally always to do whatever act, among those available, would bring about the largest aggregate utility. The aggregate utility of a choice is the sum of its impacts, positive or negative, on each affected person. The maximization of utility can also be embraced as a standard of distributive justice—institutions, laws, social practices, social norms, individual acts, and anything else that has a causal impact on aggregate utility can be regarded as more or less just, the closer they are to being utility-maximizing.

Utility here is individual good or welfare—what makes a person's life go better or worse for that very person. Different accounts of individual good yield different versions of utilitarianism. Two prominent accounts are hedonism and desire satisfaction. According to the former, utility is pleasure and the absence of pain; according to the latter, utility is satisfaction of noninstrumental desire, with each desire weighted by its intensity.

Internal to utilitarianism is an arithmetical egalitarianism. Everyone's identical welfare gains and losses count exactly the same as anyone else's in the determination of right action and policy choice. In this respect utilitarianism opposes aristocratic and other

elitist views that accord extra moral value to achieving welfare gains and avoiding welfare losses for the aristocrats or people who count as elite by high placement on some favored dimension of assessment.

Utilitarianism is proposed as a theoretical criterion of right action and policy. Acceptance of it in this role does not commit one to acceptance of it as a practical decision making guide. Given that when human individuals choose how to act, they tend to be not well informed, inclined to favor themselves and those near and dear to them, and not very good at rationally incorporating such information as they have into calculation of what to do, utilitarianism would be a poor decision making guide for most people in most circumstances. Hence the utilitarian should favor establishing laws, institutions, social practices, social norms, even public and private moralities that will operate to produce the best possible results as assessed by the utilitarian standard. In terms made familiar by R. M. Hare, the utilitarian needs to distinguish different levels of moral thinking (Hare, 1981, also Railton 1984). At the theoretical level, the utilitarian standard of distributive justice is that policies should maximize aggregate utility, but at the practical level, the norms that guide lawmakers and policy planners and ordinary citizens should be whatever would best advance the theoretical aim. What these should be depends on the empirical facts.

John Rawls and the critique of utilitarianism.

John Rawls's *A Theory of Justice*, perhaps the most profound contribution to its subject since the writings of Hobbes, aims to provide a substantial alternative to utilitarianism, which he takes to be the dominant way of thinking about social justice within the broadly liberal tradition of political philosophy. Rawls objects that utilitarianism is not at its root a liberal theory; utilitarianism does not safeguard the rights of individuals. The objection is that utilitarianism ignores the separateness of persons or what Rawls calls the "distinction between persons" (Rawls 1999, 24). The problem (in part) is aggregation. Affirming that we should always do what maximizes the sum total of utility implies that if in peculiar circumstances driving one person to the wall would bring about small gains for many people, perhaps already very well off people, the numbers might yield the result that sacrificing one person for the sake of gaining benefits for many is what we should do. By the same token, eliminating the basic liberties of some for the sake of welfare gains to others might in principle be the right policy according to utilitarianism, depending on the amounts of utility gains and losses that alternative policies would bring about.

Denying these claims, Rawls identifies the substance of justice with what would be chosen by free and equal rational persons in a setting that is designed to be fair for the purpose of choosing principles of social regulation. The philosophically favored interpretation of that choice problem Rawls calls the original position. Its decisive feature is the veil of ignorance, which stipulates that the imagined parties choosing principles are to be ignorant of all particular facts about themselves and aware only of general facts of physical science and social science. Rawls argues that the principles of justice that would be chosen in the original position are a principle requiring equal civil liberties for all and a principle to the effect that social and economic inequalities are acceptable just in case they are (a) attached to positions and offices open to all under fair

equality of opportunity and (b) maximize the benefits going to the worst off social group. (For more on these ideas, see the article on "Rawls" in this volume by Leif Wenar.)

Civil liberties such as free speech are important for distributive justice defined in the broad way of this chapter, but I am going to ignore them, and simply assume that we are arguing among positions that agree about free speech and other basic democratic rights. Rawls's view on distributive justice then encompasses fair equality of opportunity (FEO) and the difference principle. FEO obtains in a society when (1) all may apply for positions of advantage and applications are assessed on their merits and those who submit the most meritorious applications are selected, and furthermore (2) all have a fair opportunity to become qualified for such competitions, so that any members in society with the same native endowments of talent and the same ambition and diligence have exactly the same prospects of competitive success. FEO holds that if there are to be social inequalities, the superior positions must be open to all on a basis of fair equality of opportunity. The difference principle fixes when there should be such inequalities and how large they should be. Institutions should be arranged so that social inequalities work to make the position of the worst off social group as favorable as possible. The inequalities that are just are those that are functional in this sense.

The Rawlsian principles measure the benefit levels that individuals achieve in terms of their holdings of primary social goods. These are resources and opportunities , distributable by society, that every rational person wants more of rather than less, or in a later formulation, that individuals would want if they give priority to developing and exercising their moral powers to cooperate with others on fair terms and to form and revise as appropriate and pursue a conception of the good.

The idea that what we owe to one another is a fair share of primary social goods involves a division of responsibility between society and the individual. Given a fair share of resources, liberties, and opportunities, each of us has her own life to lead, and is responsible for choice of life aims and choice of a life strategy or evolving plan of life to fulfill her aims.

Proposing a rights-based doctrine that emphasizes individual liberty in several ways, Rawls offers a version of philosophical liberalism that is a distinct alternative to utilitarianism, in which rights and liberties are regarded as means to a more ultimate moral goal.

Lockean libertarianism.

A take-no-prisoners assault on philosophical liberalism appeared in 1974, just three years after the publication of Rawls's book. Robert Nozick's *Anarchy, State, and Utopia* weaves together the natural rights doctrine of John Locke and Ayn Rand style libertarianism See Nozick 1974, Locke 1690, and Rand and Branden, 1964). In Nozick's synthesis, individuals have absolute, exceptionless moral rights to live as they choose and do as they wish with whatever they legitimately own, provided they do not harm others in certain wrongful ways, especially force, fraud, theft, assault, and causation of physical damage to the property of others. On this view, if one has a moral right to X, one is at liberty to do X, and others are under an enforceable moral duty not to interfere (in certain ways). Moral rights are waivable, transferable, and forfeitable. One may always allow another person to do to one what one has a right that the other not do; any right one has,

one may give or trade to another person; and by violating rights of others one may come to forfeit some of one's own rights.

The core of the libertarian doctrine of rights is the affirmation of self-ownership. Each person is deemed to be the full rightful owner of herself, which means that the entire bundle of rights standardly associated with ownership of material things is held by each individual person over herself. Being the full owner of oneself, others have no property rights at all over one's body, no enforceable rights that one use one's body to benefit others or behave as they might wish. No one then has any positive rights to aid from others, absent voluntary contract or promise of such aid, not even aid in the protection of one's Lockean rights. Moral rights according to the libertarian are agent-relative side constraints to be respected and not goals to be promoted.[iii] In deciding what to do, within the limits of libertarian rights, one subtracts from the set of options one might now perform any that would violate the rights of others, and is morally free to choose any action from the remaining set of possible actions.

The distinctive character of Nozick's libertarianism reveals itself in his account of distributive justice. People's holdings of private property in parts of the Earth are morally legitimate just in case each person gets property by voluntary transfer from someone who is entitled to it, who got it from someone who was entitled to it, and so on, all the way back to an initial legitimate appropriation of unowned material stuff. Legitimate appropriation of private property occurs against a background in which all people provisionally have rights to use freely any part of the Earth. One may eat the fruit that grows on trees and cut down the trees to build fires, but any improvements one makes on unowned land would be available for free use by others. In this setting, one may appropriate unowned moveable pieces of the Earth or tracts of land as one's private property provided that doing so does not make anyone's condition worse than it would have been under a regime of continued free use. Continued ownership remains subject to this Proviso, so one's property right in an object diminishes or lapses if one's ownership comes to render others worse off than they would have been under free use, but apart from that condition, Nozick envisages self-owning persons acquiring full, permanent, transferable and bequeathable private property rights over material things. (The story about intellectual property would presumably also incorporate a version of the Proviso.) Nozick develops a right-wing libertarianism, in contrast to the left-wing versions that start with the claim that whereas each individual person owns herself, the Earth belongs to all people in common, generation after generation (Vallentyne and Steiner, 2000).

This entire edifice appears to rest upon a flat denial of the claim that anybody owes anybody anything except to refrain from harming in specified ways and to keep one's voluntary contracts and promises. Why accept this denial that morality includes any requirements of beneficence? Nozick sketches an argument on this point. He suggests that the ideal that morality consists of absolute, exceptionless side constraints is best explained by the separateness of persons idea—the idea that each is the full rightful owner of herself and no one is properly a resource for any other person—and from this separateness of persons claim (along with some uncontroversial further premises) one can derive the full doctrine that the side constraints that bind us are the Lockean libertarian rights. If the argument could be filled out successfully, one could not deny that the substance of morality is Lockean libertarianism without denying that morality consists in absolute, exceptionless side constraints of any sort.

Nozick himself does not work out this argument sketch in detail, and it is hard to see how this might be done, so assessing the argument is difficult. I shall make two tentative remarks. One is that the starting point is eminently contestable. That there are some moral principles that are fundamental, and thus hold necessarily and universally, is plausible. But that such principles take the form of side constraints such as "Never steal anyone's property for any purpose" or "Never assault an innocent nonthreatening person" is doubtful (Sen, 1982). One can imagine an unending series of scenarios in which the consequences of not acting contrary to such rights become worse and worse, and at some point in the progression, a reasonable person will judge that the right gives way. A second remark is that anyway it is radically unclear why a morality of absolute side constraints must assume the shape of Lockean libertarian rights as Nozick construes them. The absolute side constraints on one's choice of options might for all that has been said include a constraint not to be a free rider on fair cooperative schemes for delivering public goods and a constraint that one provide easy rescue to those in peril. The second-mentioned "constraint" is a positive duty to aid, but so far we have not been given reason to accept that constraints are limited to duties not to harm and do not extend to duties to aid.

One might object that positing a moral duty to help others or to promote the fulfillment of everyone's moral rights cannot be squeezed into the framework of an absolute side constraint view because one would have to draw arbitrary lines across continuous curves charting how much one might be obligated to provide for others by way of benefit at what cost to oneself. However, if line-drawing of this sort poses a problem for a morality of absolute side constraints, this is a problem that is in any case one the doctrine faces, whether or not duties to aid are included. Does the absolute side constraint against harming others forbid me from inflicting even a jot of damage on the persons or property of others as side effects of pursuing my own projects, and does it forbid me from inflicting even a tiny risk of causing such harm on others? (See Railton 2003.) I conjecture that if the absolute side constraint advocate can develop plausible nonarbitrary proposals for drawing moral lines marking reasonable tradeoffs among conflicting values, she will have the theoretical resources to include duties not to free ride and duties to aid—duties that are anathema to the Lockean—in the array of side constraints to be respected.

Even if the idea of regarding natural moral rights as conceived by Nozick as absolute and exceptionless turns out to be a dead end, this would not dispose of Nozick's claims regarding what rights we have and what we owe each other. Lockean libertarian rights could be reinterpreted as allowing exceptions, and as coexisting with duties of beneficence. How plausible such a moderate Lockeanism would prove to be is a further issue (on which, see Simmons 1992).

The capabilities approach and luck egalitarianism.
Imagine two persons who have equal holdings of primary social goods such as income and wealth. One is legless, and one has fully functioning legs; otherwise they are similar. The former must spend most of her income to gain mobility which the latter gets naturally and for free. Amartya Sen points out that according to the primary social goods standard, the condition of the two is the same, but for distributive justice purposes, this is not right, the legless person is clearly seriously disadvantaged. More generally,

individuals vary widely in the quality of their personal traits that bear on their ability to achieve worthwhile aims, and the relevant measure of a person's condition for purposes of distributive justice is accordingly not her resource share but what she is enabled to be and do that she has reason to value, given her resources, personal traits, and other circumstances. In Sen's terms, the relevant basis of interpersonal comparison for distributive justice is each person's set of capabilities to achieve functionings he has reason to value (Sen, 1992). Martha Nussbaum amends Sen's proposal by specifying that justice requires that each person should be enabled to achieve an adequate or decent level of functioning in each of the several varieties of functioning that taken together constitute a decent or good enough human life (Nussbaum 1992 and 2006).

Will Kymlicka writes, "When inequalities in income are the result of choices, not circumstances, the difference principle creates, rather then removes, unfairness." (See Kymlicka 2002, 73-74). To appreciate this worry, imagine a society that is regulated by Rawls's principles, and in which those who end up worst off in social primary goods are all slackers, people who avoid remunerative hard work as much as possible, and many of those better off in terms of primary social goods are not favorably endowed in personal traits but simply engage diligently and steadily at remunerative hard work. It does not seem just that in these circumstances society should be arranged for the maximal benefit of the slackers. This thought is the nub of the doctrine that has come to be called "luck egalitarianism" and that is most thoroughly articulated in some writings by Ronald Dworkin.

Ronald Dworkin's equality of resources doctrine.

Ronald Dworkin writes that his theory of distributive justice aims to make people's personal resources sensitive to their choices but insensitive to their circumstances (Dworkin 2000, p. 89). This seems to dispose of the slackers. Dworkin explicitly works to develop an account of social justice including an account of distributive justice that incorporates an adequate view of personal responsibility into the view of what we owe one another insofar as we are resolved that when acting through the state we shall treat each other as equals (see also Cohen 1989).

According to Dworkin justice requires equality of resources. This ideal is met when external resources are initially distributed via an auction in which all persons have equal bidding power and variability in people's endowments of personal resources is offset by a hypothetical insurance market in which individuals have the opportunity to insure against having low marketable talent and another hypothetical insurance market in which individuals can insure against being afflicted by handicaps. These markets are hypothetical because we assume counterfactually that all individuals lack any knowledge of the market price their talents might fetch and lack any knowledge of their particular likelihood of being struck by a genetic or early childhood disability. By extending the domain of advantages and disadvantages that individuals incur, all of which are to be balanced in the calculation that determines fair distribution, Dworkin's construction accommodates the worry about the narrowness of primary social goods calculation described three paragraphs above.

If we add to this picture the supposition that after receiving a fair share of resources as dictated by the ideal auction and insurance markets individuals interact in a fair framework for interaction and have the opportunity to insure at market rates against

any misfortune they dread, we now have in mind a pure starting gate theory of distributive justice. After an initial fair (equal) allocation that ideally compensates for bad brute luck, individuals thereafter experience luck only as mediated by their choices—option luck. So there should be a once a lifetime or once a generation initial distribution of resources to secure that all are treated as equals in the distributive justice domain.

Matters are more complicated, however. Dworkin affirms that when ordinary insurance for future contingencies is unavailable, and when people have not received an equal start in life and then come to experience good and bad luck as they live their lives, justice requires that social arrangements such as a tax and transfer scheme be put in place that allocate to people what they would have been entitled to get according to the insurance choices that the average member of the community would have made if she had had the opportunity to purchase insurance at competitive market rates in a fair initial situation (with everyone being fully informed of all information relevant to choice and commanding equal resources according to the equality of resources ideal).

The average member of the community, fully informed, might well choose to insure against misfortunes that she could avoid by her choices, because she knows that although she could, she likely won't, and the consequences would be bad, and helpful remedies are available. Perhaps the already discussed slackers should get some compensation, on Dworkin's ramified view.

Leaving the exegesis of Dworkin to the side, it is not so clear that, at the level of theoretical moral principle at least, the theory of distributive justice ought to hold individuals responsible for their choices in the sense of denying that predicaments that they fall into as a consequence of their choices trigger any obligation on the part of others to rescue the choosers from these predicaments or to compensate them for resulting losses. One's poor choices and the low quality preferences that motivate them may simply reflect one's poor genetic and early childhood socialization endowments of preference forming and choice making and choice executing ability. Even if the individual is properly held responsible for her choices, to some degree, the task of sorting out what one is and is not responsible for begins to look tricky and might turn out to be intractable.

Interpersonal comparisons, welfare, and equality versus sufficiency versus priority.

Suppose there is a correct objective measure of the good quality of an individual's life, assessed from a prudential standpoint (for discussion, see Parfit 1984). Just suppose. How well a person's life goes for that very person can be decomposed into several components—for example, pleasurable experience, achievement, systematic knowledge, and love and friendship. How well a person does on each of these dimensions can be assigned a score, and there is an index or formula that enables us to compute, for any combination of scores on the several dimensions, the individual person's positive well-being score, and there is a similar measure of bads, the difference between positive and negative yielding the person's overall well-being level. This measure is cardinally interpersonally comparable. (The idea of a numerically precise measure is dubious, but we might hope for partial comparability and inexact, rough cardinal interpersonal comparisons.)

Let us say that a *welfarist* approach to distributive justice holds that there is an interpersonal measure as just described and that this is the appropriate measure of people's condition for determining what we morally owe to one another. Both of these claims are controversial. Still, I assume that welfarism has an appeal.

Welfarism might consort with a wide variety of types of moral principle that might serve to regulate the distribution of social benefits and burdens. Some would be frankly elitist—steak and ale for the aristocrats, hamburgers and water for the common folk. Let us focus on principles that are egalitarian just in holding that a welfare gain or loss of a certain size has the same moral value, no matter whether it goes to you or me or anyone else, and no matter whether it goes to any member of any ascriptive group such as aristocrat or peasant or Croat or Serb or the like.   We can distinguish several broad principles a broadly egalitarian theorist might adopt. A *sufficiency* principle holds that society should be arranged so that everyone attains a good enough or sufficient level of well-being—a well-being number that indicates a decent quality of life. A principle of *equality* holds that society should be arranged to that everyone attains the same level of well-being. A *maximin* principle holds that society should be arranged so as to maximize the level of well-being of whoever is worst-off in this respect.

Sufficiency notions play a useful role in public policy, as when we define a poverty line and seek policies that bring as many as possible to that line. However, at the level of fundamental principle, the objection arises that there is no nonarbitrary way to determine where to draw the line of sufficiency, so wherever we draw the line, it cannot have the importance for just policy that the sufficientarian takes it to have. Equality doctrines prompt the objection that it does not matter morally how one person's condition compares to that of another, so a fortiori it does not matter morally (except perhaps instrumentally) that everyone has the same or is treated the same in any respect. Equality is a more plausible idea when construed as an affirmation that all individuals have equal basic moral worth and dignity or that each person's interests should count the same as any other's in determinations of what we owe to one another. But equal worth does not imply equal shares. (See Anderson on "Equality" in this volume.)   Maximin looks to be an extreme doctrine, as it were, a dictatorship of the worst off. Why should a jot of extra well-benefit for the worst off take precedence over any amount of well-being gain for any number of better off persons?

Prioritarianism names a family of doctrines that deny that it is intrinsically morally important how one person's condition compares to that of another yet affirm a version of the maximin idea that justice requires giving priority to improving the condition of the worst off (Parfit 1991). Priority holds that one ought to choose actions and policies that maximize moral value, which accrues only from benefit to persons (or avoidance of loss). The moral value of gaining a benefit for a person is larger, the greater the well-being increase the person obtains from it, and larger, the worse off the person would otherwise be in lifetime well-being.[iv]

Prioritarianism is a close cousin of utilitarianism, and will attract some of the same objections. The entire extended family of welfarist approaches to distributive justice is also vulnerable to attack, and has been attacked vigorously, from a range of viewpoints including those of Rawls and Dworkin, whose views we have already canvassed.

Equality, sufficiency, and priority are principles of distribution that can just as well be formulated in terms that do not assume interpersonal comparisons of welfare. Broadly speaking, an egalitarian distributive principle stipulates that better off people have a special obligation to make sacrifices to improve the condition of those worse off. "Better off" and "worse off" need not be defined in terms of welfare or well-being.[v] The assumption of the welfarist is that at least at the level of fundamental principle, what we should be concerned about is the overall quality of each person's life, assessed in terms of what fundamentally makes a life go better or worse for the one who lives it. The most straightforward objection to welfarism denies the possibility of cardinal interpersonal welfare comparisons. One can always concoct a measure of welfare, but one can concoct any number of them, and there is no basis for nonarbitrary choice of any one. Addressing the objective list advocate, one can ask, what warrants placing *these* items on the list and not others, and no good answer will be forthcoming. So goes the skeptical response. If it is on the right track, any attempt to incorporate interpersonal welfare comparisons in a theory of what we fundamentally owe each other is bound to be incorporating false claims at the heart of the theory.

A second line of objection does not deny the possibility of a welfarist measure, but denies it could be fair to establish an enforceable system of justice on its basis, given that in modern diverse societies ordinary fairly reasonable people fan out into allegiance to many conflicting conceptions or morality and human good. It is deemed to be disrespectful and unfair to impose social obligations on people on the basis of a public ranking system that conflicts with their own fairly reasonable (reasonable enough) views of their own good.

A third line of objection affirms a division of moral responsibility between the individual and society that is said to conflict with any welfarist approach. Society—all of us taken together—is responsible for providing a fair share of opportunities and resources and liberties to all, and what people then do with their own lives is up to them and not the proper business of society. Given a fair distribution in the context of fair social arrangements, each individual is responsible for the quality of her life. This does not mean that she is obligated to aim prudently at the maximization of the quality of her life, but rather that sheer shortfalls in well-being do not trigger justice obligations in others to make good the shortfall.

Welfarists have responses to these three lines of argument, which might or might not be adequate (Arneson 2004). At this point I want to leave this debate and inquire what options remain for distributive justice if cardinal interpersonal welfare comparisons are eschewed.

One option is to base interpersonal comparison for purposes of distributive justice on people's holdings of, or access to, a limited set of uncontroversial external goods, especially goods that are useful for carrying out a wide array of life plans. This is roughly the idea of Rawlsian social primary goods. This idea is afflicted by a difficulty already mentioned. People differ greatly in their talents and in their circumstances, and these greatly affect what any individual is enabled to be and do with a given set of external resources.

Another option involves comparing people's situations without reliance on interpersonal welfare comparisons. This project has been worked out in considerable detail under the heading of what economists call the "theory of fairness" (Varian, 1974).

The core idea is that of an envy-free distribution—one in which nobody would prefer the situation of any other person to one's own. Initially the thought is that each person compares the consumption and leisure bundle she gets with the consumption and leisure bundle of every other person. The comparisons are then extended, for example, to situations involving production of goods. In the most general case, one compares one's total set of external resources and circumstances plus talents and personal traits that any other individual has to those she has. When people differ in both internal and external resources and have different preferences, bringing about an envy-free distribution is not generally possible. Several conceptions of fair distribution have been identified, that are satisfiable across the generality of cases, without relying on interpersonal comparisons (see Fleurbaey 2008). To get a sense of the character of this approach, consider the egalitarian-equivalent distribution. Suppose there are a number of individuals. Each one has personal traits for which she is deemed personally responsible, along with circumstances (these will include some of her personal traits) for which she is deemed to be not personally responsible. There are external transferable resources, either just given to the distributive justice agency or possessed by individuals, but such that they can be taken from present possessors and redistributed. To obtain the egalitarian equivalent distribution, we set a reference level of internal resources (traits and circumstances), and give maximin priority "to individuals whose current level of well-being would be obtained with the least resources if their circumstances were of the reference type" (and their traits for which they are responsible remained as they actually are) (Fleurbaey, 2008, 63).

The fairness approach just sketched holds that if the individual satisfies her preferences, she lives well in her own terms (though one cannot say she lives better than others who fail to satisfy their preferences). The welfarist disputes both taking preference satisfaction to be the ultimate desideratum and denying the coherence of individual comparisons.

A test case for assessing these approaches to distributive justice is their response to the willing addict (righteous dope fiend). This person prefers above all to use heroin frequently, is glad to have this preference, and cares little or nothing for anything else. He prefers more years of life as an addict to fewer, but prefers a shorter life expectancy as an addict to a longer life expectancy as a nonaddict. He is neither cognitively impaired nor mentally ill, and his preference for heroin was not formed in debilitating circumstances. To sharpen the case, suppose that by some intervention one could alter the wiling addict's preferences, so that he comes to lead a fulfilling life by the objective list standard, but in that event the person would remain wistful for the life of the addict, and never come to prefer or endorse the course his life has taken. The welfarist and the fairness approach advocate will be, in theory, utterly opposed as to the right moral response here, though practical considerations might soften the conflict at the level of policy proposals.

Democratic quality and equality of social relations.
Luck egalitarian doctrines have attracted estimable critics, including Elizabeth Anderson and Samuel Scheffler (Anderson, 1999, Scheffler 2003). Consider a simple, strong version of this doctrine: Unchosen and uncourted inequalities should be eliminated, and chosen and courted inequalities should be left standing. One concern is

that voluntariness of choice varies by degree along several independent dimensions, and it is not so clear how to integrate these dimensions into a single measure of voluntariness and how to respond to the range of partially voluntary choices.

Another criticism is that voluntary choice does not have the make or break significance for distributive justice that luck egalitarianism assigns it. This criticism echoes a criticism of the Lockean libertarian treatment of voluntary choice, which, it is objected, the luck egalitarian swallows in a misguided attempt to accommodate conservative criticisms of left-wing theories of social justice. Common sense rejects the rigid position that if someone has become entangled in an unfortunate predicament through her own fault or choice, those who enjoy good fortune have no moral obligation of justice to lend a helping hand. By the same token, many would hold that when someone attains wealth and privilege that she would not have gained but for the sheer good brute luck of having received a favorable genetic endowment or early upbringing, there is no imperative of justice that requires eliminating this inequality, brought about by unchosen luck.

One possible response to this criticism is to point out that the personal responsibility factors that the luck egalitarian emphasizes might be considerations that affect what we owe to one another by way of distributive justice even if these considerations do not entirely rule the roost. That one is badly off, or worse off than others, might generate a reason to help one, a reason that is dampened though not entirely eliminated, the more it is the case that one has arrived in this unfortunate situation through one's own choice or negligence. In forming a considered judgment on this issue, it is hard to make further progress in the absence of a specific proposal that says what other factors are important for distributive justice and how weighty a consideration personal responsibility is by comparison with these other factors.

This issue is further complicated by the obvious fact that on any account of distributive justice, factors that are standardly bundled under the category of personal responsibility will have instrumental significance. Holding people responsible for their choices can simply mean establishing carrot and stick incentives, so one gains an advantage for oneself if one behaves in a way that is deemed socially desirable and suffers a disadvantage if one behaves in a way that is deemed socially undesirable. For example, the difference principle might be better fulfilled by social policies that promote full employment than by direct cash grants to the group of people that is worst off in terms of primary social good holdings. Private voluntary associations will also deploy responsibility practices in pursuit of heir own aims. If one wants to build a successful stamp collecting club, one will do best to set up practices that will reward those who are assiduous in promoting the club's aims. For the assessment of luck egalitarianism, the question is whether or not, setting aside instrumental uses, some notions of personal responsibility have intrinsic moral importance.

The democratic equality theorist does not so much deny that responsibility has intrinsic moral significance, but rather urges that the luck egalitarian misconceives its character. Elizabeth Anderson proposes that the egalitarian should affirm equality in social relations, equality of status (Anderson 1999). In a just society, democratic equality prevails. What distributive justice requires is that every member of society is enabled throughout her adult life to participate as a fully functioning member of a democratic society. Each should be continuously enabled to function in all of the ways that together

constitute full membership in a democratic society. This is a version of a sufficientarian doctrine: each individual must be sustained at a "good enough" threshold level of capability to function as a full equal participant in a democratic society.

A conception of individual and collective responsibility is implicit in the democratic equality ideal. All of us together are responsible for bringing it about that each person is sustained at the decent threshold level of capability.   If one falls below some threshold, no matter how this comes about, one is entitled to the help that restores one to the good enough level. Since the entitlement is to capabilities or real freedom to gain the relevant functioning achievements, responsibility rests on each individual to behave in ways that will transform the capabilities into achieved functionings at the good enough level. (To say that I am responsible for sustaining my own good health provided circumstances are arranged so I have the real freedom to do that is to say that if I fail to act to sustain my own good health, no one is morally obligated to make good the shortfall in my good health functioning.) Beyond the good enough level, provided there is a fair framework for interaction in place, individuals are on their own, in the sense that others are not responsible for helping them gain or sustain levels of advantage past the minimum needed for full participation.

From the democratic equality standpoint, luck egalitarianism appears to be both too harsh and unforgiving in its treatment of those who end up below the good enough capability level via their own choices, and too intrusive in demanding redistributions of resources involving people all of whom are above the good enough level but to varying degrees. Consider first those who end up below the democratic equality good enough level. According to the luck egalitarian, these people merit help only if their predicament is not of their own making, so procedures must be installed that attempt to sort the deserving from the undeserving needy and channel aid only to the deserving. This is unfair to those who are denied aid on the basis of moralistic judgments regarding their conduct, and also unfair to those who receive aid only after being subjected to what has been called "shameful revelation"—being required to provide evidence that one lacks normal abilities and opportunities and hence should not be deemed personally responsible for being needy in a way that absolves others of obligations to help. In either case, the needy are not being treated with the respect that every person is owed.

Consider next the worry that luck egalitarianism is too intrusive. According to the simple luck egalitarianism under review, unchosen and uncourted inequalities should be undone whether or not the people who get the short end of the stick are below the good enough threshold or above it. The inequality in life prospects between Bill Gates and Donald Trump, if it is brought about by brute luck factors, merits redress, in just the same way and for just the same reason that the inequality between Bill Gates and a needy homeless person (who has not chosen or courted her needy homeless state) does.   The democratic equality theorist surmises that something is awry here. The luck egalitarian distributive justice conception illicitly extends the domain of egalitarian concern.

The root of the difficulty, according to the democratic equality critic, is that according to luck egalitarianism sheer unchosen bad luck suffices to trigger distributive justice demands for compensation and redistribution. But the mere facts that you were born with greater native talent potential and are more physically attractive are not plausibly understood as triggering egalitarian justice demands. Nor does the sheer brute luck that an uninsurable meteor shower damages my crops and not yours generate a

demand on my part for compensation from you and other lucky persons. As Anderson puts it, the proper concern of egalitarianism is oppression, which is always socially caused.

There are two components to luck egalitarianism—"luckism" and egalitarianism. Both come in different versions. The democratic equality critique attacks both components. The components function in tandem, so the best response to the democratic equality critique will identify the most plausible and promising combinations of them.

Regarding egalitarianism, the democratic equality critique revisits the disagreement between equality, sufficiency, and priority views that we have already discussed.   The sufficiency doctrine faces the objection that there is no nonarbitrary line of sufficiency; there are simply different dimensions of human well-being, each of which varies by degree. The democratic equality theorist has a response. She claims that the significant line marks the threshold level of capability, having which enables one to be a fully participating member of a democratic society. This standard is vague and somewhat unspecific, but maybe that is not an objection. Maybe the line that morally matters is a vague, blurry line. The standard presupposes a commitment to the idea that a just society must be a democratic society, but perhaps that too is acceptable. If the society is ruled by dictatorship, or divided by caste hierarchy, the democratic equality ideal says one ought to shift to democracy and eliminate the castes.

What level of access to resources one needs to be a full participating member of a democratic society is surely to some considerable extent relative to the wealth of the society one inhabits. A level of wealth that would render me an excluded outsider in contemporary Europe or the U.S. might be sufficient for full participatory status in India or an even poorer democratic society. The democratic equality distributive justice perspective thus seems to have somewhat conservative implications regarding global justice. A world could consist of fully democratic societies each meeting the democratic equality standard even though the level of wealth differs enormously from society to society. In fact, one could face grim life prospects, a life of utter squalor, but still have the capability to be a full functioning member of a democratic society provided most others also face squalid life conditions. From the luck egalitarian perspective, something is askew in the democratic equality view. That people are living avoidably squalid lives through no fault or choice of their own does not register as a consideration at all, much less a decisive consideration, in the democratic equality perspective, in the determination of what we owe to one another.

Samuel Scheffler offers another interpretation of the democratic equality ideal, or perhaps another aspect of it. (Scheffler 2003) He characterizes the egalitarian society as one in which relationships among people are unmarred by inequalities of status, power, rank, and authority. An egalitarian society is a society of equals. Distributive justice is ancillary to social equality: the distribution of resources and opportunities is just, at least in part, to the degree that it promotes rather than undermines relations of equality. This is an attractive idea, but as he notes, it is also somewhat elusive and hard to interpret. Inequalities of status, power, rank, and authority are widespread in existing democratic societies. Employers have power and authority over employees, physicians over patients, professors over adult students, and so on. In the public and private sector, many people work in large bureaucracies organized as top-down hierarchies. These inequalities are part of the fabric of modern society, not alien to it, many of us suppose.   Widespread

acceptance of great inequality in relationships challenges the idea that the fundamental egalitarian ideal is social equality understood as equality in relations among people.

One line that might be pursued allows that equality in relationships is one value among others, and is often overridden by other values. So perhaps a lot of social inequality is acceptable all things considered in a society that adheres to democratic equality ideals. One might also distinguish constrained and unconstrained social inequality, and interpret democratic equality as opposing only the latter, or mainly the latter. Relationships of inequality in status, power, authority and rank are constrained to the degree that subordinates in these relationships have acceptable exit options, and to the degree that those on top are checked by effective accountability practices. An accountability procedure in an organization gives superior officials incentives to use their power and institutional privileges in ways that advance morally legitimate organization goals rather than the private aims of the officials.

From the luck egalitarian perspective, the ideal of equality in relationships looks to be an unlikely candidate for the role of fundamental organizing value for distributive justice. From the social equality or democratic equality perspective, if I suffer bad life prospects, am looking forward to grim quality of life, I have no valid moral complaint if the overall distribution of benefits and burdens that includes giving me the short end of the stick promotes overall achievement of the appropriate level of equality of power, authority, rank, and status across society.

The luck egalitarian flips this perspective on social equality. For the luck egalitarian, power, authority, rank, and status are tools for promoting justice values, and society should be arranged so that the formation and distribution of these tools efficiently serves justice values—luck egalitarian aims. Here there is a rock-bottom disagreement.

Conclusion.

In this essay I have identified some fault lines in current discussions about what we owe one another. Lockean libertarians think we owe each other nothing except not to harm them or interfere with them in certain ways. Other theorists hold that every human being, just in virtue of being a human being, is owed help toward being enabled to lead a decent-quality life, and owes everyone else in turn. From that starting point, disagreements proliferate. Who owes help to whom, and on what occasions, and on what basis? Recent discussions make progress on all of these questions, but definitive answers seem to be, so far, elusive.

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[i]. The term "distribution" here allows a process/product ambiguity. "Fair distribution" can refer to a fair process of distributing or to a fair pattern that results from the process.

[ii]. Notice that (3) is too narrowly framed. A full treatment of distributive justice should specify what is a fair distribution of benefits and burdens across persons and human individuals that are not persons and nonhuman animals that are also not persons.

[iii]. To see this distinction, consider this example: Suppose you could prevent two people from breaking promises they have made, but only by yourself breaking a comparably important promise you have made to some other person. The ordinary norm of promise-keeping is agent-relative: it says to the agent that she should not break the promises she has made, so this ordinary norm implies one ought not to break one's own promises even in order to reduce the overall amount of promise-breaking generally, at least up to a point.

[iv] Why *lifetime* well-being? One could also apply the doctrine to individuals at a time, priority being given to those who are worse off now. (See Mckerlie 2001).

[v]. Equality of wealth would require redistribution toward me if I have far less money than the average. My life might be going splendidly despite my lack of cash.