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Abandoning the Abandonment Objection: Luck Egalitarian Arguments for Public Insurance*

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Luck egalitarianism is a family of theories of justice that aim to neutralize the distributive impact of luck on people lives (Arneson 1989; Cohen 1989). These theories can be seen as combining features of both standard left-wing distributive views, such as outcome egalitarianism, and traditionally right-wing distributive views, such as right libertarianism. Like outcome egalitarianism, luck egalitarianism combats inequalities based on familial wealth or class, or natural differences in abilities and talents. But like right libertarianism, luck egalitarianism allows distributive outcomes to be strongly influenced by individual choices. Luck egalitarianism is typically interpreted by its advocates as broadly supportive of the public insurance functions typical of a welfare state, including universal health care and unemployment benefits. They see public insurance as a means of realizing the luck egalitarian goal of neutralizing the distributive impact of luck by protecting individuals against the bad luck of ill health, unemployment, and so on.

Several critics have cast doubt on this supposed connection between luck egalitarianism and the traditional welfare state, and argued that luck egalitarianism has an

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objectionably conservative or Thatcherite character (Wolff 1998; Fleurbaey 2001; see also Fourie 2012). One objection of this general sort has been a particular focus of discussion in the literature (Fleurbaey 1995; Anderson 1999; Scheffler 2003; 2005). This is the ‘harshness objection’ or (as I will refer to it) *abandonment objection*, which is as follows:

Major premise: no plausible theory of justice will abandon individuals to severely harmful outcomes.

Minor premise: luck egalitarianism will abandon individuals to severely harmful outcomes.

Conclusion: luck egalitarianism is not a plausible theory of justice.

To illustrate the objection, Elizabeth Anderson asks us to ‘[c]onsider an uninsured driver who negligently makes an illegal turn that causes an accident with another car. ... When [the emergency services] arrive at the scene and find that the driver at fault is uninsured, they leave him to die by the side of the road’ (Anderson 1999, p. 296). According to Anderson and other critics such as Fleurbaey and Scheffler, luck egalitarianism has no complaint with abandoning the driver – indeed it mandates it – as he has brought about this dire outcome. Public insurance is viewed as at odds with luck egalitarianism as the former aims to externalize certain costs of individual choice while the latter aims to internalize all costs of individual choice, and so refuses some assistance mandated by public insurance.

On the face of it, the abandonment objection poses a significant challenge to luck egalitarianism. Many luck egalitarians have acknowledged as much, and responded to it in various ways. In this article I consider seven arguments for the conclusion that luck egalitarianism can overcome the objection and provide a plausible egalitarian defence of

public insurance. I maintain that, while several of these arguments struggle to gain traction, several others succeed.¹

1. The Practical Argument

Some writers have sought to resist the abandonment objection by arguing that, under real world conditions, luck egalitarianism as it is normally construed would rarely have grounds for departing from the public insurance model. This response resists the minor premise, not on the basis that luck egalitarianism is closed in principle to abandonment, but rather by raising doubts about the empirical circumstances in which this abandonment would arise.

Nicholas Barry provides the fullest version of the practical argument, claiming that ‘because real world inequalities rarely reflect option luck, the harsh treatment problem will not be widespread’ (Barry 2006, p. 97). Option luck arises from ‘deliberate and calculated gambles’ in which the agent takes on ‘an isolated risk he or she should have anticipated and might have declined’; it contrasts with brute luck, which arises from ‘risks ... that are not in that sense deliberate gambles’ (Dworkin 1981, p. 293). An option luck outcome is standardly taken to be chosen by luck egalitarians and as such, not subject to redistribution (Arneson 1989; Cohen 1989). Barry’s remarks suggest four specific reasons for holding that option luck inequalities will be few and far between in practice.

¹ An eighth counterargument to the abandonment objection rejects the major premise, and argues that justice does not require public insurance. As Hillel Steiner emphasized in discussion, avoidance of very bad outcomes for all agents, regardless of their actions, may not be an objective of justice. This avoidance might seem either not a moral goal at all, or a matter of charity rather than justice (see Cohen 1989, p. 940). While there could well be something to that line of thought, many theorists are committed to views (for instance, about basic rights) that assume something like the major premise. I will, then, focus on ways of resisting the objection that instead involve rejection of the minor premise, and defence of public insurance.

First, 'it is unusual to have full knowledge of the risks involved in taking a particular option' (Barry 2006, p. 97). The idea, I take it, is that this knowledge shortfall undermines the sense in which the choice is a 'deliberate and calculated gamble', as option luck requires. Barry mentions the example of two individuals pursuing the same profession, but ending up with different outcomes on account of unknown talent differences. Second, 'the outcome an individual expects from an action or decision may differ markedly from the actual outcome' (Barry 2006, p. 97). Although Barry does not really distinguish this point from the first, it appears to be a second way in which a choice may be less than deliberate and calculated. Outcomes may differ from expectations even where knowledge is complete, as is the case in many gambles (for instance, a losing 'odds on' bet). Third, 'the need to make a decision is foisted upon individuals who are forced to take risks' (Barry 2006, p. 97). Here option luck seems to be undermined as this kind of 'gambling' is not declinable. For instance, maintaining a decent standard of living generally requires an occupation, selection of which is a kind of 'compulsory gamble'. Finally, 'even in advanced capitalist nations, large inequalities in income, wealth, education and family background mean that individuals choose from very different positions' (Barry 2006, p. 98). Barry and other defenders of the practical argument such as Kristin Voigt (2007, p. 395-396) suggest that where starting positions are influenced by these factors, the inequalities that are later generated are infused with brute luck.

While these four factors may work to reduce the amount of option luck inequality in society, I doubt that their impact would be as pronounced as Barry suggests. First, Barry intends to be using option luck and brute luck in Dworkin's sense, but it does not seem that Dworkin requires full knowledge, or anything close to it, for option luck to apply. A gamble might be deliberate and calculated even if the facts on which the calculations are based are to some extent mistaken. Second, it seems clear that other ways in which outcomes differ from

expectations, such as a ‘long shot’ gamble being won or a ‘sure thing’ gamble being lost, are quite compatible with (indeed, necessary for) option luck. Third, ‘compulsory gambles’ seem also to be cases of option luck, at least provided a sufficient range of alternative gamble are available, as the gamble taken could have been declined for another gamble. Occupational choices, for instance, are paradigmatic instances of deliberate and calculated gambles that could have been declined. Finally, while it is certainly correct that differences in, for instance, family background influence individuals’ choices and should be accounted for on a luck egalitarian scheme, it is hard to see the choices they make as ‘reflect[ing] brute bad luck, not bad option luck’, at least for the reasons Barry mentions (Barry 2006, p. 98). For instance, virtually no one in the situation of Anderson’s negligent driver could really claim that their situation of urgent medical need came about as the result of a disadvantaged upbringing. Few of the millions of people with a similar upbringing (whatever that may be) put themselves in such a situation. This is clear when considering, say, a working class negligent driver, and even more apparent for middle or upper class negligent drivers. Such negligent drivers seem, therefore, to be victims of bad option luck, not, as Barry implies, bad brute luck.

In sum, then, it does not seem that the abandonment objection can be resisted on practical grounds. Individuals appear to often be badly off due to bad option luck, in which case they have no luck egalitarian claim to be protected by public insurance.

2. The Sufficiency Argument

A different way of defending luck egalitarianism against the abandonment objection accepts that vanilla luck egalitarianism has a problem with abandonment, but maintains that this does not require us to reject the view tout court. Rather, this argument says we should combine luck egalitarianism with *sufficientarianism* – the view that everyone having a minimum

threshold of goods (or as close to this as is possible) is the highest distributive goal (Frankfurt 1988; Crisp 2003).

Sufficientarianism is not ‘responsibility sensitive’ as luck egalitarianism is. It requires that everyone receives ‘enough’ (e.g. has their basic needs satisfied or their basic capabilities secured) regardless of their choices. As such, sufficientarianism provides a very straightforward justification for public insurance. It wholeheartedly agrees that abandonment is unacceptable, as the major premise maintains, and ensures that it never arises. Barry defends the combination of luck egalitarianism and sufficientarianism on the basis that ‘it seems fair that each person is equally guaranteed the capabilities needed to participate fully in a democratic society, in return for the freedom that they have lost in the state of nature’ (Barry 2006, p. 100). Paula Casal likewise argues that ‘sufficiency-constrained luck egalitarianism’ provides an appealing compromise, as ‘[m]aintaining equality of outcome involves restricting individuals’ choices, or extending their liabilities for others’ choices, to an excessive degree. By contrast, preserving sufficiency tends to require less costly restrictions on liberty’ (Casal 2007, p. 322). The sufficiency argument has also been advanced by Alexander Brown (2005, pp. 307-8) and, arguably, Daniel Markovits (2008, p. 281).²

One obvious limitation of the sufficiency argument is that it seems at odds with luck egalitarian principle (Voigt 2007, p. 405). The argument assumes that luck egalitarianism is (to use Casal’s term) ‘constrained’ by sufficiency. In other words, sufficientarianism receives lexical priority over luck egalitarianism. Luck egalitarian norms will only be consulted at all

² Markovits grounds assistance to the option luck needy on ‘humanitarian considerations’ rather than on (non-luck egalitarian) distributive justice considerations, and as such might be described as endorsing a non-justicial form of the sufficiency argument. His argument is distinguished from those of Tan and Segall discussed below as it sees humanitarian considerations as ‘outweigh[ing] distributive justice in appropriate circumstances’ (Markovits 2008, p. 281).

once sufficiency norms are satisfied. While complementing luck egalitarianism with some other principle may seem an appealing way for a luck egalitarianism to respond to the abandonment objection, the sufficiency argument proposes not just a complement but a replacement for luck egalitarianism as the first port of call for justice. Luck egalitarianism remains only in a diminished, tie-breaking capacity. In many circumstances sufficientarian considerations would not tie, and so luck egalitarianism would have no influence at all. If we must emaciate luck egalitarianism to this extent in order to meet the challenge posed by abandonment, we have not really shown that luck egalitarianism can respond to it. Indeed, we are thereby accepting not just the critical message but also a large part of the positive proposal of critics such as Anderson, an avowed sufficientarian (Anderson 2010).

There are also strong external (i.e., all-things-considered rather than specifically luck egalitarian) reasons for rejecting sufficiency-constrained luck egalitarianism. It has implausible implications in cases where we have to choose between (1) not quite enough for half the population and much more than enough for the other half, with everyone's holdings in line with their choices, and (2) just enough for everyone, with no one's holdings in line with their choices. For instance, where 100 units is enough, and individuals' choice have resulted in a status quo of (200, 99.9), it would prefer a move to a responsibility-insensitive (100, 100). This amounts to giving up a massive earned benefit for half the population for the sake of an almost negligible unearned benefit for the other half.

That (100, 100) is a much more outcome-equal distribution may seem to count in its favour. But if that is a good reason for favouring (100,100), we should reject sufficientarianism for the different reason that it is not responsive to that reason. Given (100, 100) is the only available distribution that secures enough, only the sufficientarian component of the view, which has no concern with reducing inequalities (i.e. relative differences), is consulted in this case, so (100, 100)'s outcome-equal nature did not count in its favour. In

fact sufficiency-constrained luck egalitarianism would prefer (300, 100, 100) to (200, 200, 99.9), though the former is a much more unequal distribution, both intuitively and in technical (e.g. Gini co-efficient) terms. In short, if one has even weak egalitarian and/or efficiency-orientated and/or responsibility sensitivity intuitions, one should reject sufficiency-constrained luck egalitarianism. Whether it is true, as Casal claims, that ‘preserving sufficiency tends to require less costly restrictions on liberty’, is an empirical issue. But what we can say is that, at the level of principle (i.e. the level at which we choose between conceptions of justice), sufficiency-constrained luck egalitarianism is willing to pay unacceptably high costs (including liberty costs – the numbers above could be units of freedom) for the sake of very small improvements for those marginally below the threshold of enough (see Arneson 2006; Casal 2007; Holtug 2010). We might say that sufficientarianism justifies too much public insurance – far more than any developed country would countenance. It would, for instance, be willing to expend a limitless amount of healthcare resources marginally improving a single very ill individual’s circumstances, even if that made society as a whole much worse off and less equal and the individual was responsible for bringing about their illness.³ The sufficiency argument is not the right answer to the abandonment objection.

³ Further examination diagnoses the problem. In the main statements of the abandonment objection it is always assumed that the ‘negligent victim’ (to use Anderson’s term) faces a severe loss if treatment is not forthcoming. In setting out his version of the objection, Marc Fleurbaey is explicit that ‘[i]t is not only whether [negligent victim of a motorcycle accident] Bert is responsible or not which matters, but also the amount of welfare loss he is about to suffer following his mistake’ (Fleurbaey 1995, 40). But if (part) of the problem in abandonment cases is the magnitude of the loss faced, sufficientarianism is the wrong solution. As we have seen, it is indifferent both to the size of the loss faced and the cost of averting it. It is overkill for the problem at hand, for it will not only prevent abandonment in cases where the stakes are high, but also step in, at potentially massive cost, in

3. The Domain Argument

The next argument to be considered, the domain argument, has been advanced by Kok-Chor Tan. It is a close relative of the sufficiency argument, and like that argument accepts the major premise without qualification and aims to provide a universal public insurance scheme. The domain argument differs from the sufficiency argument in that it does not accept, as the sufficiency argument does, that luck egalitarianism must be constrained to prevent abandonment cases.

Tan's innovation is to suggest that luck egalitarianism applies only within the domain of distributive justice, construed in a special way. He 'understand[s] distributive justice to be concerned with how persons fare in relation to each other above a threshold of sufficiency. A distributive principle is thus comparative, but also operational on the presumption that basic needs (however defined) are being met' (Tan 2012, p. 100). By contrast, the domain below the sufficiency threshold is governed by 'humanitarianism' (Tan 2012, p. 101). This move has exactly the result the luck egalitarian is looking for: abandonment is ruled out (by humanitarianism) in such a way that luck egalitarianism can still apply with full force (because it makes no claims in the humanitarian domain to start with). As such the argument has a clear advantage over the sufficiency argument.

There are, nevertheless, two significant weaknesses with the argument. First, while the domain argument does not violate luck egalitarian principle as the sufficiency argument does, it does not overcome the second weakness of the sufficiency argument: its willingness to accept huge costs in exchange for tiny benefits that bring individuals up to the threshold. In the case of the domain argument, we do not even get to consider distributive justice until

cases where the loss faced is very small but nevertheless sufficient to drop someone marginally below the threshold.

humanitarianism is satisfied. So if a tiny below-threshold benefit will place an individual at the threshold, rather than very slightly below it, we will have to provide that benefit in the name of humanitarianism, no matter how much this violates efficiency, equality, responsibility-sensitivity, or other values. Humanitarianism is given lexical priority over distributive justice in Tan's scheme, just as sufficiency had lexical priority over luck egalitarianism in Casal's. Both approaches have the same counterintuitive results.

Second, Tan's demarcation of domains has unwelcome side effects. I will mention three points here. Firstly, Tan requires us to reject the standard idea that the distribution of benefits and burdens is the domain of distributive justice. Rather, only a subset of these distributions (those above a certain threshold) count as matters of distributive justice. This is quite a radical reconceptualization of the terrain, which stands in need of a justification that Tan does not really provide. Secondly, and in consequence, the domain argument seems to describe some cases that are clearly matters of justice as matters of humanitarianism. On Tan's account, an injured motorist's claim to treatment should be articulated in the language of humanitarianism; justice has nothing to do with it. But it seems implausible that it is merely humanitarian for the state to provide a citizen with possibly very cheap and life-saving treatment. As Eugen Huzum (2011, p. 49) observes, '[w]hat Anderson holds against luck egalitarians is not the fact that they cannot morally justify the help for victims of carelessness, but the fact that they cannot justify it on behalf of their conception of *distributive justice*'. Finally, Tan's humanitarian principles are presumably enforceable by coercion, just as distributive justice principles are – otherwise his view could be accused of allowing abandonment after all. But it seems counterintuitive to suppose that we could be legitimately coerced into doing the merely humanitarian. For instance, if it would be unjust for me not to pay my taxes that will help pay for needy others' medical treatment via a public insurance scheme, that seems like a compelling reason for me to be forced to pay my taxes.

But if it would not be unjust for me not to pay my taxes, but only inhumanitarian, it does not seem that there is a compelling reason for me to be forced to pay my taxes, and it may even seem wrong to coerce me in this way. In short, the domain argument conflicts with our usual conceptualization of distributive justice, with our intuitive identification of specific cases as matters of justice, and with a common view about the permissibility of coercion.

While Tan does not argue directly for these conclusions, he does try to sweeten the pill. He says that his division into distributive justice and humanitarian domains ‘is neither eccentric nor arbitrary, but is in fact a commonplace in contemporary political philosophy’ (Tan 2012, p. 101). His evidence here is Rawls (1999) and Nagel (2005) similarly holding that non-justicial principles require basic needs to be met. But even if Rawls and Nagel held a relevantly similar view about domains, that fact would not be an argument for that view. Furthermore, Rawls’ and Nagel’s views differ in an important respect from Tan’s. While Tan’s view implies that even claims within a state for basic needs satisfaction are not matters of justice, Rawls and Nagel insist that such claims are matters of justice. For this reason, they do not conceptualize distributive justice as never applying below the threshold of basic needs, they do not make a citizens’ claim for basic needs satisfaction against the state a matter of humanitarianism, nor would humanitarianism require coercive enforcement. In short, while Rawls and Nagel do allow for humanitarian principles as Tan does, they do not draw a hard and fast distinction between humanitarianism and distributive justice at the threshold of basic needs satisfaction. It is that feature which leads the domain view to require radical and more or less undefended departures from standard views about justice. This is a second good reason for rejecting the view.

4. The Equality Argument

Shlomi Segall has advanced an argument that, like Tan's, aims to combine luck egalitarianism with sufficiency without making the latter constrain the former. While Tan's strategy relies on a view about the proper domain of luck egalitarianism, Segall's relies on a view about luck egalitarianism's basic distributive judgments. As it relies on assigning an (even) greater importance to equality than standard luck egalitarianism does, I will call it the equality argument.

While all luck egalitarians object to brute luck *inequality*, most also object to brute luck equality. This seems to follow straightforwardly from the view's central concern with 'extinguish[ing] the influence on distribution of ... brute luck' (Cohen 1989, p. 908). Suppose, for instance, that Bill and Ben are identical to begin with, but Bill works harder than Ben and as a result becomes much better off than him. However, Bill then suffers terrible brute bad luck – a meteorite strike reduces his advantage (welfare, resource, or capability) level to that of Ben. Though the outcome is equal, that is only due to a strong brute luck influence. It seems clear that luck egalitarian will require that brute luck to be neutralized, if possible, and the inequality between Bill and Ben restored.

Though this is the standard reading of luck egalitarianism, a different reading is possible (Segall 2010, ch. 1; Segall 2012). Segall notes that, as the view is described by Larry Temkin and the critic Susan Hurley, luck egalitarianism is only concerned with counteracting brute luck where it creates inequality. On that view, equality is always unobjectionable, even if it arises due to brute luck. Furthermore, Segall argues that this alternative reading is in fact the best version of luck egalitarianism. Although he makes several points here, the most relevant for our discussion is the way it allows luck egalitarianism to resist the abandonment objection (Segall 2010, ch. 4). Because negligent victims are very badly off, anything that improves their condition will reduce outcome inequality. Any assistance offered to a negligent victim will therefore be unobjectionable, because luck egalitarianism on Segall's

account never objects to outcome equality (or reductions in inequality). This only establishes that luck egalitarianism is ‘indeterminate’ (Segall 2010, p. 65) in abandonment cases – it will allow either assistance or non-assistance, the former because it reduces inequality, the latter because it reduces the impact of brute luck. It may seem that luck egalitarianism therefore still allows abandonment. Abandonment might indeed arise were luck egalitarianism the only moral principle in play. But Segall maintains that luck egalitarians should be pluralists, combining their luck egalitarianism with a principle ensuring that basic needs are met. This ensures that public insurance be put in place.

According to the equality argument, the basic needs principle does not constrain luck egalitarianism, as Segall’s version of luck egalitarianism never objects to increased equality. The equality argument therefore overcomes a major shortfall of the sufficiency argument – its requirement that luck egalitarianism be constrained. It also does not require any special demarcation of the conceptual space occupied by distributive justice.⁴ The equality argument therefore also has an advantage over the domain argument.

Despite these strengths, the argument faces two problems. First, like the sufficiency argument and domain argument, it is willing to accept huge costs in exchange for tiny benefits that bring individuals up to the threshold. Although the basic needs principle is not assigned lexical priority by the equality argument, as it is by the other arguments, there are similar results. This is because Segall’s luck egalitarianism is ‘indeterminate’ in typical cases of negligent victims, so the decision rests with the basic needs principle. Assistance will be

⁴ Although Segall seems to treat the basic needs principle as something external to distributive justice, the argument would work equally well were this principle and luck egalitarianism simply treated as complementary components of distributive justice.

provided regardless of cost in terms of efficiency, equality and responsibility sensitivity, and regardless of how little benefit the victim gets out of the assistance.⁵

Second, Segall's view of luck egalitarianism as never objecting to equality seems implausible both as an interpretation of the luck egalitarian ideal and as a self-standing theory (Knight 2011; Albertsen and Midtgaard 2014). As I have mentioned, luck egalitarianism is standardly construed as counteracting brute luck's influence on distributions, a stance that clearly places it at odds with brute luck equality. There are, moreover, good reasons for this. In trying to explain the appeal of luck egalitarianism, one is immediately drawn to cases in which one individual, such as Bill, works harder than another, such as Ben. A great advantage of luck egalitarianism is its apparent result that Bill gets a better outcome than Ben. It is hard to see how luck egalitarianism can claim to capture a central part of the appeal of the conservative right, as Cohen (1989, p. 933) famously claimed it did, if it would allow the equalization of outcomes for hard workers and the lazy, as Segall proposes.

⁵ A referee suggests that this is an unfair assessment of Segall's view. In chapter 8 of *Health, Luck, and Justice*, Segall argues that, in order to avoid levelling down, we should actually endorse a 'luck prioritarian' rather than a luck egalitarian principle of justice. A prioritarian will presumably not be indifferent to cost or size of benefits. However, I am here concerned with assessing whether the equality argument succeeds in providing a luck egalitarian rationale for public insurance, and luck prioritarianism will evidently not help in that respect. First, it is unclear whether it would actually justify public insurance. Segall (2011, 119) himself notes that his specific version of luck prioritarianism 'tells us to compare levels of prudence first, and use the severity of the medical condition only as a tie-breaker between those who were equally prudent in looking after their health. That appears not only harsh but impractical'. Second, even if it justifies public insurance, it would not seem to do so on luck *egalitarian* grounds. Finally, even if it justifies public insurance, and even if it is thought to do so on luck egalitarian grounds (perhaps because one has an unusually capacious understanding of equality that encompasses prioritarianism), it clearly does not do so on grounds that have anything to do with the equality argument. The equality argument's key feature is its acceptance of brute luck equality, a feature that is entirely absent from luck prioritarianism.

We have found that four luck egalitarian arguments for public insurance in the literature do not succeed. Three of these arguments have a common flaw: a sufficientarian or quasi-sufficientarian commitment to providing a threshold of goods come what may. This may seem discouraging. How is a luck egalitarian theory to ensure abandonment does not happen, if not by providing a separate guarantee for basic needs or capabilities? I will now argue that such an external guarantee is not only an unacceptable addition to luck egalitarianism but an unnecessary one.⁶ Luck egalitarian properly construed contains within itself the resources required to justify public insurance and resist the abandonment objection.

5. The Identity Argument

The first argument that has some significant degree of success concerns the identity and self-interest of negligent victims over time. Luck egalitarianism is usually understood as treating an agent, *a*, at t_2 as fully accountable for actions taken at t_1 , provided that the agent that took those actions was numerically identical to *a* (i.e. they are one and the same person). In assessing what *a* is now due, we are to fully take into account prior actions by people numerically identical to *a*, and should not take into account prior actions by people non-identical to *a*.

The central role this standard account implicitly gives to identity is challenged by the following example (Wiggins 1967; Parfit 1984, pp. 254-261). Suppose *a* has two cerebral hemispheres, each containing *a*'s complete psychology. One hemisphere is transplanted into *b**, while the other hemisphere is destroyed. It seems that *b** is numerically identical to *a*, i.e. that *a* is *b**. Furthermore, it seems that luck egalitarianism will uncontroversially treat *a*'s actions as relevant when assessing what *b** is due. But now consider a different world in which two recipients, *b* and *c*, each receive a cerebral hemisphere from *a*. Moreover, while *b*

⁶ I did not recognize this in earlier work; see Knight 2005.

and *c* have equally strong cases for being identical with *a*, they cannot be numerically identical with *a*. If *a* was identical to either of them, the ordinary (transitive) view of identity would imply that *b* and *c* were identical with each other. But simultaneously existing people, like *b* and *c*, cannot be identical. Therefore *a* is identical to neither *b* nor *c*.

As *a* is not identical with (the same person as) *b* or *c*, the usual interpretation of luck egalitarianism will not treat *a*'s actions as relevant when assessing what *b* and *c* are now due. For instance, Arneson's account would not permit *b* or *c* to be better off than *d*, even if *a* had made highly beneficial choices and *d* had made highly destructive choices, as his principle requires that 'any actual inequality of welfare ... is due to factors that lie within each individual's control' (Arneson 1989, p. 86). Clearly, *a*'s beneficial choices did not lie within the control of individuals *b* or *c* – they lay within the control of a different individual, *a*. This counts against the standard interpretation of luck egalitarianism. It is counterintuitive for *b* and *c* to be denied the benefits of *a*'s choices. Brain division and similar cases suggest that luck egalitarians should focus not on identity but on whatever it is that matters for responsibility. It is fair to treat *b* and *c* differently than we otherwise would on account of *a*'s responsible choice, because what matters for responsibility is present.

What matters for responsibility is presumably some aspect of psychology. For present purposes, we need not settle exactly which aspect. It is at this point that we return to the abandonment objection. If what matters for responsibility is psychological, we may have a response to that objection (Navin 2011; Tomlin 2012). Consider a negligent victim such as Bert, who Fleurbaey describes as having 'freely adopted a negligent and reckless character. In particular, he enjoys having his hair blown by the wind when he rides his motorbike on the highway, and he seldom wears a helmet even though he has one and it is compulsory to wear it. One morning he takes out his motorbike to pay a visit to his parents, and, on leaving them, spurns his mother's warnings about the helmet, saying: "I prefer to take the risk and enjoy the

wind!” (Fleurbaey 1995, p. 40). When Bert is subsequently injured, it seems very likely that a significant psychological change will occur. For instance, Bert may acquire a generally lower level of risk aversion, and be more ready to take the advice of others seriously. It is quite possible for the psychological changes to be sufficient that what matters for responsibility is no longer present. In other words, post-accident Bert may be considered sufficiently different from pre-accident Bert that we do not assign the costs of the latter’s choices to the former. Or it may be that what matters for responsibility remains present, but to a diminished extent, in which case we will assign the costs of pre-accident Bert’s choices to post-accident Bert at a discounted rate.

In this partial responsibility scenario, which is perhaps the most likely, we would not deny post-accident Bert the treatment he needs, as it would be unfair to make him bear the full injury-without-treatment result of pre-accident Bert’s choice. The most likely luck egalitarian response would be to provide Bert with his medical treatment, but to stop short of ‘making him whole’, as we would for a victim of brute bad luck. We might, for instance, refuse to pay for non-essential aspects of Bert’s hospital stay, refuse to repair or replace his motorcycle, refuse compensation for any distress or loss of earnings associated with the injury, and insist on a co-payment where possible. This is still sufficient to see off the abandonment objection, as it treats Bert as insured against the most severe consequences of his actions.

In some actual cases of negligent victims, it may be that the victim does not undergo a what matters-undermining psychological change. But in practice it would be essentially impossible to distinguish this situation from the (I suspect more common) situation of a negligent victim undergoing a relevant psychological change. A luck egalitarian government therefore has good grounds for treating any negligent victim as only partially accountable for the bad outcome, and thus as partially insured. Without such public insurance the state would

run a high risk of the very severe wrong of leaving someone very badly off (on the brink of death, even) through no fault or choice of their own.⁷

The identity argument shows that the abandonment objection cannot simply assume that, where someone brings a very bad outcome upon themselves, luck egalitarianism requires that that outcome be fully assigned to that individual. We have seen that there are reasons quite independent of the abandonment objection for luck egalitarianism to require not merely that the person who brought about the bad outcome is the same person as the person bearing its costs. In addition, it must be shown that these two people (or versions of the same person) stand fully in the relation that matters for responsibility. It may be that the persons that result from the traumatic events typically described in abandonment cases rarely, if ever, stand fully in the relation that matters to their earlier selves, in which case assistance should be forthcoming.

6. The Luck Argument

A second way of defusing the abandonment objection emerges, in similar fashion to the identity argument, as a response to a quite different problem with standard luck egalitarianism. In this case the problem concerns the usual way in which the luck egalitarian goal of neutralizing the distributive effects of luck is interpreted. Standardly, this goal is understood as requiring not that all luck is neutralized, but rather that *brute* luck is neutralized. Option luck's influence on distributions is viewed as unproblematic.

⁷ While this argument, like any application of a distributive theory, relies on claims that are in part empirical, these claims are not nearly as strong as the claims made by the practical argument discussed earlier. For instance, the identity argument's claim that people who impose severe costs on themselves often undergo what matters-undermining psychological change seems far less controversial than the practical argument's claim that some being initially better off than others is a general option-luck undermining social condition.

This view is challenged by cases where individuals are prudentially required to expose themselves to option luck. Suppose, for instance, that Ned and Oliver each face the choice between the guarantee of 100 units of advantage, or a gamble giving them a 95% chance of 200 and a 5% chance of 100, with no relevant previous choices having been made (Lippert-Rasmussen 2001, pp. 572-573). Clearly, prudence requires that both accept the gamble. Suppose they do, and Oliver wins, getting 200, and Ned loses, getting 100. This outcome appears to be straightforwardly a matter of option luck as Dworkin describes it. The agents participated in ‘deliberately and calculated gambles’, and each of them accepted ‘an isolated risk he or she should have anticipated and might have declined’. Yet many people will feel that it is unfair that Ned became worse off than Oliver as a result of this process. I think luck egalitarians will feel this particularly strongly. The case of Ned and Oliver is not analogous to a case where one person works harder or makes a better decision than the other, in which the luck egalitarian will be happy for there to be an outcome inequality. Ned and Oliver worked equally hard and made identical choices. Nor is it even parallel to a typical case of gambling, where the gamblers risk-seeking is reflected in the unequal outcome. Ned and Oliver would have chosen to take the gamble even if they were highly risk averse, as there was no downside to it. The inequality between Ned and Oliver feels like a pure case of luck influencing distribution. The fact that Ned made a choice, where that is a choice that anyone would make, does not seem to justify an unequal outcome.

It seems that we should interpret the luck neutralizing goal in a way that is open to restoring equality between Ned and Oliver. One approach, suggested by Kasper Lippert-Rasmussen (2001; see also Barry 2008), is to distinguish gambles proper, where the gambler would prefer facing the risk to simply receiving the expected outcome, to the quasi-gambles, where the gambler would prefer the expected outcome to risk. We could then seek to insure or pool the effects of quasi-gamble option luck but allow the effects of gamble proper option

luck to stand. So if Ned's and Oliver's reasons for accepting the gamble were simply because it offered the best expected outcome, they would be classed as quasi-gamblers and the outcome would be equalized.

There are, however, good reasons to reject quasi-gamble neutralizing luck egalitarianism. First, whether someone is a quasi-gambler or gambler proper may itself be a matter of brute luck. If we made gamblers proper but not quasi-gamblers bear the full costs of their choices, we would thereby require some people to bear high costs on account of their brute bad luck of being gamblers proper, contrary to a central luck egalitarian tenet. Second, the difference between a quasi-gambler and gambler proper may be tiny. I may prefer to face $(0.05*100, 0.95*200)$ to receiving 194.9 guaranteed, but prefer 195 to facing $(0.05*100, 0.95*200)$. It is hard to see how such small differences in preferences can be the difference between full and zero compensation for bad option luck. Finally, if Ned is a quasi-gambler and Oliver is a gambler proper, it seems that we must neutralize luck for Ned but allow it to stand for Oliver. But these are contradictory injunctions as we cannot neutralize luck for Ned and offset his unexpected shortfall without dipping into Oliver's winnings.

I believe a more plausible approach is to interpret the luck neutralizing goal in the most straightforward terms. We neutralize all option luck, just as all brute luck is equalized. This view is known as 'all-luck egalitarianism' (Segall 2010, ch. 3). On my favoured version of the view, individuals receive the expected value of their choices except where they non-culpably lack the ability to anticipate that value, or there is an insufficient level of societal resources to meet expectations (Knight 2013). An obvious complaint with this view is that 'redistribution from winners to losers in gambles would be to deprive both of lives they prefer' (Dworkin 1981, p. 295). My response is simply that this curtailment of available lifestyles is for egalitarianism (\neq all-things-considered justice) a price worth paying to prevent the emergence of inequalities grounded in luck.

All-luck egalitarianism appears to offer a very strong justification for public insurance. The cases Anderson and Fleurbaey describe feature unexpectedly bad results of decisions. Usually, making an illegal turn or riding a motorcycle without a helmet does not result in a near-fatal injury; the vast majority of the time, people suffer no ill effects at all from such decisions. The expected value of these choices, which sets the all-luck egalitarian level of compensation, is much higher than the actual results prior to any assistance. This mandates public insurance pay outs sufficient to restore the (negligent) victim to the level of advantage they could antecedently have expected. The assistance would be paid for, in large part, by individuals who receive better than expected outcomes. This includes individuals who make illegal turns or ride motorcycles without helmets. For instance, using the numbers in my earlier extension of the Bert example, if Bert did not crash he would have received 10 units of advantage, more than his expectation of 9.9 units.

7. The Free Will Argument

Examples of abandonment in the literature typically involve agents of luck egalitarianism assessing people in very bad situations as having brought those situations about. The final counterargument to the abandonment objection suggests that that assessment would not be made in the first place, on account of doubts about free will and responsibility.

Major luck egalitarian writers such as Arneson, Cohen, and Temkin favour a ‘thin’ account of choice and responsibility. They do not make it part of their theory to specify the conditions for something to count as chosen. They are willing to accept the best answer to that question that moral philosophers and metaphysicians can come up with. As Temkin (2011, p. 55) puts it, ‘justice is inextricably tied to the mare’s nest of free will’, though he himself doesn’t ‘have the foggiest idea how to solve the mare’s nest of (meaningful!) free

will'. In short, then, the standard view of luck egalitarianism assigns a role to choice, but it does not say (or even try to say) what choice actually is.

Notwithstanding the above view, evident in the earliest and best known statements of full-blown luck egalitarianism (Arneson 1989; Cohen 1989), critics of luck egalitarianism have generally presented the abandonment objection in ways that suggest that choice can be assigned on the basis of common sense. Anderson's presentation features '[w]itnesses call[ing] the police, reporting who is at fault' and a similarly philosophically sparse 'judicial hearing [that] has found him [the negligent victim] at fault for the accident' (Anderson 1999, pp. 295, 296). Fleurbaey (1995) and Scheffler (2003; 2005), while recognizing the deep questions raised by choice, nevertheless treat luck egalitarianism as having the clear implication that the likes of Bert are responsible for putting themselves in a bad situation. This may be partly on account of Dworkin's view that we should, for distributive purposes, set aside any philosophical doubts we have about our choices and accept responsibility for them (Dworkin 2000, 323). This is, however, not a view accepted by many luck egalitarians (Dworkin (2003) himself denies that he is luck egalitarian).

On the standard, thin account of choice, whether an agent ultimately is or is not responsible for being in a highly disadvantaging position becomes a difficult question. To answer it comprehensively we would need to resolve the problem of free will and determinism, among other things. While this presents a challenge for the abandonment objection, it also seems to endanger the practicality of luck egalitarianism. There is, however, a response for luck egalitarianism here, and furthermore, a response that provides a justification for public insurance. Given our actual situation of uncertainty about several crucial moral and metaphysical issues, the best route for the luck egalitarian is to make practical judgments on the basis of a best guess about these issues (Knight 2009, ch. 5). We cannot be sure that sceptical views about free will and responsibility (such as hard

determinism) are wrong, so the appropriate response will account for the possibility that they are correct. This means that even the most seemingly clear cut cases of fault should be treated as partially non-culpable. Thus even actions of the likes of Bert should be treated as partially insured, on account of the possibility that it is impossible for anyone to be truly responsible for some outcome. Abandonment would never arise under luck egalitarianism, as the minor premise claimed it would, on account of our general uncertainty about the morals and metaphysics of responsibility.

The free will argument seems to be an especially secure basis on which to defend public insurance. Whereas the identity argument and luck argument rely on revisions to the standard luck egalitarian position, the free will argument works for the standard version. We do not need to revise luck egalitarianism so much as draw attention to oft-overlooked features of it.

It might seem strange to argue that the great difficulty involved in determining responsibility strengthens the luck egalitarian position. As a referee objected, surely this is ‘a general problem for luck egalitarianism rather than a way out of the abandonment objection’. But the nature of the ‘general problem’ – it being hard to apply luck egalitarianism in a clear cut way – means it is a perfect solution to the problem of abandonment, as that problem arises precisely where luck egalitarianism is applied in a clear cut way. Were we certain that negligent victims were fully responsible for their bad situations, luck egalitarianism would require us to abandon them. But we can never have that certainty, so we have to apply luck egalitarianism in a messier way that involves some level of assistance for the prima facie negligent. If we take the ‘general problem’ seriously, as I think we must, the conditions required for the problem of abandonment no longer apply.⁸

⁸ There is the separate issue of how much of a problem the ‘general problem’ is itself for luck egalitarianism. As this is a distinct objection to the abandonment objection, a full appraisal is beyond the scope of this article, but

It is, finally, worth noting some similarities and differences between the arguments we have been considering. In generating luck egalitarian arguments for public insurance, one can revise either luck egalitarianism itself, or the understanding of the world in which it would be applied. The free will and practical arguments take the latter strategy, each suggesting that, *as it happens*, luck egalitarianism would not identify pure cases of negligent victims. But ‘as it happens’ is a confusingly broad category, which in the case of the free will argument is understood as including metaphysical and even (non-luck egalitarian) normative theory about responsibility. The practical argument, on the other hand, is essentially an argument of social science, which involves no philosophical claims beyond those of luck egalitarianism itself. Contrasting with the practical and free will arguments are the sufficiency, domain, equality, and luck arguments, which principally turn on normative revisions of (or additions to) luck egalitarianism. The identity argument lies between these two groups, making distinctive claims about the metaphysical landscape in which luck egalitarianism finds itself, and suggesting that, given this landscape, luck egalitarianism requires revision.

8. Conclusion

I have surveyed seven counterarguments to the abandonment objection to luck egalitarianism. Each of these arguments resists the minor premise of the argument, maintaining that luck egalitarianism protects negligent victims via public insurance.

two points are worth mentioning. First, the fact that a normative principle is difficult to apply is a rather weak objection to it. It is not a challenge to its normative content, so the adherent of the principle can accept the objection without revising or rejecting their principles. Certainly, it would be better to accept a correct normative principle that was hard to apply rather than an incorrect one that was easy to apply. Second, I actually doubt that luck egalitarianism is really all that difficult to apply. For a simple model comparing luck egalitarianism and outcome egalitarianism in this respect see Knight and Knight 2012.

The first four arguments were unsuccessful. The practical argument failed to establish that specific features of the world make it unusual for people to be in a very bad situation as a matter of option luck. The next three arguments combined luck egalitarianism with sufficientarianism or quasi-sufficientarianism. Each of them struggles due to sufficientarianism's acceptance of huge costs in exchange for tiny benefits that bring individuals up to the threshold, and each also faces additional problems. The sufficiency argument violates luck egalitarian principles, the domain argument relies on a counterintuitive conceptualization of the space of distributive justice, while the equality argument requires equal outcomes for hard workers and the lazy.

I then considered three arguments that succeeded in justifying universal public insurance. The identity argument showed that, even where an individual was responsible for bringing about some bad outcome, there may be good reasons for not now assigning the entirety of that outcome to that individual. The luck argument showed that there are good reasons for compensating the victims of option luck. Finally, the free will argument showed that there are good reasons for treating apparent instances of pure choice as only partially matters of choice. None of these three arguments requires a departure from the principles that luck egalitarians should accept for reasons independent of the abandonment objection, and the final argument does not even require revision of the standard luck egalitarian position. There are, then, several strong grounds for thinking that luck egalitarianism provides robust support for public insurance.

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