

Knight, C. (2021) An argument for all-luck egalitarianism. *Philosophy and Public Affairs*, 49(4), pp. 350-378. (doi: [10.1111/papa.12200](https://doi.org/10.1111/papa.12200))

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Knight, C. (2021) An argument for all-luck egalitarianism. *Philosophy and Public Affairs*, 49(4), pp. 350-378, which has been published in final form at <https://doi.org/10.1111/papa.12200>

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Deposited on: 17 August 2021

An Argument for All-Luck Egalitarianism

Carl Knight

Abstract: Luck egalitarianism is the view that equality requires the influence of luck on distributive outcomes to be neutralized. The standard version of the view, brute-luck egalitarianism, neutralizes brute luck (the upshot of non-declinable risks) while allowing option luck (the upshot of declinable risks) to stand. This article argues that this view should be rejected in favour of all-luck egalitarianism, which neutralizes brute luck and option luck alike. There are three parts to this overall argument. The first shows that brute-luck egalitarianism's reasons for neutralizing brute luck's distributive effects should lead it to also neutralize a subset of option luck. The second demonstrates that various revisions of brute-luck egalitarianism such that it neutralizes this subset (and related ones) are ultimately unsuccessful. The third defends the remaining option of neutralizing option luck generally, as all-luck egalitarianism proposes.

Earlier versions of this article were presented to the Political Theory Group, University of Glasgow; the Philosophy Society, University of Glasgow; the Political Theory Research Group, University of Edinburgh; the Society for Applied Philosophy Annual Conference, University of Edinburgh; the Association for Legal and Social Philosophy Annual Conference, University of Stirling; a Hoover Chair workshop, Université catholique de Louvain; and an Equality of Opportunity workshop, Duke University School of Law. I am grateful for feedback from many participants on these occasions, including Matt Adler, Dick Arneson, Andreas Albertsen, Nir Eyal, Axel Gosseries, Refia Kadayifci, Kieran Oberman, Johan Olsthoorn, Colin Rowe, Jesse Tomalty, and Alex Voorhoeve. I would especially like to thank two associate editors for *Philosophy and Public Affairs*, whose insightful comments have resulted in a much improved article. This research was supported by the British Academy.

Keywords: luck egalitarianism, option luck, equality, distributive justice

Luck egalitarianism is the view that equality requires the effects of luck on distributive outcomes to be neutralized.¹ Heavily influenced by Ronald Dworkin's work on equality of resources, luck egalitarianism was first systematized by Richard Arneson and G. A. Cohen.² Over the last three decades it has come to be arguably the most influential theory of equality in Anglophone political philosophy.

Standardly, luck egalitarianism is understood as placing decisive weight on Dworkin's distinction between option luck (the upshot of declinable risks) and brute luck (the upshot of non-declinable risks).³ This "brute-luck egalitarianism" reduces or eliminates the influence of brute luck on distributions, while allowing the influence of option luck to stand.

Though theorists often write as though choice were synonymous with option luck, this is not strictly correct. Option luck contrasts with "direct choice," that is choice unmediated by risk.⁴ Pure cases of direct choice are relatively infrequent, at least for important choices, as there is usually some involvement of luck between a choice and its outcome. Pure option luck and pure direct choice should thus be seen as opposite ends of a spectrum, with the majority of choices containing

¹ An alternative name for the view is "responsibility-sensitive luck egalitarianism," reflecting an understanding of responsibility as the inverse of luck; see S. L. Hurley, *Justice, Luck, and Knowledge* (Cambridge, MA: Harvard University Press, 2003), pp. 107-108.

² Ronald Dworkin, "What is Equality? Part Two: Equality of Resources," *Philosophy and Public Affairs*, 10, 283-345; Richard J. Arneson, "Equality and Equal Opportunity for Welfare," *Philosophical Studies*, 56 (1989), 77-93; G. A. Cohen, "On the Currency of Egalitarian Justice," *Ethics*, 99 (1989), 906-944.

³ Dworkin, "What is Equality? Part Two," p. 293.

⁴ Kasper Lippert-Rasmussen, "Egalitarianism, Option-Luck, and Responsibility," *Ethics*, 111 (2001), 548-579, pp. 571-572.

some mitigated level of option luck. For instance, a stock market investment is primarily a matter of option luck, while covering one's house in flammable liquid and setting fire to it is primarily a matter of direct choice. In the first case, the outcome is decisively influenced by chance events, but in the latter case, the outcome is highly predictable and chance is hardly involved at all.

Brute-luck egalitarianism treats option luck and direct choice as equivalent – as equally valid bases for inequality. I believe that this is a mistaken interpretation of the ideal of equality, and of luck egalitarianism specifically. One way of arguing for this is through a direct appeal to intuition. Consider the following case:

Stephanie and Fiona. Stephanie buys a bundle of blue chip stock, but the next day the market undergoes a near-unprecedented collapse, eroding her expected dividend income and leaving her investment near-worthless. This leaves her unable to meet mortgage payments and she consequently loses her home. We assume that there was a 1% chance, in terms of both objective and subjective probabilities, that Stephanie's stock investment decision would leave her homeless. By contrast, there is a 99% chance that Fiona's decision to cover her house in flammable liquid and set fire to it will leave her homeless.

Intuitively, the different characters of Stephanie's choice and Fiona's – the fact that Stephanie's choice was a good one (that turned out exceptionally badly), while Fiona's was a bad one (that turned out as you would expect) – has a bearing on the assistance they can claim in the name of equality. I believe egalitarians have more reason to assist Stephanie than they do Fiona. Thus, this case supports the “all-luck egalitarian” view that option luck as well as brute luck calls

for neutralization.⁵ On this view, only the results of direct choice are allowed to stand, while unusually good or bad outcomes of choice are to be undone. In other words, individuals are due the expected results of their choices.⁶ As Stephanie's expected outcome is far better than Fiona's, Stephanie will receive far more compensation than Fiona on an all-luck egalitarian scheme, as intuitively she should.

Stephanie and Fiona is, by contrast, a difficult case for brute-luck egalitarians as they are committed to treating Stephanie and Fiona symmetrically, which seems counterintuitive. Both are treated as having bad option luck, and as such there are no brute-luck egalitarian grounds for compensating either of them, even though Stephanie has fallen on hard times as a result of astonishingly bad luck. The brute-luck egalitarian can, however, bite the bullet here. This is because the intuition that Stephanie and Fiona are due differential treatment seems to rely on reasoning, concerning the particular unfairness of Stephanie bearing severe costs as a result of very bad luck, that is subtly distinct from brute-luck egalitarian reasoning. Brute-luck egalitarian reasoning objects only to the influence of brute (non-declinable) luck on distributive outcomes, and in this case, all the luck appears to be unambiguously declinable. Stephanie could have declined to make the stock market investment, just as Fiona could have declined to set about burning her house down. Thus, the brute-luck egalitarian may feel that this is a case where the theoretical pull of the generally appealing brute-luck egalitarian principle is sufficient to withstand the countervailing intuitive pull

⁵ The name is from Shlomi Segall (*Health, Luck, and Justice* (Princeton: Princeton University Press, 2011), ch. 3), though he does not endorse the view. An early example of a broadly all-luck egalitarian view is Julian Le Grand, *Equity and Choice* (London: HarperCollins, 1991).

⁶ Larry Temkin, "Justice, Equality, Fairness, Desert, Rights, Free Will, Responsibility, and Luck" in Carl Knight and Zofia Stemplowska (eds), *Responsibility and Distributive Justice* (Oxford: Oxford University Press, 2011), p. 65; Carl Knight, "Egalitarian Justice and Expected Value," *Ethical Theory and Moral Practice*, 16, 1061-1073.

in this specific case. They may consequently keep their judgments in reflective equilibrium with brute-luck egalitarianism.

This article presents an argument that poses a greater challenge for brute-luck egalitarianism, and stronger support for all-luck egalitarianism. The argument, unlike the purely intuitive appeal in *Stephanie and Fiona*, turns brute-luck egalitarianism's own theoretical resources against it. This general argument unfolds in three steps, corresponding to the three parts of the article. The first shows that brute-luck egalitarianism's reasons for neutralizing brute luck's distributive effects should lead it to also neutralize a subset of option luck. The second demonstrates that various revisions of brute-luck egalitarianism such that it neutralizes this subset (and related ones) are ultimately unsuccessful. The third defends the remaining option of neutralizing option luck generally, as all-luck egalitarianism proposes.

I. BRUTE-LUCK EGALITARIANISM

I start by arguing that there is a class of cases – “dominant gambles” – in which it is not plausible for the brute-luck egalitarian to ground inequalities on option luck (section I.A). I then consider two lines of argument in support of the brute-luck egalitarian refusal to neutralize option luck in these cases. The first holds that option luck neutralization is unfair to risk takers as a whole (I.B), while the second holds that option luck neutralization is unfair to successful risk takers (I.C).

A. Dominant gambles. Brute-luck egalitarianism struggles in cases where reason requires that a gamble be accepted.⁷ Here I mean gamble in the broadest sense, as any choice for which the

⁷ In the cases I discuss I assume that prudential and moral considerations go hand-in-hand, favouring one choice as the “reasonable” one. This is obviously not intended as an empirical hypothesis, but is rather to allow the argument to proceed without settling the complex issue of the proper basis for assessing individual decision-making. Those who believe that egalitarian justice should be responsive to the prudential value of

outcome is mediated by luck. Thus, if I have the choice between being a political philosopher, a role which matches my training and interests perfectly and has good job security, or taking a job working in sales, which does not match my training or interests and has low job security, it would seem that reason requires that I “gamble” on the political philosophy post. This decision is a gamble because the outcome of the decision is not clear – I could prove to be a total success as a political philosopher, a total failure, or anything in-between. But notwithstanding the role of option luck here, it seems nevertheless clear that reason requires that I take the gamble – it is what I will call a *non-reasonably avoidable gamble*.

Non-reasonably avoidable gambles come in many varieties. For our purposes a central kind of non-reasonably avoidable gambles are those with *first-order stochastic dominance* over alternatives, i.e. they are better in at least one respect and worse in none.⁸ For instance, Kasper Lippert-Rasmussen mentions a case in which a gamble offers a 5% chance of 100 units of advantage, and a 95% chance of 200, while a non-gambling alternative offers the certainty of 100 ($0.05*100, 0.95*200; 1*100$).⁹ Gambles like this are literally “safe bets” – the “gambler” gives herself the chance of gain without any danger of loss. I will refer to gambles with first-order stochastic dominance as *dominant gambles*.

How are dominant gambles problematic for brute-luck egalitarianism? Consider the following case:

individuals’ choices are free to interpret the numbers in later cases as reflecting self-interest alone. Likewise, those who believe that egalitarian justice should be responsive to the moral value of individuals’ choices are free to interpret these numbers as reflecting their favoured moral desiderata.

⁸ James P. Quirk and Rubin Saposnik, “Admissibility and Measurable Utility Functions,” *Review of Economic Studies* 29 (1962), 140-146.

⁹ Lippert-Rasmussen, “Egalitarianism, Option Luck, and Responsibility,” 572-573.

Lucky and Unlucky. Lucky and Unlucky both gamble in $(0.05*100, 0.95*200; 1*100)$. Lucky wins, ending up with 200, and Unlucky loses, ending up with 100.

The difference in outcome for Lucky and Unlucky seems to be clearly a matter of option luck. Dworkin says that “[o]ption luck is a matter of how deliberate and calculated gambles turn out - whether someone gains or loses through accepting an isolated risk he or she should have anticipated and might have declined.”¹⁰ Lucky and Unlucky have made deliberate and calculated gambles, and the inequality between them results from them accepting an isolated risk they anticipated and might have declined. So the difference in the outcomes they receive is a matter of option luck on Dworkin’s definition, which is accepted by Arneson, Cohen, and most other brute-luck egalitarians.¹¹

Brute-luck egalitarianism is defined largely by its refusal to neutralize option luck inequality. But the option luck inequality between Lucky and Unlucky is intuitively unacceptable. Lucky and Unlucky were rationally (but not physically) compelled to accept the gamble, so accepting the gamble does not seem to be fair grounds for advantaging one and disadvantaging the other. In *Stephanie and Fiona*, the brute-luck egalitarian could insist that, though Stephanie was very unlucky that her choice turned out as it did, she nevertheless chose to expose herself to a risk that was declinable. In *Lucky and Unlucky*, the gamble is physically declinable, and hence qualifies as option luck. But the retort that Unlucky “chose to expose herself to a risk that was declinable” rings hollow as accepting the risk was rationally required of Unlucky. Thus, it is hard to see any morally acceptable grounds for making Unlucky end up worse off than Lucky.

¹⁰ Dworkin, “What is Equality? Part Two,” p. 293.

¹¹ See, for instance, Cohen, “On the Currency of Egalitarian Justice,” p. 908; Richard J. Arneson, “Equality of Opportunity for Welfare Defended and Recanted,” *Journal of Political Philosophy*, 7 (1999), 488-497, pp. 492-493.

This inequality is, furthermore, condemned by the deepest rationale of brute-luck egalitarianism itself – that is, its justification for neutralizing brute luck.¹² Dworkin explains his treatment of “the case of brute bad luck” as follows:

If two people lead roughly the same lives, but one goes suddenly blind, then we cannot explain the resulting differences in their incomes either by saying that one took risks that the other chose not to take, or that we could not redistribute without denying both the lives they prefer. For the accident has (we assume) nothing to do with choices in the pertinent sense. It is not necessary to the life either has chosen that he run the risk of going blind without redistribution of funds from the other.¹³

The argument for brute-luck neutralization emphasizes two features that Dworkin believes are present in option luck but absent in brute luck. While what he says is certainly true of most cases of option luck, dominant gamble option luck is quite different. Crucially, both the features that are absent in brute luck, apparently justifying its neutralization, are also absent in dominant gamble option luck.

First, Dworkin says that option luck inequality is sometimes a matter of individuals taking risks and winning, and others declining the risks.¹⁴ Brute luck inequality, on the other hand, “has (we assume) nothing to do with choices in the pertinent sense,” i.e. the sense of one individual

¹² Cohen says that “the grounding idea of Dworkin’s egalitarianism is that no one should suffer because of bad brute luck,” and that “my cut is more faithful to Dworkin’s grounding idea than the one he ostensibly favors is” (“On the Currency of Egalitarian Justice,” p. 922). I similarly argue that all-luck egalitarianism is more faithful to this “grounding idea” of Dworkin and Cohen than their own views are.

¹³ Dworkin, “What is Equality? Part Two,” p. 296.

¹⁴ Dworkin, “What is Equality? Part Two,” pp. 293-294.

taking “risks that the other chose not to take.” This is clearly true also of dominant gamble inequality. Lucky and Unlucky made the same choice, so the difference between them cannot be due to one accepting and one declining a risk.

Second, option luck inequality is at other times a matter of several individuals making the same choice to gamble, with differential results. It is assumed that *all* participants are gambling precisely because they favour risk: “If winners were made to share their winnings with losers, then no one would gamble, as individuals, and the kind of life preferred by both those who in the end win and those who lose would be unavailable.”¹⁵ By contrast, in the case of brute luck inequality “it is not necessary to the life either has chosen that he run the risk.” This is again also true of dominant gamble inequality. There is no reason to suppose that dominant gamblers are seeking risk per se. Anyone, even a very risk averse person, is rationally required to accept a dominant gamble.

It seems, therefore, that the conditions that Dworkin takes as sufficient for brute luck inequality to be neutralized also hold for option luck inequality in dominant gambles. In *Stephanie and Fiona*, I said the brute-luck egalitarian may feel that the theoretical pull of a generally appealing principle (brute-luck egalitarianism) is sufficient to withstand the countervailing intuitive pull, and keep her judgments in reflective equilibrium with brute-luck egalitarianism. But in *Lucky and Unlucky*, the theoretical pull is itself undermined, for there are reasons internal to brute-luck egalitarianism for neutralizing dominant gamble option luck. Intuition and theory seem to be united against such luck.

¹⁵ Dworkin, “What is Equality? Part Two,” p. 294. This might suggest the thought that Dworkin only considers option luck to be present, or at least that it should only be allowed to stand, where individuals antecedently favour risk. If this reading is correct, Dworkin would essentially hold a version of the view discussed in II.C below.

B. Is neutralization of option luck unfair to risk takers generally? I now consider the brute-luck egalitarian's first line of defence. It claims that redistribution of option luck inequality is *unfair to gamblers*. The best known statement is from Dworkin's account of equality of resources:

the effect of redistribution from winners to losers in gambles would be to deprive both of lives they prefer, which indicates, not simply that this would produce an unwanted curtailment of available forms of life, but that it would deprive them of an equal voice in the construction of lots to be auctioned, like the man who hated both plovers' eggs and claret but was confronted only with bundles of both. They both want gambles to be in the mix, either originally or as represented by resources with which they can take risks later, and the chance of losing is the correct price, measured on the metric we have been using, of a life that includes gambles with a chance of gain.¹⁶

Although Dworkin here refers specifically to his auction mechanism, which is not of importance for the present discussion, his general message is clear enough. Neutralizing option luck is unfair to gamblers because it makes them worse off than non-gamblers. Specifically, it denies gamblers (but not non-gamblers) of the kinds of lives they want to lead. We have seen that this specific assumption is not true of dominant gamblers as a whole, but it is nevertheless worth considering whether the subset of dominant gamblers that *are* risk-seekers would be treated unfairly by a policy of option luck neutralization. I think they would not, for at least three reasons.

First, as we have seen, dominant gambles will be taken even by those who are averse to risk. This is relevant even when it comes to considering the fairness effects of option luck neutralization on risk seekers. Dworkin assumes that risk seekers will be disadvantaged by luck neutralization, but by the same token, the risk averse will presumably be disadvantaged by non-

¹⁶ Dworkin, "What is Equality? Part Two," p. 295.

luck neutralization (i.e. allowing gamblers to keep their winnings). As dominant gambles will be accepted by the entire (minimally rational) population, there is no reason to assume that risk seekers would be more numerous than the risk averse, or vice versa. Hence, as far as I can tell, this situation is perfectly symmetrical – our reasons for allowing dominant gambles to stand in order to ensure that risk seekers are not disadvantaged in their choice of lifestyles are matched by our reasons for redistributing the results of dominant gambles in order to ensure that the risk averse are not disadvantaged in *their* choice of lifestyles. The concern with fairness in availability of “forms of life” does not tell in favour of allowing gamblers to keep their winnings.

Second, it is in any case dubious whether *equality* requires that individuals may create option luck *inequality*. In essence, Dworkin’s argument is that there will be (1) an inequality between (risk-seeking) gamblers and non-gamblers if (2) gamblers are not allowed to create their own inter-gambler inequalities. If we are concerned by inequality between gamblers and non-gamblers, why would we not be concerned by – indeed, actually demand – inequality between gamblers? The answer, presumably, is that inequality between gamblers is a matter of option luck – it could have been declined. But as we have seen, the inequality between *dominant* gamblers is not declinable in any sense that carries great moral weight. Thus, in dominant gambles, our reasons for objecting to gambler-non-gambler inequality will apply also to gambler-gambler inequality. We will have no reason to favour – and will in fact have reasons to oppose – dominant gamble option luck.

Finally, insofar as gamblers do suffer from having option luck neutralized, and therefore are *initially* worse off than non-gamblers, there is no reason to assume that they will end up worse off than non-gamblers. This is for the simple reason that we can provide ex post compensation to gamblers for any disadvantage that neutralizing option luck imposes on them. A policy of neutralizing the option luck between Lucky and Unlucky, then compensating one or both of them should this neutralization disadvantage them by denying them access to a risk-taking lifestyle, has clear advantages over the brute-luck egalitarian policy of leaving the gambles to stand. It has the same effects regarding fairness towards those with gamble-seeking preferences, but also achieves

fairness between Lucky and Unlucky by ensuring that there is no inequality between them deriving from the non-reasonably avoidable dominant gamble.

C. Is neutralization of option luck unfair to successful risk takers? The first main defence of option luck inequality focused on fairness between risk takers and non-risk takers. The second main defence, to which I now turn, focuses on fairness *among* risk takers. Specifically, it claims that redistributing the effects of gambles is *unfair to winning gamblers*. As Daniel Markovits puts it, “redistribution from winning to losing gamblers ... subordinate[s] winning to losing gamblers, by allowing the losers some of the benefits of the winners’ bets.”¹⁷

Whatever the plausibility of this claim regarding regular gambles, for dominant gambles, where involvement in the gamble cannot be reasonably avoided, it is hard to see how the winners are subordinated to the losers by redistribution. “[T]he benefits of the winners’ bets” are (nominally) the winners’ for no better reason than that (1) the winner and loser did something that any rational person would do in the circumstances and (2) the winner had good luck and the loser had bad luck. The (minimal) role of choice in (1) technically makes this a case of option luck, but it is hard to see how doing something that you are rationally compelled to do could justify making you worse off than another identical person simply because they had better luck. In dominant gambles, there is a strong case for saying that losers would be subordinated to winners were there no redistribution, as they would be made worse off on grounds that are evidently morally arbitrary.

Markovits also has a slightly different argument, which sees the gamble as a kind of agreement between gamblers:

¹⁷ Daniel Markovits, “Luck Egalitarianism and Political Solidarity,” *Theoretical Inquiries in Law*, 9 (2008), 271-308, p. 287 n. 51.

Although the differences in advantage that arise in such [gambling] cases are not related to *differences* in the gamblers' choices, they are *expressions* of the choices. That is because the prospect of different outcomes is accepted, and indeed intended, as part of the initial choice to gamble. Allowing such different outcomes to stand therefore does not place winning gamblers out of community with losers but is instead an expression of solidarity among gamblers – an affirmation of the terms on which gamblers choose to relate to one another.¹⁸

But I think it clear that the choice of a typical dominant gambler is not accurately expressed in “differences in advantage.” As we have seen, dominant gamblers do not on the whole seek risk, and it would also be gratuitous to suppose that they want to generate inequality. All their choice to gamble tells us is that they have made the only rational choice open to them – we can infer very little about their preferences beyond this. Even if the winner would, *ex post*, prefer to keep her winnings, this has not at any stage been authorized, implicitly or explicitly, by the loser. The option luck inequality can therefore be neutralized without violating any “terms” of the gamble.

II. REVISED BRUTE-LUCK EGALITARIANISM

Having found the usual defences of option luck inequality ineffective in dominant gambles, I conclude that standard brute-luck egalitarianism is highly unattractive in these cases. It has not been shown, however, that the brute-luck egalitarian should reject their view wholesale in favour of all-luck egalitarianism or some other view. It could yet be that brute-luck egalitarianism can be modified to deal effectively with dominant gambles while retaining its distinctive treatment of other cases of option luck. I now consider three such modifications of brute-luck egalitarianism. Each of these positions accepts that some option luck calls for neutralization, but denies that all

¹⁸ Markovits, “Luck Egalitarianism and Political Solidarity,” p. 287 n. 51.

option luck calls for neutralization, as all-luck egalitarianism claims. The first position neutralizes option luck in dominant gambles but not other gambles (II.A). The second says that people should not be worse off where it is unreasonable to expect them to avoid the outcome (II.B). The final position neutralizes option luck in quasi-gambles – those where the gambler would accept the expected value of the gamble in preference to facing the gamble itself (II.C).

A. The dominant gamble view. Problems for brute-luck egalitarianism arise in dominant gamble situations that do not seem to arise when applying the view to option luck in other cases. This is due to features of dominant gambles that are absent from most other gambles. In particular, even those desperate to avoid risk are rationally compelled to take dominant gambles, which as we saw in I.B and I.C makes it difficult to argue that dominant gamblers are treated unfairly when they are prevented from facing risks, or that by gambling they have expressed a willingness to risk becoming much worse off than others. An obvious revision of brute-luck egalitarianism to accommodate the special features of dominant gambles presents itself: neutralize option luck in dominant gambles while allowing it to stand elsewhere. Dominant gambles are to be treated as though they are non-declinable.¹⁹ This view – the *dominant gamble view*, as I will call it – is still distinctively brute-luck egalitarian, since inequality is allowed to result from any of the many gambles that are not dominant.

The dominant gamble view implausibly allows inequalities between gamblers in *sub-dominant but still non-reasonably avoidable gambles*. Consider the following case:

¹⁹ “[I]t would be stupid for individuals who reasonably care about their outcome to choose the dominated lottery. In that sense it seems hard to say that they ‘might have declined the first [dominant] lottery’” (Marc Fleurbaey, “Egalitarian Opportunities,” *Law and Philosophy*, 20 (2001), 499-530, p. 517).

Lucky and Unlucky**. Lucky* and Unlucky* both gamble in (0.05*100, 0.95*200; 1*100.01). Lucky* wins, ending up with 200, and Unlucky* loses, ending up with 100.01.

This gamble is within a hair's breadth (0.01 units of advantage) of being a dominant gamble. If it is unfair to allow an inequality between Lucky and Unlucky, it would surely be unfair to allow an inequality between Lucky*, who wins the gamble, and Unlucky*, who loses it. But if we are only neutralizing option luck in dominant gambles, we will allow this inequality to stand, as it will be classed as a "normal" case of option luck. As I take this to be clearly implausible, the defender of brute-luck egalitarianism must consider a different kind of view.

B. The reasonable avoidability view. A second kind of revised brute-luck egalitarianism follows naturally from the above discussion. It aims to neutralize luck not just between dominant gamblers, but between all gamblers in non-reasonably avoidable gambles. Shlomi Segall suggests, for instance, that "[i]t is unjust for individuals to be worse off than others due to outcomes that it would have been unreasonable to expect them to avoid."²⁰ I will refer to this as the *reasonable avoidability view*.²¹

²⁰ Segall, *Health, Luck, and Justice*, p. 13; see also Martin Sandbu, "On Dworkin's Brute-Luck-Option-Luck Distinction and the Consistency of Brute-Luck Egalitarianism"; *Politics, Philosophy, and Economics*, 3 (2004), 283-312; Gideon Elford, "Equality, Choice, and Alternatives," *Ethical Perspectives*, 19 (2012), 445-468. Greg Bognar ("Catering for Responsibility: Brute Luck, Option Luck, and the Neutrality Objection to Luck Egalitarianism," *Economics and Philosophy*, 35, 259-281, p. 267) similarly suggests (without endorsement) that "luck egalitarians may ... say that *A* is not at fault if she chooses the weakly dominant prospect"; cf. Peter Vallentyne, "Brute Luck, Option Luck, and Equality of Initial Opportunities," *Ethics*, 112 (2002), 529-557, p. 532.

²¹ Segall's view does not object to non-reasonably avoidable outcome equality, as it interprets luck egalitarianism as never objecting to equality, even if it is due to brute luck; see *Health, Luck, and Justice*, chs 1 and 4; Shlomi Segall, *Equality and Opportunity* (Oxford: Oxford University Press, 2013), ch. 2. As this is a

The reasonable avoidability view avoids pitfalls faced by other versions of brute-luck egalitarianism. It equalizes Lucky and Unlucky in their dominant gamble, and Lucky* and Unlucky* in the non-reasonably avoidable sub-dominant gamble, as intuition demands. But it becomes less appealing when we start unpacking the idea of reasonable avoidability.

We might initially be tempted to use a *subjective* sense of reasonable avoidability, according to which it is up to the individual to decide what is and is not reasonably avoidable. But in that case, society will find itself having to compensate individuals for choices that they considered to be reasonably unavoidable on quite idiosyncratic grounds. Consider, for instance, Dworkin's famous character Louis, who opts to develop expensive tastes for such things as plovers' eggs and pre-phyloxera claret. Dworkin is clear that Louis does not develop his taste carelessly, but rather does so because he thinks "his life would be a more successful life overall – would provide less reason for regret – if he had the expensive taste or ambition."²² Louis could well suppose that deliberately developing expensive tastes was not reasonably avoidable in his case, because it is unreasonable to expect someone to act in a way that will cause him regret. But that is surely no reason for society to subsidize Louis's expensive tastes, especially not a luck egalitarian society.

These considerations lead us to an *objective* sense of reasonable avoidability. This certainly overcomes the difficulty posed by idiosyncratic individual judgments of reasonable avoidability. But in order to neutralize option luck in gambles that are taken as objectively non-reasonably avoidable, a society would require an "official" account of what is and what is not reasonably avoidable for its citizens. This raises four problems.

separate issue from reasonable avoidability I leave it aside here, but for criticism see Andreas Albertsen and Søren Flinch Midtgaard, "Unjust Equalities," *Ethical Theory and Moral Practice*, 17 (2014), 335-346.

²² Ronald Dworkin, "What is Equality? Part One: Equality of Welfare," *Philosophy and Public Affairs*, 10, 185-246, p. 231.

First, advocates of the view have not presented determinate principles of reasonable avoidability. Rather, they have presented a few cases that they consider to be intuitively reasonably avoidable or non-avoidable,²³ or have suggested that reasonable avoidability concerns achievement of an unspecified minimum threshold or (conversely) efficiency in terms of gains and losses.²⁴ Segall frankly admits that “‘unreasonableness’ is an ambiguous notion, and that obviously has the weakness of leading to indeterminacy.”²⁵ It is hard to see how that indeterminacy could be a strength as he goes on to claim, especially in light of the gambling cases we have been exploring, where fairness depends on us being able to say whether some quantified combination of circumstance, choice and outcome calls for redistribution. Of course, one could specify a determinate account of reasonable avoidability, but that would then stand in need of justification – for example, why set the threshold just there, rather than higher or lower? Why give it such high priority? Why use a threshold at all? The fact that such specificity has not been attempted is testament to the difficulty of such justification, embroiling luck egalitarians in unwelcome, and perhaps intractable, new controversy. An appeal to reasonableness is just a promissory note, and there is no reason to suppose that it can be delivered upon.

Second, even if it were to deliver on its promise, reasonable avoidability would threaten the consistency of luck egalitarianism. Readers are likely to have noticed that the example of a reasonable avoidability threshold raises issues parallel to those in distributive justice debates about sufficientarianism.²⁶ Martin Sandbu observes that the most likely developments of reasonable

²³ Segall, *Health, Luck and Justice*, ch. 1; Elford, “Equality, Choice, and Alternatives.”

²⁴ Sandbu, “On Dworkin’s Brute-Luck-Option-Luck Distinction and the Consistency of Brute-Luck Egalitarianism,” pp. 296-299.

²⁵ Segall, *Health, Luck and Justice*, p. 21.

²⁶ Harry Frankfurt, “Equality as a Moral Ideal,” *Ethics*, 98 (1987), 21-43; Paula Casal, “Why Sufficiency Is Not Enough,” *Ethics*, 117 (2007), 296-326; Carl Knight, “Enough is Too Much: The Excessiveness

avoidability, in terms of a minimum threshold or the balance of gains and losses, are non-egalitarian, and that making luck egalitarianism “parasitical” on reasonable avoidability therefore undermines the egalitarian assumptions of luck egalitarianism.²⁷ For instance, “if what we can reasonably require from [people’s] risk management (that is, what counts as option luck) depends on whether they are above the threshold, then it seems inconsistent not to introduce this principle directly into our theory of the just distributive pattern.”²⁸ Likewise, “if the normative principle on which the brute- and option-luck distinction (and thus our currency of justice) is based is an aversion to excessive waste and inefficiency, then we cannot disregard that concern when we choose the distributive pattern of the *distribuendum*.”²⁹ Reasonable avoidability leads towards sufficientarianism, prioritarianism or utilitarianism rather than egalitarianism.³⁰

Third, even if there were an account of reasonable avoidability that were both correct and consistent with egalitarianism, use of this account by the state to determine fair shares would involve objectionably perfectionist judgments.³¹ It would add insult to injury for those who have made choices with bad consequences by telling them that they fell short of what could be

Objection to Sufficientarianism,” *Economics and Philosophy*, early online publication (2021), <http://dx.doi.org/10.1017/S0266267121000171>.

²⁷ Sandbu, “On Dworkin’s Brute-Luck-Option-Luck Distinction and the Consistency of Brute-Luck Egalitarianism,” pp. 304-309.

²⁸ Sandbu, “On Dworkin’s Brute-Luck-Option-Luck Distinction and the Consistency of Brute-Luck Egalitarianism,” p. 306.

²⁹ Sandbu, “On Dworkin’s Brute-Luck-Option-Luck Distinction and the Consistency of Brute-Luck Egalitarianism,” pp. 306-307.

³⁰ The incoherence here is in including sufficientarian, prioritarian or utilitarian principles in the very definition of egalitarianism. There is, by contrast, no incoherence in endorsing such principles alongside an independent egalitarian principle, and I later recommend just this.

³¹ Bognar, “Catering for Responsibility.”

reasonably expected of them. This is an unwelcome departure from standard luck egalitarian views, which make no judgments of reasonableness regarding individual conduct.³² The prominent criticism of luck egalitarianism as moralizing, insulting, and humiliating³³ can therefore be seen as inapplicable to standard forms of the view,³⁴ but powerful against the reasonable avoidability view.

Finally, however the line between reasonably avoidable and non-reasonably avoidable gambles is drawn, there will be cases in which a gamble is *only just* reasonably avoidable. For instance, say that n is the greatest value for which the gamble in $(0.05*100, 0.95*200; 1*n)$ is non-reasonably avoidable. As the gamble in this case is non-reasonably avoidable, any option luck inequality between gamblers must be fully neutralized according to the reasonable avoidability view. But if we replace n with an infinitesimally greater value, the gamble does, ex hypothesi, turn into a reasonably avoidable gamble, and the full inequality between gamblers is allowed to stand. It seems highly inappropriate to offer zero compensation to the losing gambler in this gamble, but full compensation in the other gamble, given that the difference between the two is so minute it is unlikely ever to affect anybody's decision to gamble. The reasonable avoidability view assumes that the presence of reasonable avoidability makes a decisive moral difference. But it cannot possibly

³² Cohen, "On the Currency of Egalitarian Justice," p. 923; Richard J. Arneson, "Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare," *Philosophy and Public Affairs*, 19 (1990), 159–94, p. 176. Likewise, the all-luck egalitarianism defended below uses no such judgments – it makes outcomes correspond to the expectations of choices and is uninterested in whether those choices were reasonable.

³³ Elizabeth Anderson, "What is the Point of Equality?" *Ethics*, 109 (1999), 287–337; Samuel Scheffler, "What is Egalitarianism?" *Philosophy and Public Affairs*, 31 (2003), 5-39; Jonathan Wolff, "Fairness, Respect, and the Egalitarian Ethos," *Philosophy and Public Affairs*, 27 (1998), 97-122.

³⁴ Richard J. Arneson, "Luck Egalitarianism and Prioritarianism," *Ethics*, 110 (2000), 339-349, p. 344; Kasper Lippert-Rasmussen, *Relational Egalitarianism: Living as Equals* (Cambridge: Cambridge University Press, 2018), pp. 33-34.

make such a difference given that tiny scalar differences in payoffs may be the difference between a reasonably avoidable and non-reasonably avoidable outcome.³⁵

In response, a scalar reasonable avoidability view might be suggested, so that one is compensated *to the extent* that an outcome is non-reasonably avoidable. But such a view seems clearly unfair. Suppose, for example, that two identical and enthusiastic gamblers face different gambles: the first faces (0.05*100, 0.95*200; 1*160), the second faces (0.05*100, 0.95*200; 1*150). The first gamble is more reasonably avoidable than the second gamble, due to the higher payoff of its non-gamble option, so assuming that both gambles are lost, more compensation will be due to the second gambler. Yet for these keen gamblers the ten extra units are immaterial to their choice – both would have chosen to gamble whether the non-gambling option offered 150 or 160. It seems unfair that the first gambler emerges worse off than the second, when it's just her bad luck that she faced a more reasonably avoidable gamble than did her peer. Reasonable avoidability, even scalar reasonable avoidability, can not serve as a basis for luck egalitarian distribution.

C. The quasi-gamble view. A third and final revision of brute-luck egalitarianism focuses on a feature of some dominant gamblers that I earlier picked out as being of apparent importance – their neutrality or even aversion to risk. Lippert-Rasmussen suggests that we distinguish “gambles proper,” where a “gambler prefers facing the gamble to having its expected value,” from “quasi-gambles,” where the gambler “prefers the expected value of the gamble to facing the gamble.”³⁶ The final revision, then, identifies the problem with brute-luck egalitarianism as its forcing of risk onto quasi-gamblers, who do not want risk per se, and participate in dominant gambles only

³⁵ Vallentyne, “Brute Luck, Option Luck, and Equality of Initial Opportunities,” p. 535.

³⁶ Lippert-Rasmussen, “Egalitarianism, Option Luck, and Responsibility,” p. 555.

because they provide the best expected outcome. It responds by protecting quasi-gamblers from risk by neutralizing quasi-gamble option luck while allowing gamble proper option luck to stand.³⁷

This *quasi-gamble view* does, like the dominant gamble view and the reasonable avoidability view, handle vanilla dominant gambles like *Lucky and Unlucky* much more effectively than the standard brute-luck egalitarianism. But like those views, it faces difficulties in other cases.

The first difficulty arises in cases where losers are quasi-gamblers and winners are gamblers proper. Here the quasi-gamble view appears to be incoherent. It requires that we compensate losing quasi-gamblers, but it also says that winning gamblers proper are entitled to their winnings. There are two conflicting norms contained within the view, which make conflicting claims on the available resources.³⁸ We could make a trade-off between the two norms. For instance, we could say that where Quasi-Gambler loses and Gambler Proper wins in $(0.05*100, 0.95*200; 1*100)$, we balance the norm saying that Gambler Proper should keep her entire winnings (200) against the norm saying that the option luck impacting Quasi-Gambler should be neutralized (both individuals

³⁷ See Fleurbaey, “Egalitarian Opportunities”; Nicholas Barry, “Reassessing Luck Egalitarianism,” *Journal of Politics*, 70 (2008), 136–150. Fleurbaey has subsequently (*Fairness, Responsibility, and Welfare* (Oxford: Oxford University Press, 2008), ch. 10) defended a complex theory he refers to as “equality of autonomy,” which includes a guarantee for basic freedom and, above that threshold, under the heading of “Egalitarian-Equivalence,” a pooling of risks that looks rather all-luck egalitarian: “Every category of individuals will bear the average consequences (approximately) of their risky behavior but not the consequences of their personal luck” (p. 162). Note, however, that a forward-looking sense of autonomy is the foundation of his account, while responsibility and choice are treated as of only derivative value, being defined institutionally rather than pre-institutionally. In this respect his view is closer to Rawls’ justice as fairness than it is to luck egalitarianism.

³⁸ The inverse case of winning quasi-gamblers and losing gamblers proper does not result in a similar conflict over scarce resources. On the contrary, as the quasi-gamblers have no claim to their winnings and the gamblers proper have no claim to compensation for their losses, resources exceed fair shares.

get 150), with the consequence that Gambler Proper gets 175 and Quasi-Gambler gets 125. But the attempt at a trade-off fails to satisfy egalitarian justice, for the familiar reason that a choice to engage in a dominant gamble is rationally compelled, and as such cannot justify inequality between dominant gamblers, such as that between Gambler Proper and Quasi-Gambler. We might circumvent this problem with lexical priority. The norm that says that we compensate losing quasi-gamblers gets lexical priority over the norm that says winning gamblers proper keep their winnings. But this is evidently unfair to gamblers proper, who don't get to keep their winnings when they win against quasi-gamblers but still have to pay out when they lose.

An associate editor for *Philosophy & Public Affairs* suggested that cases with losing quasi-gamblers and winning gamblers proper “are oddities rather than serious problems”:

In practice, the goal of this type of theory is to apply to large populations in which every type of behaviors is associated with all levels of luck. So, if one can compensate luck among quasi-gamblers and leave it alone among gamblers, that is consistent for large-scale social justice.

I nevertheless maintain that there remains a serious problem here for the quasi-gamble view, on three grounds. First, there is the methodological point that many political philosophers do not believe that fundamental principles of justice such as luck egalitarianism can be dependent on empirical facts such as the existence of large populations. Indeed, as well as being a leading luck egalitarian, Cohen was a leading exponent of this position.³⁹ Second, no luck egalitarian that I am aware of has proposed it should only be applied to large populations, and it is hard to see any

³⁹ G. A. Cohen, “Facts and Principles,” *Philosophy & Public Affairs*, 31 (2003), 211-245.

justification for such a position.⁴⁰ While large populations are presumably the main intended point of application, that does not warrant disregarding its effects in other contexts. Finally, while the unfairness diminishes for large populations, it never goes away completely. For a large population you are very unlikely to have an exactly even split of luck between quasi-gamblers and gamblers proper, just as you are very unlikely to have, say, exactly 500,000 heads out of 1,000,000 coin flips. Quasi-gamblers will still, therefore, be made unfairly worse off, and though the magnitude of the unfairness is reduced, that does not amount to a justification.

The second difficulty with the quasi-gamble view notes that the difference between a quasi-gamble and gamble proper may be minute. Suppose, for instance, that I am a quasi-gambler in $(0.05*100, 0.95*199.9; 1*100)$. If we increase the size of the “win” by a tiny amount, so I now face $(0.05*100, 0.95*200; 1*100)$, I may thereby be induced to prefer taking the risk. In the event that I lose, the quasi-gambler view is committed to giving me full compensation in $(0.05*100, 0.95*199.9; 1*100)$, because I am there a quasi-gambler, but zero compensation in $(0.05*100, 0.95*200; 1*100)$, because I am there a gambler proper. But this drastic difference in treatment does not seem to be warranted by such small differences in expectations.

As with reasonable avoidability, revising the view to make it scalar does not salvage it. The proposal would presumably be that, instead of allowing option luck inequality where a gambler prefers the gamble to its expected value, we allow option luck inequality *to the extent* that the gambler prefers the gamble to its expected value. But this view remains subject to the counterexample just presented. I could very firmly be a quasi-gambler in $(0.05*100, 0.95*199.9; 1*100)$, but equally firmly be a gambler proper in $(0.05*100, 0.95*200; 1*100)$, for instance because

⁴⁰ Kok-Chor Tan (*Justice, Institutions, and Luck: The Site, Ground, and Scope of Equality* (Oxford: Oxford University Press, 2012), chs 2-3) proposes a form of luck egalitarianism that applies only to institutions, but this is motivated by the need to draw a boundary between justice and personal pursuits, a boundary that is equally applicable for small populations.

attaining 200 has particular importance to me. The tiny difference in payoff will still make for a huge difference in distributive outcome. This shows that the problem is not just that the quasi-gamble view is binary rather than scalar – it’s responding to the wrong phenomena. The relevant phenomena are indeed scalar, but concern expectations rather than preferences, so we need a rather different view to capture them.

III. ALL-LUCK EGALITARIANISM

With the failure of this last brute-luck egalitarian variant, I conclude that there is no plausible way of reconciling brute-luck egalitarianism with neutralization of option luck in dominant gambles. This offers an indirect argument for all-luck egalitarianism, by way of undermining its main rival. I will now argue more directly in favour of that view. I begin by setting out all-luck egalitarianism’s appeal as a response to dominant gambles (III.A). I then examine the epistemic mechanisms of all-luck egalitarianism and brute-luck egalitarianism, finding the former to be clearly preferable (III.B). Finally, I respond to the objection that all-luck egalitarianism is implausible in “classic” cases of option luck (III.C).

A. Dominant gambles revisited. Brute-luck egalitarianism is, I have argued, an unstable view: its rationale for endorsing brute luck neutralization undermines its insistence on allowing option luck to stand in dominant gambles. This instability could be resolved in any of three ways. First, brute-luck neutralization could be rejected as an objective. This amounts to rejecting luck egalitarianism altogether in favour of some entirely different theory, such as utilitarianism, (right) libertarianism, or relational egalitarianism.⁴¹ Whatever the merits of such views, they cannot claim to be true interpretations of what luck egalitarianism requires. Second, some rationale for brute-luck

⁴¹ See, for instance, J. S. Mill, *Utilitarianism* (1863); Robert Nozick, *Anarchy, State, and Utopia* (Oxford: Blackwell, 1974); Anderson, “What is the Point of Equality?”

neutralization that is quite different from Dworkin's, and which does not imply that option luck inequality is fair in dominant gambles, could be devised.⁴² I am not sure why anyone would want to take this route, given that option luck inequality in dominant gambles is surely unappealing quite independently of Dworkin's rationale. An alternative rationale for brute-luck neutralization is undoubtedly possible, but I do not hold out much hope for its appeal. Finally, we could drop the brute-luck egalitarian insistence on allowing option luck to stand. On this view option luck is neutralized, just as brute luck is neutralized. Only direct choice is allowed to stand, insofar as it is present. This approach, which seems the most promising, is all-luck egalitarianism.

All-luck egalitarianism identifies three distributively relevant categories: brute luck, option luck, and direct choice. All-luck egalitarianism's *neutralization of brute luck* is the same as brute-luck egalitarianism's. Its *neutralization of option luck* is what distinguishes it from brute-luck egalitarianism. On my construal, option luck is a choice's outcome minus its expectation, i.e., [outcome] – [expectation].⁴³ Thus, neutralization of option luck amounts to giving individuals the expected

⁴² Cohen may be interpreted as taking a version of this strategy in later work, where he suggests that option luck inequality may be unfair but legitimate; see G. A. Cohen, "Fairness and Legitimacy in Justice, And: Does Option Luck Ever Preserve Justice?" in Stephen De Wijze, Matthew H. Kramer and Ian Carter (eds), *Hillel Steiner and the Anatomy of Justice* (London: Routledge, 2009). While this view has the advantage that it says that option luck inequality in dominant gambles is unfair, it does not overall seem a viable account of dominant gambles. The inequality between Lucky and Unlucky seems no more legitimate than it is fair. How could such inequality be legitimated merely by arising from individuals' choices, where these are choices that no rational person would decline?

⁴³ Nicholas Rescher, *A Philosophical Introduction to the Mathematics of Luck* (Cham: Springer, 2021), p. 14. Rescher's account of luck is more general and does not address brute luck, option luck, equality, distributive justice, or related issues.

value of their choices.⁴⁴ This expected value of choice is all-luck egalitarianism's interpretation of direct choice. *Direct choice is allowed to stand.* Indeed, it is the upshot of neutralizing option luck and brute luck. This sensitivity to direct choice retains and deepens the choice sensitivity for which luck egalitarianism is known. The brute-luck egalitarian conception of choice is infused with chance, as its typical case of choice is mediated by option luck. All-luck egalitarianism sees such chance as undermining choice, and offers an alternative where choices define outcomes without the interference of luck.

We can see right away that all-luck egalitarianism handles dominant gambles such as *Lucky and Unlucky* with ease. Lucky and Unlucky have made identical choices in identical circumstances, so the expected value of their choices is identical. All-luck egalitarianism therefore suggests that their situation should be equalized, as the intuitive phenomena and the Dworkinian rationale mentioned above both suggest. Likewise, the sub-dominant gamble *Lucky* and Unlucky** is, from an all-luck egalitarian perspective, similar to *Lucky and Unlucky*: Lucky* and Unlucky* made identical choices in identical circumstances so they receive identical outcomes. We found that the main versions of the reasonable avoidability view and the quasi-gamble view both attached all-or-nothing moral weight to infinitesimal changes in scalar properties. All-luck egalitarianism lacks this absolutism. It responds to the scalar property of individual expectations with a scalar allocation of benefits: a small change in one results in a small change in the other. In short, all-luck egalitarianism seems to overcome the problems faced by each version of brute-luck egalitarianism.

Most of the cases we have been considering are ones in which all-luck egalitarianism recommends an equal outcome. This is because we have been considering cases such as *Lucky and*

⁴⁴ Temkin, "Justice, Equality, Fairness, Desert, Rights, Free Will, Responsibility, and Luck," p. 65. Where individuals are unable to receive their full expectations due to a societal shortfall, or alternatively society has more than enough resources to meet expectations, each individual's entitlement is adjusted by the same percentage as the overall shortfall or surplus. See Knight, "Egalitarian Justice and Expected Value."

Unlucky in which different people make choices with the same expected outcome. Consider, by contrast, the following dominant gamble case:

Inventor and Procrastinator. Inventor gambles in $(0.05*100, 0.95*200; 1*100)$. Her dominant gamble is to set about creating an invention. Inventor has an identical twin, Procrastinator, who could have created a similar invention but instead settled for the non-gambling option (100) .⁴⁵

Inventor's expectations are almost double those of Procrastinator, so according to all-luck egalitarianism she is entitled to almost twice as much benefit. This highlights that, although all-luck egalitarianism uses a different sense of choice than brute-luck egalitarianism, it retains the characteristic luck egalitarian justification for inequality on grounds of differential choice. Furthermore, this role for choice is not just retained but, as I said, deepened. For the brute-luck egalitarian the crucial distributive question is how Inventor's choice happens to pan out: if she's lucky she gets 200; if she's unlucky she gets 100. Choice merely determines the lottery to which the agent will be subject. All-luck egalitarianism, on the other hand, allows choice to directly determine the outcome.

B. Foreseeability and Expectations. What explains the differing fortunes of brute-luck egalitarianism and all-luck egalitarianism? I believe the key issue is a corresponding difference in the *epistemic criteria* of the two theories. Consideration of this difference offers further support for all-luck egalitarianism.

⁴⁵ To set aside some irrelevant issues I assume that Procrastinator is putting in as much effort as Inventor, but is misdirecting it (for instance, on intense procrastination, or on an "invention" that has no foreseeable application).

Arneson writes that “[t]he argument for equal opportunity [i.e. luck egalitarianism] rather than straight equality is simply that it is morally fitting to hold individuals responsible for the *foreseeable* consequences of their voluntary choices.”⁴⁶ For Dworkin option luck involves a person “accepting an isolated risk he or she should have *anticipated* and might have declined.”⁴⁷ For brute-luck egalitarians, the epistemic criterion is a *binary* one. An individual becomes liable for the consequences of her choices that are foreseeable (Arneson) or anticipatable (Dworkin), and these concepts are interpreted such that they do not admit of matters of degree. One either could have foreseen or anticipated some outcome, or one could not have foreseen or anticipated it. With respect to a specific consequence, there is no such thing as “partially foreseeing it” or “anticipating it to an extent.” This explains the brute-luck egalitarian’s stance that there is no case for redistribution between dominant gamblers such as Lucky and Unlucky. They both foresaw the consequences of their choices, so they can have no complaint with the outcome.

The all-luck egalitarian’s epistemic criterion is, by contrast, thoroughly scalar. An individual receives the consequences of her choices that she was warranted to expect, where expectations are intrinsically a matter of degree. This is why Lucky and Unlucky receive identical outcomes on this view. This expectations approach seems clearly preferable to the foreseeability approach, and not just because of their contrasting success in dominant gambles. The reasoning here is parallel to that given in earlier cases involving scalar properties, and is illustrated in this example:

Meteorite. Suppose that being hit by a meteorite when standing outside is foreseeable iff there is a $>x$ probability of being hit by one.⁴⁸ Megan is hit by a meteorite where the

⁴⁶ “Equality and Equal Opportunity for Welfare,” p. 88, emphasis added.

⁴⁷ Dworkin, “What is Equality? Part Two,” p. 293, emphasis added.

⁴⁸ I have formulated this in a deliberately broad way as brute-luck egalitarians are not very specific about what they mean by foreseeability. The reader is free to fill out “probability” however they prefer (subjective,

probability of being hit by one was x . Melissa is hit by a meteorite where the probability of being hit by one was $>x$. Both suffer identical disadvantages.

According to brute-luck egalitarianism, Megan is entitled to full compensation, as being hit by a meteorite was not foreseeable for her and is therefore a matter of brute luck. But Melissa is not entitled to any compensation, as being hit by a meteorite was foreseeable for her and is therefore a matter of option luck. It seems impossible to justify this extreme difference in response on the basis of a potentially tiny difference in expectations – for instance, the difference between a 0.0005 probability and a 0.00049 probability. This suggests that a binary condition of foreseeability is not a viable basis for assessing claims for egalitarian assistance.⁴⁹ It is much more plausible to make egalitarian assistance fully responsive to expectations, as all-luck egalitarianism proposes. In that case an individual who suffered an injury that had a 0.0005 probability of eventuating will have almost identical entitlements to an individual who suffered an injury that had a 0.00049 probability of eventuating.

It might be supposed that brute-luck egalitarianism cannot really use a binary criterion that would have the absurd consequences described in *Meteorite*. Indeed, after presenting the examples of a stock purchase and “a falling meteorite whose course could not have been predicted,” Dworkin comments that “the difference between these two forms of luck [option and brute] can be represented as a matter of degree, and we may be uncertain how to describe a particular piece

objective, the official government estimate, etc). The example assumes, of course, that standing outside is a matter of choice.

⁴⁹ The binary condition might seem more plausible where x is set as 0, and any conceivable disadvantaging event, no matter how unlikely, is treated as foreseeable. But on this account many seemingly compelling claims for assistance (such as that attending a meteor strike with <0.0000001 antecedent probability) would be denied.

of bad luck.”⁵⁰ This seems to suggest that option luck and brute luck, and the foreseeability criterion underlying them, may admit of degrees after all. But this is not in fact the case. These are the next sentences in this passage:

If someone develops cancer in the course of a normal life, and there is no particular decision to which we can point as a gamble risking the disease, then we will say that he has suffered brute bad luck. But if he smoked cigarettes heavily then we may prefer to say that he took an unsuccessful gamble.⁵¹

The juxtaposition here suggests that Dworkin is simply applying a binary criterion, according to which one has option luck *or* brute luck. He believes that the difference between them can be “represented” as a matter of degree, because whether some consequence is anticipatable is obviously a matter of whether it could be expected, and whether it could be expected is obviously a matter of degree – of probabilities. But for distributive purposes the scalar property of expectation is relevant only in the respect that it results in the binary condition of foreseeability being met or not being met.

The binary foreseeability criterion is, moreover, no mere idiosyncrasy of Dworkin’s view of option luck. It is quite central to brute-luck egalitarianism. A view which asked *how far* some outcome was foreseeable, with compensation for bad outcomes insofar as they did not coincide with expectations, would no longer be brute-luck egalitarian. This is readily seen from brute-luck egalitarianism’s central commitment – and, as discussed below, apparent advantage – of accepting the outcome of freely chosen gambles. Such a commitment is starkly at odds with compensation for outcomes that differ from expectations, for gambling outcomes do, by definition, differ from

⁵⁰ Dworkin, “What is Equality? Part Two,” p. 293.

⁵¹ Dworkin, “What is Equality? Part Two,” p. 293.

expectations, which are intermediate between the outcomes of winners and losers. The proposal to compensate for outcomes insofar as they are unforeseeable is not a modification of brute-luck egalitarianism, but a rejection of it in favour of all-luck egalitarianism.⁵²

C. Classic gambles. Whatever strengths all-luck egalitarianism may have in cases like *Lucky and Unlucky* and *Meteorite*, its brute-luck egalitarian critics contend that the view should be rejected because of its implausible implications in classic cases of option luck, where the gamble is rationally declinable and its possible consequences foreseeable. Arneson gives this example:

Individuals who otherwise would have identical expected welfare may voluntarily engage in a game of pure chance with each other with a lot of money riding on the outcome. One wins, the other loses, and thereafter their welfare expectations are very different. The winner prudently invests her winnings and the loser never recoups his losses. But surely

⁵² At one point Cohen suggests that “[t]he amount of genuineness that there is in a choice is a matter of degree, and egalitarian redress is indicated to the extent that a disadvantage does not reflect genuine choice.” He illustrates this as follows: “[o]ne of the things that affects how genuine a choice was is the amount of relevant information that the chooser had. But we do not have to ask, Exactly what sort and amount of information must a person have to count as having genuinely chosen his fate? All that we need say, from the point of view of egalitarian justice, is: the more relevant information he had, the less cause for complaint he now has” (Cohen, “On the Currency of Egalitarian Justice,” 934). This stance regarding information does not address the problem in *Meteorite*, as the problem there was not one regarding quality of relevant information. The problem was rather that implausibly differential treatment accompanied slight differences in expectations, and that implausibility would remain even if we specify that all parties have full information.

this inequality in expected welfare does not create any prima facie case for society to correct the inequality by transfer of resources.⁵³

While I agree that, on the face of it, there is not much intuitive pull for the all-luck egalitarian position that we should equalize welfare in cases such as Arneson's, I believe that we should, on reflection, accept this position. The main point here is that there are good reasons for supposing that any pro-option luck intuitions we have are not *egalitarian* intuitions. I already gestured towards this in I.B, but the point is strengthened by considering the kinds of principles that *do* approve of option luck. Utilitarianism is very likely to approve of it, because well-being is likely to be directly promoted where individuals are allowed to pursue their own interests, including interests in gambling and risk taking generally. Additionally, many kinds of option luck would less directly but no less importantly promote individual well-being by facilitating entrepreneurial activity and other calculated risks that are simply impossible where option luck inequalities are undone by the state. Similar points can be made about other principles that give weight to absolute levels of well-being, such as prioritarianism or sufficientarianism.⁵⁴

⁵³ Arneson, "Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare," pp. 175-6; see also "Equality and Equal Opportunity for Welfare," pp. 83-4.

⁵⁴ Derek Parfit, "Equality or Priority?" in Matthew Clayton and Andrew Williams (eds), *The Ideal of Equality* (Basingstoke: Palgrave, 2000); Frankfurt, "Equality as a Moral Ideal."

This matters because any plausible form of egalitarianism will be pluralistic, allowing some role for utilitarianism,⁵⁵ prioritarianism,⁵⁶ sufficientarianism,⁵⁷ or similar views. Thus, any egalitarian worth their salt would have some non-egalitarian intuitions endorsing option luck inequality even if egalitarianism were indifferent or hostile to option luck inequality. I believe that this is exactly the situation we are in: the typical egalitarian feels the non-egalitarian intuitive pull of option luck inequality. But they usually call it an egalitarian intuition, perhaps because there is a theory of equality (brute-luck egalitarianism) that approves of option luck inequality. This is a misidentification and over-theorization of the intuition. A competent layperson would not call an intuition favouring option luck inequality an egalitarian intuition, nor does it seem to be an egalitarian intuition in any theoretical sense other than its agreement with brute-luck egalitarianism. It is much more plausible to suppose that this intuition ultimately takes its support from some non-egalitarian value.

It could be countered, in Dworkinian fashion, that egalitarianism must leave space for ambition, and that ambition is frustrated where option luck is redistributed:

we must, on pain of violating equality, allow the distribution of resources at any particular moment to be (as we might say) ambition-sensitive. It must, that is, reflect the cost or benefit to others of the choices people make so that, for example, those who choose to

⁵⁵ Parfit, “Equality or Priority?” pp. 85-86.

⁵⁶ Arneson, “Luck Egalitarianism and Prioritarianism”; “Equality of Opportunity for Welfare Defended and Recanted”; Carl Knight, *Luck Egalitarianism: Equality, Responsibility, and Justice* (Edinburgh: Edinburgh University Press, 2009), ch. 6; Segall, *Health, Luck, and Justice*; Temkin, “Justice, Equality, Fairness, Desert, Rights, Free Will, Responsibility, and Luck.”

⁵⁷ Andrew Williams, “Liberty, Equality, and Property,” in *The Oxford Handbook of Political Theory*, ed. John S. Dryzek, Bonnie Honig and Anne Philips (Oxford: Oxford University Press, 2006), pp. 488-506, at 501-502; Casal, “Why Sufficiency Is Not Enough,” pp. 321-323.

invest rather than consume, or to consume less expensively rather than more, or to work in more rather than less profitable ways, must be permitted to retain the gains that flow from these decisions in an equal auction followed by free trade.⁵⁸

Plainly all-luck egalitarianism is incompatible with Dworkin's brute-luck egalitarian interpretation of ambition sensitivity as requiring that people "must be permitted to retain the gains that flow from these decisions." But is this actually the best interpretation of ambition sensitivity? In fact there is a deep conflict between the brute-luck egalitarian conclusion and the rationale of rewarding those "who choose to invest rather than consume, or to consume less expensively rather than more, or to work in more rather than less profitable ways." One can choose to invest, consume inexpensively, and work in ways anticipated to be profitable, yet suffer bad option luck that leaves you much worse off than those that chose to consume expensively and work in unprofitable ways. In this way brute-luck egalitarianism betrays the ambition sensitivity that motivates it. Ambition sensitivity, properly construed, requires that decisions to work, save or invest are reflected in outcomes. This is what all-luck egalitarianism provides.

The above arguments are reinforced when we consider some further examples of choices that broadly fall into the category of "classic gambles," in that they are rationally declinable with foreseeable consequences. Consider the following case:

Steve. A couple of decades ago, Steve chose to embark upon a career as a steelworker in a developed country. Given the structure of the domestic and global economy, Steve clearly faced a significant risk of eventual redundancy, and he was aware of this. There were other job opportunities, with broadly similar risks and rewards. Steve's plant now faces severe financial difficulties, and is at risk of closure.

⁵⁸ Dworkin, "What is Equality? Part 2," p. 311.

Steve deliberately accepted the risk associated with his chosen career, and could rationally have declined it. He therefore took a classic gamble, and brute-luck egalitarianism will have no reason to assist him should he have bad option luck. But the foreseeability of redundancy does not seem to preclude Steve from receiving state assistance, such as official efforts to find a private buyer for the struggling plant, public loans, or (as a last resort) retraining should he be laid off. If that seems true from an all-things-considered distributive justice perspective, it seems even clearer when we consider egalitarianism in particular. The brute-luck egalitarian opposition to *any* assistance seems outright anti-egalitarian. The same is true in many other cases, such as people who suffer life-threatening injuries through faulty driving, people who are disabled through their own fault, people who are struck by natural disasters, and people who are injured in dangerous professions.⁵⁹ The influential critic Elizabeth Anderson is right to reject brute-luck egalitarianism's hard-nosed rejection of assistance for bad option luck as contrary to egalitarianism. But all-luck egalitarianism accommodates this insight while remaining committed to the fundamental luck egalitarian goal of neutralizing the effect of luck on people's lives.

This, then, is my assessment of the situation: (1) all-luck egalitarianism has intuitive support in a wider range of cases than brute-luck egalitarianism (e.g. *Stephanie and Fiona*, *Lucky and Unlucky*, *Meteorite*, *Steve*); and (2) those intuitions that support brute-luck egalitarianism – especially in casino-type cases – can be plausibly explained as non-egalitarian.

IV. CONCLUSION

⁵⁹ Anderson, "What is the Point of Equality?" pp. 295-297; for discussion see Carl Knight, "Abandoning the Abandonment Objection: Luck Egalitarian Arguments for Public Insurance," *Res Publica*, 21 (2015), 119-135.

Lippert-Rasmussen opens his book on luck egalitarianism by saying that to qualify as luck egalitarian one must accept the “core luck egalitarian claim” that “it is unjust if some people are worse off than others through their bad luck.”⁶⁰ On a literal reading of this definition only all-luck egalitarians would qualify as (authentic) luck egalitarians; brute-luck egalitarians fall short because they do not affirm that it is unjust if some people are worse off than others through their bad option luck. While most luck egalitarians take this departure from the core luck egalitarian claim as having little or no downside, I have argued that it is fatal for brute-luck egalitarianism, as it commits it to an endorsement of option luck inequality in dominant gambles that is both strongly counterintuitive and incoherent. Revisions of brute-luck egalitarianism can overcome this difficulty but only at the cost of insuperable difficulties in other cases of option luck. All-luck egalitarianism is the most authentically luck egalitarian view because it is the only view that is consistent in its opposition to people being worse off through mere bad luck, and can therefore provide the most meaningful form of sensitivity to choice and ambition.

⁶⁰ Kasper Lippert-Rasmussen, *Luck Egalitarianism* (London: Bloomsbury, 2015), pp. 1-2.