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IN DEFENCE OF LUCK EGALITARIANISM*

Carl Knight

ABSTRACT. This paper considers issues raised by Elizabeth Anderson's recent critique of the position she terms 'luck egalitarianism'. It is maintained that luck egalitarianism, once clarified and elaborated in certain regards, remains the strongest egalitarian stance. Anderson's arguments that luck egalitarians abandon both the negligent and prudent dependent caretakers fails to account for the moderate positions open to luck egalitarians and overemphasizes their commitment to unregulated market choices. The claim that luck egalitarianism insults citizens by redistributing on the grounds of paternalistic beliefs, pity and envy, and by making intrusive and stigmatizing judgments of responsibility, fails to accurately characterize the luck egalitarian's rationale for redistribution and relies upon luck egalitarians being insensitive to the danger of stigmatization (which they need not be). The luck egalitarian position is reinforced by the fact that Anderson's favoured conception of equality, 'democratic equality', is counterintuitively insensitive to all unchosen inequalities, including intergenerational inequalities, once bare social minimums are met.

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KEY WORDS: distributive justice, Elizabeth Anderson, equality, luck egalitarianism, option luck, paternalism, pity, responsibility, Ronald Dworkin, social insurance

INTRODUCTION

Despite its prominence and many internal disputes, the branch of egalitarian thought represented by the work of Ronald Dworkin, G. A. Cohen, Richard Arneson, Thomas Nagel, Eric Rakowski, John Roemer and Philippe Van Parijs had, until the late nineties, been relatively free of external criticism from an egalitarian perspective. This changed, however, with the publication of Elizabeth Anderson's thought-provoking article "What Is the Point of Equality?".¹ A fixed conviction of egalitarian justice is, in Dworkin's terms, that a government treats all its citizens with equal concern and respect.² Anderson arrestingly claims that the theories of the "luck egalitarians," as she dubs Dworkin and his ilk, fail to express equal concern and respect for individuals. Contemporary egalitarian philosophy is consequently not only objectionable to conservatives, but embarrassing to egalitarians.

Arneson has already responded to this allegation; however, in his response he does 'not aim to defend luck egalitarianism across the board, but rather to identify one (outlier) member of the luck egalitarian family that is not vulnerable to Anderson's criticisms'.³ In this article, by contrast, I wish to defend luck egalitarianism as a family. I proceed by assessing Anderson's many arguments for her claim under two broad categories. In section I I consider the charge that luck egalitarianism illegitimately *abandons* those badly off individuals who are in some way responsible

¹ Elizabeth S. Anderson, 'What Is the Point of Equality?', *Ethics* 109 (1999), 287-337.

² Ronald Dworkin, *Taking Rights Seriously* (London: Duckworth, 1977), pp. 272-3.

³ Richard Arneson, 'Luck Egalitarianism and Prioritarianism,' *Ethics* 110 (2000), 339-49, p. 340.

for their condition. In section II I examine the claim that luck egalitarianism *insults* those it compensates and those who pay for the compensation. Later, in section III, I will consider Anderson's positive contribution to the 'Equality of What?' debate, *democratic equality*, and assess its credentials as an alternative to luck egalitarianism. Anderson's arguments fail in some cases to address positions actually held by luck egalitarians, fail in many cases to take into account the best luck egalitarian stances, and fail in all cases to challenge the luck egalitarian commitment to combating unchosen inequalities. Or so I shall maintain.

ABANDONING CITIZENS

Dworkin draws a famous distinction between *option luck* and *brute luck*. Option luck defines the consequences of gambles willingly taken in the full knowledge of their possible consequences. Brute luck defines the consequences of risks that were either unchosen, taken unwillingly, or taken without knowledge of their possible consequences. Dworkin argues that while equality requires inequalities resultant upon brute luck to be redressed, it does not require any such action to be taken in the case of option luck, provided the individuals in question had the opportunity to insure themselves against losses.⁴ This is a view that has found favour among contemporary egalitarians.⁵

⁴ Ronald Dworkin, 'What Is Equality? Part Two: Equality of Resources', *Philosophy & Public Affairs* 10 (1981), 283-345, pp. 293-5.

⁵ Richard Arneson, 'Equality and Equal Opportunity for Welfare', *Philosophical Studies* 56 (1989), 77-93, pp. 83-4; 'Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare', *Philosophy & Public Affairs* 19 (1990), 159-94, p. 176; G. A. Cohen, 'On the Currency of Egalitarian Justice', *Ethics* 99 (1989), 906-44, pp. 908, 916; Eric Rakowski, *Equal Justice* (Oxford: Oxford University Press, 1991), pp. 74-5.

Anderson takes the effects this luck egalitarian view justifies to be objectionable to the egalitarian on several counts. I will consider them in two broad categories. First is ‘the problem of *abandonment of negligent victims*’ and related problems.⁶ Suppose someone is offered the chance to insure against injury but chooses not to and is subsequently severely injured in a car crash. Anderson says that the luck egalitarian will leave such persons to bleed to death by the roadside. Surely this is monstrous. Similar cases concern those who choose to live in hazardous areas without insurance, and are consequently left homeless when nature devastates their homes, as well as those who undertake hazardous work without insurance, and are therefore denied medical treatment when they come to harm.⁷

The luck egalitarian may respond by denying that circumstances of the kind Anderson envisages will occur, or are likely to occur. A simple way of doing this would be to stipulate that, as rational beings, individuals would not forego insurance in such circumstances when the consequences of doing so would be so catastrophic. But it may be rejoined that justice requires us to cope with people as they are, which is sometimes irrational. Dworkin offers a more sophisticated response that seeks to show that the community would provide protection against such catastrophes. It turns on the claim that a good society would ensure that a public health scheme was in place. He notes that ‘a decent society strives to protect people against major mistakes they are very likely to reject’.⁸ Of course, society could do this on an ad hoc basis, providing negligent victims with treatment as they appeared. But this is to invite free-riding from the negligent: ‘when someone fails to buy any personal accident

⁶ Anderson, ‘What Is the Point of Equality?’, op. cit., 295-6, original emphasis.

⁷ Ibid., 296-7.

⁸ Ronald Dworkin, ‘Sovereign Virtue Revisited’, *Ethics* 113 (2002), 106-43, p. 114.

insurance, and is therefore unable to afford medical care when needed, costs are born by the rest of the community'.⁹ The community would therefore prevent free-riding whilst treating all in need through a health scheme funded through taxation.¹⁰

Anderson attempts to resist this kind of reasoning by asserting that the kind of thinking that will not permit someone to die in the street however irresponsible they are is alien to luck egalitarians.¹¹ However, none of the theorists Anderson identifies as luck egalitarians could fairly be said to hold this position. Aside from Dworkin's social insurance scheme, Arneson suggests that mandatory contributions to pension schemes are justified in order to prevent the imprudent suffering in old age, while Van Parijs advocates a minimum basic income which under most circumstances would prevent anyone from falling into dire straits.¹² These theorists are not only in principle open to the idea of protecting the would-be imprudent even when doing so breaches the demands of luck egalitarianism, but explicitly propose social policies that provide safety nets for such persons.

Rakowski and Roemer, on the other hand, seem to come close to the hardline position that Anderson criticizes. As Anderson makes much of, Rakowski insists that after a natural disaster, 'losses, as instances of nasty option luck, would be born solely

⁹ Ibid.

¹⁰ This kind of reasoning bears an affinity with Anderson's argument that a prohibition on acquiring the sources of someone's guaranteed freedoms (these will be described in section III) may be justified in non-paternalistic fashion where it bases 'inalienable rights on what others are obligated to do rather than on the right bearer's own subjective interests' ('What Is the Point of Equality?', op. cit., 319).

¹¹ Ibid., 301.

¹² Richard Arneson 'Equality and Equality of Opportunity for Welfare', in *Equality: Selected Readings*, in eds L. Pojman and R. Westmoreland (Oxford: Oxford University Press, 1997), p. 239; Philippe Van Parijs, *Real Freedom for All* (Oxford: Oxford University Press, 1995).

by the owner, who might or might not have insured against such hazards'.¹³ But it is clear that Rakowski is articulating the full implications of unbridled luck egalitarianism without taking a stand on whether or not it should sometimes be checked. Thus he writes that '[t]here may be sound paternalistic reasons for not allowing people to dispense with health and accident insurance altogether'.¹⁴ Roemer proposes to establish the extent to which individual smokers who have developed lung cancer are responsible for their smoking.¹⁵ Anderson claims that 'Roemer's plan leaves people vulnerable to such a deprivation of their capabilities that they cannot function as an equal [sic]'.¹⁶ This is an unsympathetic reading. Roemer proposes only 'to apply these ideas [about responsibility] to decide the amount that society should pay of a person's medical expenses'.¹⁷ It is apparent that he is addressing the question of how medical expenses should be split between patient and state. Anderson's quite different question of what to do with individuals who are to some extent responsible for their lung cancer and who *cannot* pay the expenses attached to that responsibility is simply not considered. Anderson reads Roemer's answer to his question as an answer to her question. But there are good reasons to think that his answer would be

¹³ Rakowski, *op. cit.*, 80.

¹⁴ *Ibid.*, 76 n. 4.

¹⁵ John Roemer, 'A Pragmatic Theory of Responsibility for the Egalitarian Planner', in *Egalitarian Perspectives: Essays in Philosophical Economics* (Cambridge: Cambridge University Press, 1994), pp. 182-4.

¹⁶ Anderson, 'What Is the Point of Equality?', *op. cit.*, 328-9.

¹⁷ Roemer, *op. cit.*, 182.

different where the question changes from one about money to one about lives because that change is morally significant.¹⁸

The most, then, that Anderson's first type of argument suggests is that the imprudent should not be abandoned. But as this not something any of her stated targets have proposed, her argument addresses positions only held by straw people.

There is more to be said for Anderson's second type of argument, which claims that luck egalitarianism punishes certain types of prudence. Her most biting argument here concerns the '*vulnerability of dependent caretakers*'.¹⁹ This highlights the reliance of luck egalitarians on social systems that presume the male economic agent as the norm. As a result of this reliance Anderson claims that luck egalitarians treat those who choose to devote themselves to caring for children, the elderly and the infirm, and who consequently command little or no market wage, on the same terms as those who choose to be lazy. This might mean either that a large group of people who work hard at a socially valuable job are pauperized, or that, in Van Parijs' case, they are provided with a level of income they could have secured without working at all.²⁰ Anderson writes: '[p]eople who want to avoid the vulnerabilities that attend dependent caretaking must therefore decide to care only for themselves. This is egalitarianism for egoists alone'.²¹

¹⁸ In this case the luck egalitarian can return a similar answer to Anderson's, which is to tax cigarettes to pay for lung cancer treatment. The rationale for this would be similar to that for general health taxation – to provide treatment without allowing the negligent (smokers) to free-ride on the prudent (non-smokers).

¹⁹ Anderson, 'What Is the Point of Equality?', op. cit., 297, original emphasis

²⁰ Ibid., 299.

²¹ Ibid., 300.

I think Anderson is right to say that luck egalitarianism as it has been developed has failed to come fully to terms with feminist critiques of markets. But I believe she moves too quickly to the conclusion that ‘it is not clear whether luck egalitarians have any basis for remedying the injustices that attend [caretakers’] dependence on male wage earners’.²² The way out for the luck egalitarian is to *regulate markets by social value*. Dworkin notes that ‘[t]here is no such thing as a ‘natural’ market: we use ‘market’ to designate a range of economic mechanisms all of them regulated and therefore defined in some way’.²³ He makes these comments in the context of refuting the view that someone with wealth-generating talent should be rewarded with whatever earnings the market allows; their scope is clearly not limited to a recommendation of checks on monopolistic practices and other purely capitalistic market regulations. Consequently I see no reason for thinking that luck egalitarians would be opposed to rewarding those who perform a socially valuable activity that is underpaid by the market with remuneration at a level above that set by the unregulated market.

The rationale for this regulation is provided by Anderson herself when she ‘wonders how children and the infirm are to be cared for, with a system that offers so little protection for their caretakers against poverty and humiliation’.²⁴ She is quite correct to urge against Rakowski that in a market economy characterized by a division of labour everyone is benefited by the next generation’s development.²⁵ Public funding of care for the infirm could be justified in a similar way as healthcare, that is,

²² Ibid., 297-8.

²³ Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge, MA: Harvard University Press, 2000), p. 327.

²⁴ Anderson, ‘What Is the Point of Equality?’, op. cit., 300.

²⁵ Ibid., 324; Rakowski, op. cit., 153.

by reference to the need to provide such care without rewarding free-riding. Given the social value of having children and the infirm looked after by well-motivated caretakers, those caretakers are in a good position on a market regulated by social value. Obviously this market regulation would amount to a transfer of earnings from those with an income to caretakers. This apparent infringement of market choices is justified on the grounds that without it those persons performing socially valuable activities would be treated unequally. We pick out the choice to perform these socially valuable activities as one type of individual choice that we are prepared to subsidize. I think this is quite consistent with the luck egalitarian belief that ‘people should pay the price of the life they lead, measured in what others give up in order that they can do so’.²⁶ The choice to be a caretaker is a choice that benefits society; without it, the cost of caring for children and the infirm would be born by society. This choice can therefore be rewarded on luck egalitarian principles.

How, then, might luck egalitarians set the level of socially funded compensation for caretakers? Dworkinians might say that the risk of being abandoned as a caretaker is sufficient to warrant insurance on the hypothetical insurance market to ensure (via taxation) a certain level of income for caretakers above that paid to the unemployed. Welfarists could treat the choice to be a caretaker in the same way they treat uncultivated expensive tastes, providing compensation for any welfare deficit resulting from the choice. To be sure, wage-earners will pick up a smaller pay packet in consequence of such measures, but this is also the result of all other redistributive measures. A valid complaint on this score would have to show that the redistribution is unjustified, but Anderson, if she is to be consistent, is committed to the contrary view. Distributions remain sensitive to choice, as luck egalitarians demand, but the

²⁶ Dworkin, ‘What Is Equality? Part Two: Equality of Resources’, op. cit., 294.

institutional background of those choices is modified in such a way as to reward worthy choices that would otherwise go unrewarded. Anderson raises a valid point, then, in highlighting some luck egalitarians' bias towards unregulated market choices.²⁷ But her strong conclusion can be avoided when luck egalitarianism is flexible to the regulation of markets to better represent social choice.

The charge of abandonment is directed principally at the luck egalitarian treatment of some of those affected by option luck. Anderson also has an argument that the victims of bad brute luck might be ignored, as an insurance scheme such as Dworkin's may offer no compensation to some congenitally disabled people:

[P]eople who have an extremely rare but severe disability could be ineligible for special aid just because the chances of anyone suffering from it were so minute that it was *ex ante* rational for people not to purchase insurance against it.²⁸

I must confess, I find this criticism perplexing. It is true that the likelihood of suffering a rare disease may be minute. But the rarer the disease, the cheaper the insurance. Thus, it would surely be rational to insure in these circumstances: the danger of contracting the disease may be tiny, but its effects would be disastrous were one uninsured, while the cost would be so infinitesimal that it would never be noticed.²⁹

²⁷ cf. Rakowski, *op. cit.*, 109.

²⁸ Anderson, 'What Is the Point of Equality?', *op. cit.*, 303.

²⁹ Dworkin, 'Sovereign Virtue Revisited', *op. cit.*, 116.

INSULTING CITIZENS

Not only does luck egalitarianism unfairly abandon some citizens, Anderson insists, but it insults others. It does this, she claims, by offering reasons for help that rely upon paternalistic beliefs, pity and envy, and by making intrusive and stigmatizing judgments about responsibility.

Anderson holds that moves towards the welfare state, such as those suggested in the previous section, introduce an unacceptable *paternalism*:

In adopting mandatory social insurance schemes for the reasons they offer, luck egalitarians are effectively telling citizens that they are too stupid to run their lives, so Big Brother will have to tell them what to do. It is hard to see how citizens could be expected to accept such reasoning and still retain their self-respect.³⁰

All systems of social insurance are paternalistic in some way. Anderson does not want to rule out social insurance tout court, but says that the reasoning offered by luck egalitarians is particularly insulting. I am not so sure. A luck-egalitarian government who wished to bring about a public health service might say something like this to its citizens:

Everybody knows that if there is no social insurance scheme some people will be negligent and not insure themselves against injury. Everybody also knows that when such persons get injured, our society, being humane, will view providing them with treatment as a moral obligation. Institutional

³⁰ Anderson, 'What Is the Point of Equality?', op. cit., 301.

arrangements that leave some persons morally obligated to pay for the negligence of others are unfair. Therefore we must tax everyone to pay for universal health care.

There is no affront to prudent citizens' self-respect in this reasoning. Perhaps we might like to say that the would-be negligent are insulted. If their negligence impacted only upon themselves this insult might be unacceptable. But this is not the case, and the cost of the insult to them cannot be thought to outweigh the alternative, which is to unfairly ask the prudent to pay for other people's negligence.

It might be thought that we have moved too far away from luck egalitarianism as negligent lifestyles are now state subsidized, contrary to luck egalitarian demands. However, we are merely introducing a safety net for those who are injured due to negligence, uninsured, and too poor to pay for the treatment themselves. In these cases luck egalitarianism gives way to urgent need. But a distinctively luck egalitarian element to our approach remains. There is, for instance, nothing to stop the government from sending medical bills to the negligent who can afford to pay. Likewise, luck egalitarianism need not place the negligent on the same footing as the prudent where both are in need, nor need it continue to subsidize those who repeatedly damage their bodies through dangerous activity.³¹ In such instances I maintain that individual choices are intuitively relevant to how we allocate medical resources. These cases suggest that the luck egalitarian scheme that I have described offers a sensible balance between responsibility and need.

Anderson believes that luck egalitarianism also insults those who suffer bad brute luck and those who have to compensate them in non-paternalistic ways. I will

³¹ In these regards equality of fortune has a distinct advantage over Anderson's democratic equality.

See the section 'Democratic Equality' below.

spend most of this section on the victims of bad brute luck, but will briefly consider the alleged insult to the relatively lucky at its close.

According to Anderson, luck egalitarianism, in compensating the disabled, the untalented and the unattractive, '*raises private disdain to the status of officially recognized truth*'.³² Sheer rhetoric aside, she offers two arguments here. She says, firstly, that 'general knowledge of the grounds upon which citizens laid claim to special aid would be stigmatizing'.³³ Let us grant what is far from certain, that there is general knowledge of the grounds of compensation and that citizens are able to apply these criteria accurately enough to establish who gets compensation and why they get it. The sensible luck egalitarian's response is to take this into account when deciding whether and to what extent to compensate different groups of people. If it is judged that the worst-off would be worse off still (in terms of whichever luck egalitarian metric is favoured) were they to be compensated then the compensation will be withheld. In the case of the ugly and socially awkward it may well be the case that the social stigma exceeds the benefits of compensation. If so, the government simply would not compensate these people. In the case of the disabled and the long-term unemployed the social stigma of compensation would almost always be outweighed by the benefits of compensation, which may allow far more fulfilling lives. So even if we grant the conditions of stigmatization it is unclear how this adds up to an argument against a luck egalitarianism that is sensitive to the danger of stigmatization.

Anderson puts the main emphasis on her second argument. She maintains that luck egalitarianism:

³² Anderson, 'What Is the Point of Equality?', op. cit., 306, original emphasis.

³³ Ibid, 306.

can only express *pity* for its supposed beneficiaries ... People lay claim to the resources of egalitarian distribution in virtue of their inferiority to others, not in virtue of their equality to others. Pity is incompatible with respecting the dignity of others.³⁴

Two ideas, *inequality* and *pity*, seem to be conflated here. It is of course true that luck egalitarians grant resources or opportunities to people in virtue of their state being unequal in some regard to that of other people. If A holds fewer resources than B then there may be a strong case for distributing resources from B to A on the ground of that inequality (assuming that the choices of A and B are not substantially the cause of that inequality). This is detached from pity in two ways. First, the attitude of those from whom compensation for bad luck would come could hardly be further from superiority. As David Sobel notes, a guiding thought would be something like ‘there but for the grace of God go I’.³⁵ The basis for offering assistance ‘is misfortune due to bad luck, so there is no basis here for holding oneself superior if one happens to have experienced good luck rather than bad, and to be in the position of helper rather than beneficiary’.³⁶ Contrast this with the attitude under other redistributive policies, which move resources from the prudent and hardworking to the negligent and lazy.

Second, it is in any case quite unnecessary to talk about the emotions of the more advantaged, as redistributive decisions are not made by them. They are made

³⁴ Ibid, 306, original emphasis.

³⁵ David Sobel, ‘Sobel Reviews Anderson’, *Brown Electronic Article Review Service* (1999), ed. J. Dreier and D. Estlund, *World Wide Web*, (<http://www.brown.edu/Departments/Philosophy/bears/homepage/html>).

³⁶ Arneson, ‘Luck Egalitarianism and Prioritarianism’, op. cit., 344.

from the impartial perspective of the state, a perspective which represents the interests of all its citizens, advantaged and disadvantaged alike. Redistribution is performed out of respect for the fundamental equality of all persons that transcends the vagaries of particular unchosen circumstances. The recognition and tackling of inequalities in these circumstances is solely for the purpose of securing the fundamental equality of those individuals. This is a matter of justice, not pity.

In response to criticism of her article, Anderson has stated that compensating the less fortunate only expresses superiority when combined with either: (a) ‘compensating for misfortunes that consist in the possession of personal qualities that others find repugnant or pathetic’; or (b) ‘responsibility catering’, making compensation conditional on proof that the claimant is not responsible for their plight.³⁷

However, (a) is open to interpretation, and is either too strong or too weak. It is counterintuitively strong if it is read as making all compensation for unfavourable personal qualities the expression of pity regardless of the motive for compensation. It is too weak to support Anderson’s claims if read as saying that only that compensation which is issued on the grounds that the claimant holds what others believe to be pathetic characteristics expresses pity. Even Van Parijs’ proposal of ‘undominated diversity’, which Anderson picks out for especially harsh treatment, avoids this interpretation of (a). On this scheme compensation is issued to B where ‘A’s internal endowment (a vector of talents) *dominates* B’s internal endowment’, and where domination occurs ‘if and only if every person (given their conception of the

³⁷ Elizabeth S. Anderson, ‘Anderson Replies to Arneson, Christiano and Sobel’, *Brown Electronic Article Review Service* (1999), ed. J. Dreier and D. Estlund, *World Wide Web*, (<http://www.brown.edu/Departments/Philosophy/bears/homepage/html>).

good life) would prefer to have the former to the latter'.³⁸ Note that the unanimity required for dominance sets as a necessary condition of compensation that B *herself* favours A's endowments to her own. Hence B's 'misfortune' does not 'consist in the possession of personal qualities that others find repugnant or pathetic' but consists in the possession of endowments that others and she herself find unfavourable. Nevertheless, it might be thought that the fact that others' opinions play a role at all is insulting. It is crucial, then, that compensation is not issued to B because others judge her endowment as pathetic, but merely because it is not *preferred* by anyone given their conceptions of the good life. A person can hold a preference for their internal endowment over another's without viewing the other's endowment as repugnant or pathetic. A necessary condition of viewing an internal endowment as repugnant or pathetic is to have a very strong preference against having it. But this condition is not sufficient as it is possible for a person to have the strongest preference against having a certain internal endowment without holding the endowment to be repugnant or pathetic. For example, this might often be the case if persons compared their own endowments against those of persons of the opposite gender. We need to say that certain *attitudes* beyond mere preference (however strong) are required in order for someone to believe an endowment to be repugnant or pathetic. Perhaps these attitudes would be based on beliefs about the objective or intersubjective value of various endowments. At any rate, such attitudes certainly *may* be present in some of the persons whose preferences establish undominated diversity. But undominated diversity does not express pity as defined by the weaker interpretation of (a) as it is the preferences, not the attitudes, that establish whether compensation should be forthcoming.

³⁸ Van Parijs, *op. cit.*, 73, original emphasis.

I find it hard to see how (b) expresses any objectionable superiority. Its intrusion into people's lives is similar to any insurance policy that asks its claimants not to lie.³⁹ If the claimant's claim is honest then there are no grounds for anyone to feel superior to them as their misfortune is unearned and could equally well have happened to anyone. If the claim is dishonest then the claimant cannot have any legitimate complaint with the procedure.

The flipside of Anderson's claim that luck egalitarians insult the disadvantaged by pitying them is her claim that the disadvantaged make their claim for redistribution from the advantaged in terms of *envy*. She is emboldened by the use by Dworkin and others of the 'envy test', which measures a fair distribution of resources as one in which no individual favours anyone else's bundle of resources to her own. Anderson states:

Envy's thought is "I want what you have." It is hard to see how such wants can generate *obligations* on the part of the envied. To even offer one's own envy as a reason to the envied to satisfy one's desire is profoundly disrespectful.⁴⁰

This may be true, but no luck egalitarian suggests that envy generates obligations. Dworkin avers that Anderson confuses the 'psychological and technical economic senses of "envy"'.⁴¹ The latter sense, he says, indicates a preference for a

³⁹ Ronald Dworkin, 'Equality, Luck and Hierarchy', *Philosophy & Public Affairs* 31 (2003), 190-8, p. 192.

⁴⁰ Anderson, 'What Is the Point of Equality?', op. cit., 307, original emphasis.

⁴¹ Dworkin, 'Sovereign Virtue Revisited', op. cit., 117 n. 19.

good, while the former adds to this a feeling of entitlement to that good. This cut does not seem to be quite right for one can envy without feeling entitled. I can envy your flashy new car whilst acknowledging that you can only afford it because you have worked harder than me your whole life.⁴² Nevertheless, it is patently untrue that luck egalitarians use envy itself to establish entitlements; they use the envy test as a purely technical device that embodies an already accepted principle of justice. This principle of justice is equality, which on the luck egalitarian conception requires that unchosen disadvantages are to be removed. This conception is quite independent of socio-psychological factors such as envy; whether anyone in actually existing society envies anyone else's share is an irrelevance.

DEMOCRATIC EQUALITY

In the foregoing sections of this paper I have considered, and in the main rejected, Anderson's criticism of luck egalitarianism as harsh to some and insulting to others. I will now focus on the viability of her theory of democratic equality as an alternative egalitarian theory.

Anderson sets out three characteristics of her theory, as contrasted with the luck egalitarian ideal of equality of fortune, that sketch a 'rough conception of equality'. I will argue that the first and third characteristics do not contrast with luck egalitarianism and that the second is inferior to the luck egalitarian view. 'First, democratic equality aims to abolish socially created oppression. Equality of fortune aims to correct what it takes to be injustices created by the natural order'.⁴³ This contrast between the two theories does not exist. Democratic equality seeks to address

⁴² I thank Hillel Steiner for clarification on this point.

⁴³ Anderson, 'What Is the Point of Equality?', *op. cit.*, 313.

some natural disadvantages, and as it does so as a matter of justice it is hard to see how they can be anything but ‘injustices created by the natural order’. For example, Anderson advocates allocating more resources to the disabled where this is needed to ensure their mobility.⁴⁴ And equality of fortune obviously seeks to address social injustices, ensuring, for example, that individuals start with an equal share of resources or opportunities rather than with a share defined by their parent’s wealth and status. It is true that the two theories address themselves to different types of natural and social injustice, but this is down to their differing conceptions of equality, as we shall shortly see.

I will consider Anderson’s second and third contrasts in reverse order. She claims:

[T]ird, that democratic equality is sensitive to the need to integrate the demands of equal recognition with those of equal distribution. ... People must not be required to grovel or demean themselves before others as a condition of laying claim to their share of goods.⁴⁵

This contrast should, I hope, appear doubtful following the discussion of the previous section. Luck egalitarianism makes no demeaning demands of its citizens. Furthermore, on at least one issue democratic equality falls foul of the charge of insulting citizens that Anderson aims at luck egalitarianism. Democratic equality seems to express pity, as is shown well by the question of the resources which are required in order for a person to appear in public without shame. In developed

⁴⁴ Ibid., 320.

⁴⁵ Ibid., 314.

countries access to frequent showers and changes of clothes are required, but elsewhere they are not. Consequently some kind of local assessment is necessary to establish what is required for people to have equal standing (in Anderson's sense). Such an assessment requires looking at those who are 'respectable' – which is to say the more advantaged – and giving the unrespectable – the disadvantaged – whatever it is that makes the respectable respectable. But such relative assessments leave democratic equality open to the charge that it insults the disadvantaged by pitying them.⁴⁶ Anderson replies that social norms are the object of assessment and 'one need not compare what the worst off have compared to the better off.'⁴⁷ But this response fails to bite as it incorrectly assumes that comparisons between the advantaged and disadvantaged must be made directly in order for the latter to be pitied. The social norms Anderson appeals to will themselves have been established by the better off, and will be held as the standard to which the worst off, being so pitiable when left to their own devices, are to be raised. On the question of insulting its citizens democratic equality fares no better, and maybe worse, than luck egalitarianism.

So on to Anderson's second, and for us final, contrast: 'democratic equality is what I shall call a relational theory of equality: it views equality as a social relationship. Equality of fortune is a distributive theory of equality: it conceives of equality as a pattern of distribution'.⁴⁸ There is something to this contrast, which will now be explained and assessed.

Anderson adopts A. K. Sen's 'capabilities' approach, where '[a] persons' capabilities consist of the sets of functionings she can achieve, given the personal,

⁴⁶ Sobel, *op. cit.*

⁴⁷ Anderson, 'Anderson Replies to Arneson, Christiano and Sobel', *op. cit.*

⁴⁸ Anderson, 'What Is the Point of Equality?', *op. cit.*, 313.

material, and social resources available to her'.⁴⁹ Democratic equality is achieved where there is a guarantee of access to 'three aspects of individual functioning: as a human being, as a participant in a system of co-operative production, and as a citizen of a democratic state'.⁵⁰ The main contrast between this conception of equality and that of luck egalitarians is the *scope* of equality. Luck egalitarians seek to equalize their chosen good, whatever that is (resources for Dworkin, opportunity for welfare for Arneson, access to advantage for Cohen, etc.); all disadvantages in this good are therefore up for redress. Anderson, however, stops far short of this, stating that the capabilities relevant to her three aspects of functioning 'do not include all functionings or all levels of functioning'.⁵¹

What does upholding access to the 'three aspects of individual functioning' amount to? The first aspect merely guarantees access to food, shelter, clothing, medical treatment and freedom of thought and movement. The third aspect guarantees rights of political participation, including the franchise and freedom of speech, and access to public spaces and services. Neither of these requirements would worry the staunchest conservative.

The second aspect guarantees (1) access to education, (2) occupational freedom, (3) 'effective access to the means of production', (4) 'the right to receive fair value for one's labor' and (5) 'recognition by others of one's productive contributions'.⁵² The first two of these guarantees would, again, be unobjectionable to conservatives, while the last is purely symbolic, having no distributional effect. The

⁴⁹ Ibid., 316; A. K. Sen, *Inequality Reexamined* (Oxford: Oxford University Press, 1992).

⁵⁰ Anderson, 'What Is the Point of Equality?', op. cit., 317.

⁵¹ Ibid., 318.

⁵² Ibid.

third is more egalitarian, guaranteeing that able-bodied persons who are willing to work are not denied the opportunity to do so. But note that the ‘effective access’ requirement does nothing to challenge the kind of unequal *ownership* of the means of production experienced in contemporary societies. Consequently its egalitarian effects are limited, especially given Anderson’s acknowledgment that ‘[t]he biggest fortunes are made not by those who work but by those who own the means of production’.⁵³ This impression is reinforced once the effects of the fourth guarantee are spelled out. All that Anderson tells us about fair value is that ‘[s]ociety may not define work roles that amount to peonage or servitude, nor, if it can avoid it, pay them [workers] so little that an able-bodied person working full time would still lack basic capabilities’.⁵⁴ It is clear that ‘basic capabilities’ means access to food, shelter, clothing and the like. So from what Anderson says – and from what she does not say – ‘fair value’ for the labour of those at the bottom end of full-time employment could amount to less than that set by current minimum wage laws in the USA and Britain, given that these provide for basic capabilities and some non-basic capabilities. In sum Anderson guarantees citizens at best the status of the lower working class and at worst the status of the underclass.

Now let us consider how well this accommodates egalitarian thinking. Nagel states the egalitarian’s position succinctly:

I do not think that our sense of priority for improvements of those lower down on the scale is exhausted by the case of the absolutely needy. Of course they have first priority. But the distinction between the unskilled and the skilled

⁵³ Ibid., 325.

⁵⁴ Ibid.

working class, or between the lower middle class and the upper middle class, or between the middle class and the upper class, presents the same intuitive ranking of relative importance.⁵⁵

Anderson is asking us to cast all thoughts about distributive justice aside once the resources to guarantee *very* bare minimums are in place. But distributions above a minimum level may be greatly significant to justice if they, for example, enable someone to achieve their life's ambition.⁵⁶ Moreover, where the minimum is set as low as Anderson sets it class divisions are permitted at all levels of the social structure, in stark contradiction of egalitarian intuitions.

The affront to equality becomes most apparent when we consider democratic equality's account of *intergenerational justice*. If internal resources were presumed equal, Anderson asks, '[w]ould democratic equality demand that external resources be divided equally from the start, as equality of fortune holds? There is no reason to think so'.⁵⁷ From the position Anderson develops there is indeed no reason to think so. But we would do well to be sceptical about any theory that is so ambivalent about the choice/circumstance distinction. Anderson's view entails that all inequalities in resources, including those in wealth and ownership of the means of production, may be passed between generations, provided the bare minimum capabilities are upheld.⁵⁸

⁵⁵ Thomas Nagel, *Equality and Partiality* (Oxford: Oxford University Press, 1991), p. 69-70.

⁵⁶ Richard Arneson, 'Justice Requires Transfers to Offset Income and Wealth Inequalities', *Social Philosophy and Policy* 19 (2002), 172-200, p. 178.

⁵⁷ Anderson, 'What Is the Point of Equality?', *op. cit.*, 320.

⁵⁸ It might be thought that Anderson's guarantee to uphold the third aspect of individual functioning limits some such inequalities. John Rawls argues that equal citizenship might be jeopardised where 'inequalities of wealth exceed a certain limit' as money is converted into political power. See, for

The door for intergenerational definition of life chances is thus propped open. To egalitarians this is anathema. The Dworkinian goal of insensitivity to unchosen circumstance is obviously preferable.

In the light of these considerations Anderson's claim that substantial compensation for bad luck is disrespectful takes on a sinister tone. As Dworkin remarks, 'the canard that aid to the unlucky insults them has been, for centuries, a shield for the indifference of the rich not the dignity of the poor'.⁵⁹ Furthermore, Anderson's ambivalent attitude towards luck and responsibility yields wildly counterintuitive conclusions in many areas of public policy. If C and D are both given the opportunity to insure and C does and D doesn't this is surely at least *prima facie* relevant for the assignment of scarce resources.⁶⁰ Similarly, Anderson's failure to attach a threshold of responsibility to the social minimum invites repeated abuse of the resources it provides.⁶¹ It seems incredible that Anderson, were she to distribute scarce organs, would not give priority to those with faulty organs through bad brute luck over those who have repeatedly needed and received replacement organs due to their willingness to damage their bodies through excessive alcohol intake.⁶² Here the

example, John Rawls, *A Theory of Justice*, revised ed. (Oxford: Oxford University Press, 1999), pp. 198-9. Anderson, however, makes no such argument, nor would she be entitled to on her account of the conditions of citizenship, which has much more limited scope than Rawls'. Importantly, she stipulates only that citizens are equal in having the same formal rights and number of votes, not in having equal political power.

⁵⁹ Dworkin 'Sovereign Virtue Revisited', *op. cit.*, 116.

⁶⁰ Thomas Christiano, 'Christiano Reviews Anderson', *Brown Electronic Article Review Service* (1999), ed. J. Dreier and D. Estlund, World Wide Web, (<http://www.brown.edu/Departments/Philosophy/bears/homepage/html>).

⁶¹ Arneson, 'Luck Egalitarianism and Prioritarianism', *op. cit.*, 348-9.

⁶² Sobel, *op. cit.*

Dworkinian goal of sensitivity to choice seems to approximate egalitarian intuitions far more effectively.

In this section I have been concerned for the most part with criticism of the theoretical bases of Anderson's theory, and with working out its implications that she leaves unsaid. What she actually says about public policy is less offensive to the egalitarian. A reason for this might be that Anderson's discussion is pitched at a lower level of abstraction than the theories she criticizes and in some cases may dovetail with the implementation of those theories.⁶³ This suggestion is born out by the proximity of the luck egalitarian responses to the problems of abandonment of the negligent and the vulnerability of dependent caretakers that I suggested earlier and Anderson's own solutions to these issues.⁶⁴ But such proximity detracts nothing from my central case: at the points on which luck egalitarianism and democratic equality diverge, the former offers the preferable account of equality.

CONCLUSION

Anderson's work on equality is important if only for reminding luck egalitarians of the need to address their theories to some of the broader concerns of the left. In the case of dependent caretakers at least she provides a necessary corrective to luck egalitarian complacency. But in this and many other cases luck egalitarianism, when suitably elaborated, appears to be far more sensitive than Anderson allows to the egalitarian concerns to which she appeals. At most she shows that equality of fortune should sometimes be moderated by citizen's urgent needs, but luck egalitarians do not

⁶³ See Arneson, 'Luck Egalitarianism and Prioritarianism', op. cit., 345; G. A. Cohen, 'Facts and Principles', *Philosophy & Public Affairs* 31 (2003), 211-45, p. 244.

⁶⁴ Anderson, 'What Is the Point of Equality?', op. cit., 323-5, 330-1. See also n. 10 and n. 18 above.

and need not deny this. In consequence Anderson at no stage successfully confronts the core assumptions of luck egalitarianism, let alone refutes them. Moreover, insofar as her own theory of democratic equality differs from luck egalitarianism, the latter seems a much better representation of egalitarian ideals. In sum, if there are good reasons for the philosophical left to supplant luck egalitarianism, Anderson does not provide them.