

Two Objections to Luck Egalitarianism

The doctrine of ‘Luck Egalitarianism’ can be defined as follows:

LUCK EGALITARIANISM

A person should not be worse off than anyone else, in respect of some given metric or currency of goods, as a result of brute bad luck.

Luck Egalitarianism is a position, or a family of positions, associated principally with the writings of, among others, Ronald Dworkin, G. A. Cohen, Richard Arneson, and John Roemer. It has proved to be a very influential doctrine in recent political philosophy.¹

The argument unfolds as follows. In section I, and putting to one side various intramural debates amongst proponents of it, I will very briefly sketch the essential components of Luck Egalitarianism. In the remaining part of this article, I consider two objections to Luck Egalitarianism. The first of them is the ‘Egalitarian Fallacy’, and derives from work by Susan Hurley. It is outlined in section II. It is argued, in the same section, that this objection fails. The second objection, the ‘See-Saw Objection’, which builds on Hurley’s work in many respects, is more effective. The See-Saw Objection is presented in section III, and defended against three objections to it in sections IV to VI. In section VII, I distinguish between two forms of bad brute luck, ‘interpersonal’ bad luck, and ‘intrapersonal’ bad luck, and argue that the latter, but not the former, is relevant to the fate of Luck Egalitarianism. The concluding section, section VIII, assesses the level of damage inflicted on Luck Egalitarianism by the See-Saw Objection, and briefly plots some future trajectories for those who are in basic sympathy with the Luck Egalitarian project.

I. WHAT IS LUCK EGALITARIANISM?

Consider this instructive passage from G. A. Cohen:

[T]he purpose [of egalitarianism] is to eliminate involuntary disadvantage, by which I ... mean disadvantage for which the sufferer cannot be held responsible, since it does not appropriately reflect choices that he has made or is making or would make.²

This passage suggests that the fundamental impulse behind Luck Egalitarianism is to correct, compensate for, or neutralise, involuntary disadvantages between individuals. It is the commitment to expunging disadvantages between individuals, just in so far as those disadvantages are involuntary, or reflect brute bad luck, which underlies Luck Egalitarians' moral commitment to equality. Accordingly, when disadvantages are not, in the relevant sense³, involuntary—when they can be attributed to factors over which, in the relevant sense, agents have control—they are not objectionable. So it is not inequality *per se* that Luck Egalitarians object to; it is inequalities that are involuntary, or attributable to brute bad luck.

Brute bad luck is luck resulting from choices a person could not avoid making. Brute luck contrasts with 'option luck', which is luck resulting from choices or activities that a person freely undertakes.⁴ Consider gambling. You have no control over which horse comes in first, but you have control—barring the possibility that you are a gambling addict—over the decision whether to have placed the bet in the first place. Since you have no control over which horse comes in first, placing a bet involves luck, but this is an example of option luck. Luck Egalitarianism considers brute bad luck, but not bad option luck, to be deserving of compensation.

The fundamental thought behind the Luck Egalitarian case against inequality is that, if agents are not genuinely responsible for their actions, it is inappropriate for others to blame or penalise them. As applied to the domain of distributive justice, this comes to the thought that people's choices and efforts ought not to be penalised in terms of lower shares of goods or benefits, if those choices and efforts can be attributed to factors beyond their control.

At this point, a little more needs to be said to finesse the notions of 'luck', 'responsibility', and 'choice'. As implied above, Luck Egalitarians tend to claim that brute bad luck and responsibility are mirror images of each other. To the extent that you are responsible for *X*, *X* is not a matter of brute bad luck for you; and, correlatively, to the extent that *X* is a matter of brute bad luck for you, you are not responsible for *X*.

How does choice fit into all of this? How is it related to luck? Cohen remarks that:

the fundamental distinction for an egalitarian is between choice and luck in the shaping of people's fates.⁵

This claim suggests that, at least for Cohen, Luck Egalitarianism could just as accurately be called 'Choice Egalitarianism'. But this would be a misleading suggestion, for Cohen evidently sees luck as the more fundamental item in this pair. He goes on to say that:

egalitarian redress is indicated to the extent that a disadvantage does not reflect *genuine* choice.⁶

Choice is genuine, for Cohen, if it does not reflect brute bad luck.⁷ If an agent's choices reflect brute bad luck, those choices will not be, in the relevant sense, 'genuine'. But a non-genuine choice is not, surely, a non-existent choice. It is not *extracted* from an agent in a way that bypasses her agency. It is simply a choice that reflects the unfavourable circumstances impinging on an agent. Cohen's refusal to call such a choice 'genuine' is evidently a theoretically motivated one—it is to say that certain choices do not, for the purposes of establishing a just distribution, enjoy the right sort of pedigree.⁸ At the most fundamental theoretical level, then, Cohen holds that just distributions should track the distinction between responsibility and non-responsibility, not the distinction between choice and non-choice. Choice is simply a *proxy* for responsibility, but the two can come apart. To put it another way, the master-cut for Luck Egalitarians is between *responsibility* and luck, not between *choice* and luck, and Cohen arguably misrepresents himself in the passage above when he suggests otherwise.

One further preliminary remark on Luck Egalitarianism is in order. By the 'metric' or 'currency' of justice, I mean simply to denote that range of goods or benefits whose distribution commands the attention of distributive justice. Typical candidates for the metric of justice are welfare, resources, and capabilities. I will have nothing further to say about this debate here.⁹

II. HURLEY ON THE EGALITARIAN FALLACY

I start by considering a strongly argued objection to Luck Egalitarianism from Susan Hurley, who outlines what she calls the ‘Egalitarian Fallacy’.¹⁰ This is the fallacy of moving from the claim that

(1) It is a matter of luck that X and Y are unequal

to the claim that

(2) It would not be a matter of luck if X and Y were equal.

Hurley argues that the move from (1) to (2) is just as fallacious as the move from the claim that

(3) It is a matter of luck that X and Y are equal

to the claim that

(4) It would not be a matter of luck if X and Y were unequal.

Luck Egalitarians, of course, will have no time for the move from (3) to (4). Hurley’s point is that the move from (3) to (4) is no more or less defensible than the move from (1) to (2). The same basic point is encapsulated, more pithily, in the following way:

The fact that people are *not* responsible for *difference* does not entail that they *are* responsible for *non-difference*.¹¹

Hurley’s objection is powerful, and there is considerable merit to it, I think. It aspires to unseat Luck Egalitarianism in a particularly radical way. Moreover, the See-Saw Objection, which is the second objection to Luck Egalitarianism that I will consider, and that I will support, is somewhat similar to it. But her objection does not quite work as it stands.

Why? According to Hurley, the fundamental purpose of Luck Egalitarianism is to eliminate distributions that reflect luck in favour of distributions that don't reflect any luck at all. This fundamental purpose, if it can be truly ascribed to Luck Egalitarians, exposes them immediately to the Egalitarian Fallacy. However, Luck Egalitarians can legitimately reply that the Egalitarian Fallacy under-describes the commitments of their theory. It is true that, for Luck Egalitarianism, brute bad luck is the property of a distribution that grounds a claim to compensation. To put it another way, the only disadvantages that warrant correction are those that wear a certain badge: the 'brute bad luck' badge. But there have to *be* disadvantages, sustained by brute bad luck, before that compensation-grounding property can be activated. This crucial point allows us to mount a challenge to Hurley's characterisation of Luck Egalitarianism, and to her contention that it is exposed to the Egalitarian Fallacy.

That challenge goes like this. The most fundamental purpose of Luck Egalitarianism is not to expunge luck altogether, but to eliminate distributions which contain disadvantages which are a matter of brute bad luck, and replace them with distributions which do not contain disadvantages which are a matter of brute bad luck. If *X* and *Y* are equal, as in (3), luck of a certain sort might be involved—the luck, presumably, that consists in an agent's having Luck Egalitarianism, rather than some rival principle of distribution, implemented—but this is *not* the sort of luck that sustains disadvantage, as in (1).¹² That is why Luck Egalitarians can, with a clear conscience, support an equal over an unequal distribution. And that is why they are entitled to remain untroubled by the formal similarity between the move from (1) to (2), and the move from (3) to (4).

III. THE SEE-SAW OBJECTION

Now I shall describe a second objection to Luck Egalitarianism, which builds on the insights of Hurley's Egalitarian Fallacy, but simultaneously corrects and goes beyond it. As we have seen, according to Luck Egalitarianism, distributive justice demands that individuals should be compensated for their brute bad luck: that is, for being worse off than other individuals, in ways for which they are not responsible. The individuals who are the beneficiaries of a Luck Egalitarian scheme include those

who have had the brute bad luck of not having enjoyed as much brute good luck as other individuals. Call all these victims of bad brute luck the ‘Level-1’ beneficiaries of a Luck Egalitarian scheme. Now consider the possibility of a further level at which Luck Egalitarianism can be applied. It seems perfectly possible to say, in turn, that the Level-1 beneficiaries of Luck Egalitarianism have done nothing to deserve the brute good luck of having had the brute bad luck to qualify as the beneficiaries of the Luck Egalitarian scheme. Individuals who do not so qualify as Level-1 victims of brute bad luck can be designated as the ‘Level-2’ victims of brute bad luck.

Is a Luck Egalitarian scheme committed to compensating Level-2 victims of brute bad luck, as well as Level-1 victims of brute bad luck? If so, then we seem to have ended up with an endless oscillation, or see-saw, of compensation and re-compensation.

This is a rough outline of what I call the ‘See-Saw Objection’. I take it to be fatal to Luck Egalitarianism, as it has been defined here. It offers a *reductio ad absurdum* of egalitarian theories whose most *fundamental* purpose is to compensate individuals for brute bad luck.

Now I will present the See-Saw Objection more formally, and at greater length.

- (1) All and only those individuals who have suffered disadvantages resulting from their brute bad luck should be compensated. Brute bad luck is Luck Egalitarianism’s compensation-grounding property.
- (2) Some individuals, in being worse off than others, have suffered brute bad luck. These individuals should be compensated [by (1)]. Call these the ‘Level-1 beneficiaries’.
- (3) Other individuals, in being better off than others, have enjoyed brute good luck. These individuals are not owed compensation [by (1)]. Call these the ‘Level-1 non-beneficiaries’.
- (4) The Level-1 non-beneficiaries have suffered the brute bad luck of not having suffered the brute bad luck to qualify as the beneficiaries of Luck Egalitarianism at Level-1.
- (5) The Level-1 non-beneficiaries should be compensated [by (1 and (4))]. Call these the ‘Level-2 beneficiaries’.

- (6) The Level-1 beneficiaries have enjoyed the brute good luck of having suffered the brute bad luck to qualify as the beneficiaries of Luck Egalitarianism at Level-1.
- (7) The Level-1 beneficiaries should not be compensated [by (1) and (6)]. Call these the ‘Level-2 non-beneficiaries’.
- (8) The Level-2 non-beneficiaries have suffered the brute bad luck of not having suffered the brute bad luck to qualify as the beneficiaries of Luck Egalitarianism at Level-2.
- (9) The Level-2 non-beneficiaries should be compensated [by (1) and (8)]. Call these the ‘Level-3 beneficiaries’.
- (10) The Level-2 beneficiaries have enjoyed the brute good luck of having suffered the brute bad luck to qualify as the beneficiaries of Luck Egalitarianism at Level-2.
- (11) The Level-2 beneficiaries should not be compensated [by (1) and (10)]. Call these the ‘Level-3 non-beneficiaries’.

And so on, back and forth, up to Level-4, Level-5, Level-6 ...¹³ This more formal way in which I have presented the objection makes it look as though Luck Egalitarianism sets off a regress, rather than a see-saw movement. But the metaphor of a see-saw is still an appropriate one: due to the existence of higher levels of compensation, the compensation packages inconclusively swing back and forth, as we ascend through the levels, between the two original groups of beneficiaries and non-beneficiaries, as those groups were identified at Level-1.

The See-Saw Objection may strike one as a piece of sophistry. Can it possibly be correct? It is certainly open to a number of immediate and serious objections. I will consider three of them now. In attempting to rebut these objections, I hope to demonstrate that the See-Saw Objection deserves to be taken with the utmost seriousness.

IV. THE STIPULATION RESPONSE

I will call the first of these objections to the See-Saw Objection the ‘Stipulation Response’. According to the Stipulation Response, it is assumed from the very outset that no sane Luck Egalitarian scheme is going to compensate for *every* instance of brute bad luck, only specific types of brute bad luck specified in advance of running the procedure. In other words, Luck Egalitarians are entitled to stipulate that the property of having brute bad luck is to be consulted once, and once only, in deciding what the assignment of benefits should be amongst the participating agents.

Now for the counter-response. It seems sensible to suppose that, in some moral and political contexts, destabilising *redeployments* of a favoured criterion for the assignment of benefits can be ruled out at the beginning, simply by stipulation. At least, that is a question I propose to leave open. But I doubt that such a move is warranted in this case. It seems to me that the See-Saw Objection points to an unwanted and non-obvious implication of Luck Egalitarianism, and that the Stipulation Response unfairly dismisses it by fiat.

Let me explain. Everything depends on what the compensation-grounding property, *X*, is taken to be. Imagine, for example, that ‘*X*’ is defined in terms of exploitation, where we have some reasonably precise way of identifying exploitation. In this case the See-Saw Objection cannot get off the ground. This is because those agents who go uncompensated, for the reason that they have *not* been exploited, have no complaint. Going uncompensated for not having been exploited is not itself a form of exploitation, on any sensible specification of exploitation. As long as we are going by exploitation, then, rather than brute bad luck, there is no possibility of ascending to Level-2 compensation.

It is different with brute bad luck. This particular compensation-grounding property does sustain such a complaint from those who are denied compensation the first time round. And this leaves the way open for ascending to Level-2 compensation and beyond.

Of course, and even having said all this, there is nothing to rule out a form of Luck Egalitarianism that stipulates against higher-order compensation. Such a stipulation cannot be outlawed. But we would have every reason for judging it to be *ad hoc*. If the higher-order incidence of bad luck is held to be irrelevant to distributive questions, then why should the first-order incidence of bad luck have ever been held to be relevant? The Stipulation Response lacks an effective reply to this question.

V. THE DETERMINATENESS OF LUCK RESPONSE

We can call the second challenge to the See-Saw Objection the ‘Determinateness of Luck Response’, or the ‘Determinateness Response’ for short. The essence of this objection is that brute bad luck would not *be* brute *bad* luck if it turned out that brute *good* luck was just another species of brute bad luck. And, by symmetry, brute good luck would not *be* brute *good* luck if it turned out that brute *bad* luck was just another species of brute good luck. But that is precisely what the See-Saw Objection suggests. If it is agreed that the purpose of Luck Egalitarianism is to neutralise the effect of bad luck, then the introduction of the See-Saw Objection muddies the waters of good luck and bad luck by treating each of them, in effect, as versions of the other, and so as neither good luck nor bad luck.

The Determinateness Response is mistaken. To see why, let us imagine that an individual—call him ‘Untalented’—who is compensated at Level-1 has been the victim of brute bad luck.¹⁴ It is this brute bad luck that has put him on the losing side of an inequality with some other individual—call him ‘Talented’. So we compensate Untalented. So far, so good. Of course, a defender of Luck Egalitarianism would like to conclude matters there and then. But it seems to me that, as long as we focus on brute bad luck, and insist that brute bad luck is the compensation-grounding property in Luck Egalitarianism, there is nothing that Luck Egalitarianism can do to resist the move to Level-2 compensation.

Here it is vital to notice here that there are *discrete* levels of compensation. At Level-1, Untalented’s brute bad luck is precisely that: brute *bad* luck. That is why he is compensated. And since Talented has been the beneficiary of brute good luck at Level-1, that is why he is not compensated. There is no muddying of the waters so far. Everything is precisely what it seems to be: good luck is good luck, and bad luck is bad luck.

What matters now is whether a defender of Luck Egalitarianism can resist the ascent to Level-2, where the tables are turned, and where brute good luck at Level-1 now emerges as a species of brute bad luck at Level-2.

One form that the Determinateness Response can take is this: by permitting Level-2 compensation to go ahead, we undo all the good work achieved by Level-1 compensation. But this is not good enough. This claim itself is true: if we do ascend to

Level-2, all the good work achieved at Level-1 is undone. But that does not discredit the See-Saw Objection. Rather, it *is* the See-Saw Objection.

It is perfectly consistent with the See-Saw Objection that good luck is good luck at Level-1, and bad luck is bad luck. The same is true of Level-2: good luck is good luck, and bad luck is bad luck. If we consider each level separately, there is no confusion. It is true, of course, that good luck and bad luck at Level-1 are transmuted into their opposites at Level-2. But that does not warrant the charge that, *at any given time*, there is any confusion between good luck and bad luck on display.

To be successful, the Determinateness Response must take a subtly different form: it must show, rather, that the ascent to Level-2 *cannot be coherently combined* with Level-1 compensation. Having already awarded compensation at Level-1, it is then incoherent to ascend to Level-2.

But why can't Level-2 compensation be combined with Level-1 compensation? The beneficiaries of Level-1 compensation have been the victims of brute bad luck: they have done nothing to deserve their relative disadvantage. But exactly the same can be said about the beneficiaries of Level-2 compensation! Talented has done nothing to make himself talented, or, more specifically, more talented than Untalented. It is a matter of brute good luck that Talented has an advantage relative to Untalented, just as it is a matter of brute bad luck that Untalented has a disadvantage relative to Talented. It follows that precisely the same considerations can be mobilised on behalf of Talented, at Level-2, as were mobilised on behalf of Untalented, at Level-1.

VI. THE REAL DISADVANTAGE RESPONSE

I will call the third, and most threatening objection, the 'Real Disadvantage Response'. We already know that Luck Egalitarianism seeks to eliminate real disadvantages between individuals that are a matter of brute bad luck. With this reminder of the Luck Egalitarian project before us, the Real Disadvantage Response points out that the Level-1 non-beneficiaries have not suffered any real disadvantage. After the first round of compensation, the Level-1 non-beneficiaries are, in relevant terms, no worse off than the Level-1 beneficiaries. (If there remain any inequalities between them, those inequalities will be acceptable, as, by assumption, they will not

reflect brute luck.) True, the Level-1 non-beneficiaries are at a real disadvantage relative to how *they themselves* stood before resources were taken from them to give to the Level-1 beneficiaries. For the purposes of applying Luck Egalitarianism, however, this does not count as a real disadvantage. We have to be able to point to disadvantages between the Level-1 beneficiaries and the Level-1 non-beneficiaries, not simply disadvantages between the Level-1 non-beneficiaries at an earlier time and the Level-1 non-beneficiaries at a later time, if there is going to be any principled case for redistribution.

In short, even though it may be a matter of brute bad luck for the Level-1 non-beneficiaries that they have not had the brute bad luck to qualify as the beneficiaries of the Level-1 compensation package, they do not emerge as candidates for compensation at Level-2. It is only when brute bad luck is conjoined to real disadvantage, according to this response, that we have real candidates for compensation. And this means that there can be no possibility of ascent to Level-2, Level-3, and so on.

This is a very powerful objection. It is superficially similar to the objection that I myself supported in response to the Egalitarian Fallacy. As applied to the See-Saw Objection, however, it is ultimately unsuccessful.

To mount a response to it, it may be helpful to have an example before us. To simplify matters, let us imagine that we are dealing with a two-agent distributive system, consisting of Freddy and Thomas. Suppose that the initial distribution between them can be represented in the ordered pair (6, 10), which records Freddy's level of holdings as 6, and Thomas's level of holdings as 10.¹⁵ Suppose further that this inequality between Freddy and Thomas is due to brute luck. Luck Egalitarianism clearly mandates redistribution from (6, 10) to (8, 8).¹⁶ Now if the See-Saw Objection is to enjoy any application, we have to be able to point to some real disadvantage that Thomas suffers relative to Freddy. But at (8, 8), Thomas is not at a real disadvantage relative to Freddy's initial level of holdings, when Freddy has only 6; and Thomas is plainly not at a real disadvantage relative to Freddy's holdings now, since they both have 8. At no point, then, does it seem that Thomas is at a real disadvantage relative to Freddy. It follows that the See-Saw Objection cannot get off the ground.

Now if the only distributive outcomes we are entitled to focus upon are (6, 10) and (8, 8), the See-Saw Objection will indeed go home empty-handed. These are the outcomes we find at the beginning and end of the first round of compensation, in

Level-1. Call them the *terminal distributions*. But notice that we can point to a further, hidden distribution—call it a *transitional distribution*—which is required to secure passage from (6, 10) to (8, 8). For in going from (6, 10) to (8, 8), we need to subtract two units from Thomas’s levels of holdings, and add two units to Freddy’s level of holdings. These facts about changes of ownership of holdings can be represented in the ordered pair (2, -2). So a full inventory of the relevant distributions at Level-1 consists of (6, 10) and (8, 8), which are the terminal distributions, and (2, -2), which is the transitional distribution.

The See-Saw Objection focuses, not on the terminal distributions of (6, 10) and (8, 8), but on the transitional distribution of (2, -2). It is not the arrival at (8, 8) as such which elicits a complaint. In fact, the See-Saw Objection can acknowledge, along with Luck Egalitarians, that the passage from (6, 10) to (8, 8) represents the successful conclusion of a particular moral episode. In this episode, the moral disequilibrium constituted by the (6, 10) distribution is supplanted by the moral equilibrium constituted by the (8, 8) distribution. But the See-Saw Objection, unlike Luck Egalitarianism, also takes an interest in the transitional distribution of (2, -2), and alleges that this transitional distribution complicates the story. It is the status of this transitional distribution, and its ability to trigger compensation, that enables redistribution to ascend to Level-2 and beyond.

Let us look in more detail at the transitional distribution (2, -2), and what arises from it. Thomas might legitimately protest that he is on the losing side of this particular inequality with Freddy through no fault of his own. It is just his brute bad luck that he did not have the initial brute bad luck that would have put him on the non-losing side of this particular inequality. Notice also that Thomas does not have to combine this protest with a protest against the move from (6, 10) to (8, 8). What he is complaining about is simply the existence of the transitional distribution required to secure the passage from (6, 10) to (8, 8).

A corrective distribution is now called for, a distribution that will annul the brute bad luck generated by (2, -2). This further transitional distribution is represented in the ordered pair (-2, 2), which is the mirror image of (2, -2). In the next round of compensation, at Level-2, we add (-2, 2) to (8, 8), the first terminal distribution of Level-2, to end up with (6, 10), the second terminal distribution of Level-2. This distribution returns us to the starting-point of Level-1. At Level-3, we replace the first terminal distribution of (6, 10) with the second terminal distribution of (8, 8). But in

doing so, we reply upon the transitional distribution of (2, -2), and so generate a further claim for compensation, represented by (-2, 2), which will lead us, at Level-4, to replace (8, 8) with (6, 10). The same oscillation of terminal distributions, from (6, 10) to (8, 8), will be manifested as we move upwards through the levels.

In diagrammatic terms, the movements in the particular levels that I have just described can be represented as follows. (It is indicated, below the ordered pairs, whether the distribution in question is terminal or transitional.)

LEVEL-1

| | | | | |
|------------------|---|----------------|---|-------------------|
| (6, 10) | → | (2, -2) | → | (8, 8) |
| [First Terminal] | | [Transitional] | | [Second Terminal] |

LEVEL-2

| | | | | |
|------------------|---|----------------|---|-------------------|
| (8, 8) | → | (-2, 2) | → | (6, 10) |
| [First Terminal] | | [Transitional] | | [Second Terminal] |

LEVEL-3

| | | | | |
|------------------|---|----------------|---|-------------------|
| (6, 10) | → | (2, -2) | → | (8, 8) |
| [First Terminal] | | [Transitional] | | [Second Terminal] |

LEVEL-4

| | | | | |
|------------------|---|----------------|---|-------------------|
| (8, 8) | → | (-2, 2) | → | (6, 10) |
| [First Terminal] | | [Transitional] | | [Second Terminal] |

And so on, upwards through the levels. As the diagram indicates, each odd-numbered level will replicate the changing distributions of Level-1, and each even-numbered level will replicate the changing distributions of Level-2.

At this stage, the Luck Egalitarian may protest that the transitional distribution at Level-1 cannot trigger any separate distributive movements, since, after all, the function of that transitional distribution is merely to secure the passage from (6, 10) to (8, 8). By assumption, Thomas is not protesting against the replacement of (6, 10) with (8, 8). But *how else* are we to replace (6, 10) with (8, 8), except by going through the transitional distribution (2, -2)?

This would be an understandable counterargument to make; but it does not make the problem go away. The counterargument rests on the implicit assumption that means are always perfectly adapted to, or justified by, their ends. We should not accept that assumption. Luck Egalitarians, whose commitments are clearly non-consequentialist, certainly have no business in accepting it. Thomas's claim that the transitional distribution of (2, -2) involves a further and separate form of bad luck, for which he should be compensated, may be unexpected and troublesome, but it is not unprincipled. It is a higher-order form of brute bad luck, which is as genuine as Freddy's lower-order form of brute bad luck. If Freddy's complaint warrants correction, then so does Thomas's. The only reason Luck Egalitarians could have for dismissing this higher-order form of brute bad luck, as far as I can see, would be the dishonourable one of simply wanting to make the problem go away.

One final remark: if the See-Saw Objection is to get off the ground, there have to be transfers of resources between Level-1 non-beneficiaries and Level-1 beneficiaries, so that the former are, in real terms, worse off after the latter are made better off. Thus the See-Saw Objection cannot be properly invoked if the allocation of resources takes the form of allocating 'manna-from-heaven', or resources that were not previously owned by the Level-1 non-beneficiaries.

VII. INTERPERSONAL LUCK AND INTRAPERSONAL LUCK

In the discussion of the Egalitarian Fallacy, in section II, I speculated that the sort of luck invoked by (3) in Hurley's argument was 'interschemic luck': this is the luck enjoyed by an individual in being benefited more by the implementation of the prevailing principle of justice than he or she would be benefited by the implementation of some rival principle of justice. This form of luck is interschemic because it applies *across* distributive schemes. I did not discuss interschemic luck in connection with the See-Saw Objection. Was this an oversight?

No, because interschemic luck is largely irrelevant to distributive justice. In this section, I explain why that is so, and why the reasoning offered cannot be applied to the sort of luck—intraschemic luck—that commands the attention of the See-Saw Objection.

If the failure to implement a rival scheme of justice that would benefit certain individuals more than they are benefited under an existing scheme were enough to render the existing scheme unjust, then it would be impossible to alight upon any satisfactory principles of justice. This is because—interpreting principles of justice simply as prescriptions for the distributions of goods between the relevant parties—an optimal principle of distribution for *A* would be such as to award *A* the total stock of available goods, an optimal distribution for *B* would be such as to award *B* the total stock of available goods, an optimal distribution for *C* would be such as to award *C* the total stock of available goods, and so forth. To return to our case involving Freddy and Thomas, an optimal distribution for Freddy would be (16, 0), and an optimal distribution for Thomas would be (0, 16). It follows, by the lights of interschemic luck, that anything falling short of optimality-for-Freddy will count as Freddy’s bad luck, and that anything falling short of optimality-for-Thomas will count as Thomas’s bad luck.

That tells us why interschemic luck is troublesome, but it does not tell us why interschemic luck is a normative dead-end. Intrascemic luck is also troublesome, after all, yet I have argued that it is normatively significant. So what is the difference between these two forms of luck?

It amounts to this. Implementation of Luck Egalitarianism cannot properly be regarded as a matter of luck. As a normative theory, Luck Egalitarianism is adopted on principled grounds. This is not to assume that Luck Egalitarianism is correct, but rather that the implications of its implementation must be challenged on grounds that respond to it *as a normative theory*.

Complaints about interschemic luck simply do not meet this constraint. If Freddy, for example, is willing to complain that he has been the victim of bad interschemic luck simply because the distribution is not (16, 0), he must do so on the grounds that the principle adopted—whatever it is—was *merely* a matter of bad luck for him. But to make this complaint is, in effect, to pretend that no reasons can be given for having implemented that principle in the first place. More damagingly still, Freddy’s complaint also concedes in effect that no reason could be given for replacing the existing distribution with a distribution of (16, 0).

So Freddy’s complaint is self-defeating. It dresses itself up as a moral complaint, but the content of the complaint reveals it to be entirely uninterested in morality. As Freddy sees matters, everything that ever happens, or might happen,

must be counted as luck, whether good luck or bad luck. This view of the world does not leave any room for moral and political argument. It does not provide a foothold for normative considerations. The acceptance of this or that moral principle is always merely a matter of luck, whether good or bad.

By contrast, the See-Saw Objection is concerned with the distribution of benefits and burdens, and with the reasons given for that distribution of benefits and burdens, *within* a scheme. Intraschemic luck is a perfectly legitimate form of luck. When Thomas complains of his brute bad luck at the conclusion of Level-1, he does not stand outside the arena of principled moral argument. He is simply pointing out that he is being forced to shoulder, in a higher-order and less obvious way, exactly the same sort of relative disadvantage as Thomas was being forced to shoulder at the beginning of Level-1, when the distribution was (6, 10). Thus Thomas's complaint does not displace moral argument in the way that any complaint grounded in interschemic luck would displace, or do away with, moral argument.

VIII. A TRILEMMA FOR LUCK EGALITARIANISM

I have argued that Luck Egalitarianism is left unscathed by the Egalitarian Fallacy, but not by the See-Saw Objection. What precise lessons should we draw from all of this? In my view, a trilemma has emerged for Luck Egalitarianism.

Here is the first horn of the trilemma. As we saw in section V, the moral asymmetry between Talented and Untalented is not revealed by the existence of brute bad luck. The existence of brute bad luck, rather unexpectedly, renders Talented and Untalented morally symmetrical. It is the *inequality itself* between Talented and Untalented that constitutes the moral asymmetry between them. If it is the inequality itself between Talented and Untalented that matters, rather than the fact that the inequality between them is rooted in brute bad luck, then ascent to higher levels of compensation can be resisted. Embracing this first horn, however, will mean that egalitarians are incapable of providing a principled argument for why equality is valuable, and why inequality is objectionable.

On the second horn of the trilemma, Luck Egalitarians are forced to make a different sort of retreat, by surrendering their interest in *relative* disadvantage, and

thereby surrendering egalitarianism. By embracing this horn of the trilemma, there will be no ascent to Level-2 and higher levels if the relevant real disadvantages, such as poverty, hunger, and homelessness, as opposed to real *relative* disadvantages, have already been addressed by the first round of compensation. Once these particular types of real disadvantage have been rectified, there is no prospect of further rounds of compensation, since the non-beneficiaries the first time round were not, and are not, victims of these particular disadvantages.

These first two horns will, I assume, seem resistible to Luck Egalitarians. If they accept the first horn of the trilemma, Luck Egalitarians will have surrendered their commitment to providing a principled case for equality; whilst if they accept the second horn of the trilemma, they will have surrendered their commitment to egalitarianism altogether.

On the third horn of the trilemma stands the challenge of finding an alternative principled case for egalitarianism that avoids the errors of Luck Egalitarianism, in its present form, whilst keeping faith with some of its key commitments. Whether principled egalitarians can satisfactorily meet this challenge is not a story that can be pursued here. Perhaps they can; it was always likely, after all, that the blizzard of luck confronting us in our practical lives was going to include types of luck that are irrelevant, or inimical, to the egalitarian's purposes. But the See-Saw Objection will have served its purpose well enough, as I see it, if it inspires egalitarians to explain more clearly why they are entitled to remain untroubled by it.¹⁷

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NOTES

¹ For what strike me as relatively pure examples of Luck Egalitarianism, see Richard Arneson, 'Equality and Equal Opportunity for Welfare', *Philosophical Studies* 56 (1989): 77-93, and G. A. Cohen, 'The Currency of Egalitarian Justice', *Ethics* 99 (1989): 906-44. See also John Roemer, 'A Pragmatic Theory of Responsibility for the

Egalitarian Planner’, *Philosophy & Public Affairs* 22 (1993): 146-66, and his *Theories of Distributive Justice* (London: Harvard University Press, 1996); Eric Rakowski, *Equal Justice* (Oxford: Oxford University Press, 1991); and Philippe Van Parijs, *Real Freedom for All* (Oxford: Clarendon Press, 1995). Although he is often cited as a progenitor of Luck Egalitarianism, and although the term ‘brute luck’ derives from his work, Ronald Dworkin is actually rather more difficult to classify. See Dworkin, *Sovereign Virtue: the Theory and Practice of Equality* (London: Harvard University Press, 2000), esp. chs. 1, 2, and 7. (Dworkin has, moreover, explicitly denied that he is a Luck Egalitarian: see ‘Equality, Luck and Hierarchy’, *Philosophy & Public Affairs* 31 (2003): 190-98). For other critical discussions of Luck Egalitarianism, see Elizabeth Anderson, ‘What is the Point of Equality?’, *Ethics* 109 (1999): 287-337, Samuel Scheffler ‘What is Egalitarianism?’, *Philosophy & Public Affairs* 31 (2003): 5-39, and Jonathan Wolff, ‘Fairness, Respect, and the Egalitarian Ethos’, *Philosophy & Public Affairs* 27 (1998): 97-122. (The term ‘Luck Egalitarianism’ itself derives from Anderson.)

² Cohen, ‘On the Currency of Egalitarian Justice’, p. 916.

³ The phrase ‘in the relevant sense’ has to shoulder a fair bit of strain, as my argument will demonstrate.

⁴ For the distinction between brute luck and option luck, see Dworkin, *Sovereign Virtue*, pp. 73 ff.

⁵ Cohen, ‘On the Currency of Egalitarian Justice’, p. 907.

⁶ *Ibid.*, p. 934.

⁷ Here Cohen acknowledges that it may be necessary for this debate to confront the thorny issue of free will (*ibid.*, p. 934). As I read him, Dworkin is not similarly committed to the claim that luck is more fundamental than choice. See, for example, Dworkin, *Sovereign Virtue*, ch. 7.

⁸ Elsewhere, Cohen takes a rather more lax classificatory approach to choice. See, for example, Cohen, ‘Are Disadvantaged Workers Who Take Hazardous Jobs Forced to Take Hazardous Jobs?’, in his *History, Labour and Freedom: Themes from Marx* (Oxford: Clarendon Press, 1988), pp. 239-54.

⁹ It is not particularly easy to see how the debate about *what* justice distributes (the ‘what’ debate) intersects with the debate about *how* justice distributes it (the ‘how’ debate). (For this terminology of ‘how’ and ‘what’, see Susan Hurley, *Justice, Luck, and Knowledge* (London: Harvard University Press, 2003), p. 150.) Typically, Luck Egalitarians have addressed the ‘how’ debate via the ‘what’ debate. However, these issues cannot be properly investigated here.

¹⁰ See Susan Hurley, ‘Luck and Equality’, *Proceedings of the Aristotelian Society*, Supplementary Volume 75 (2001): 51-72, at p. 57; original emphasis. (I have changed the notation a little.) See also Hurley, *Justice, Luck, and Knowledge*, pp. 151 ff., for another presentation of the argument.

¹¹ Hurley, ‘Luck and Equality’, pp. 56-7; original emphases.

¹² I will have more to say about this form of luck—‘interschemic luck’—in section VII.

¹³ For a diagrammatic representation of the See-Saw Objection, see section VI.

¹⁴ This is not to suggest that a *laissez-faire* system will be meritocratic, or that the forms of talent it does recognise are particularly ennobling ones.

¹⁵ By the term ‘holdings’, I mean, as before, to be completely open about the metric of justice: no decisions are being taken here about whether holdings consist of resources, welfare, capabilities, or something else.

¹⁶ Assume, for simplicity's sake, that no resources are lost in the process of redistribution.

¹⁷ I am grateful to Gustaf Arrhenius, Roger Crisp, Nir Eyal, Johann Frick, Niall Maclean, Shlomi Segall, and Kristin Voigt for challenging and enlightening exchanges about these issues.