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LUCK AND THE LIMITS OF EQUALITY

by

MATTHEW JEFFERS

Under the Direction of Peter Lindsay, PhD

ABSTRACT

A recent movement within political philosophy called luck egalitarianism has attempted to synthesize the right's regard for responsibility with the left's concern for equality. The original motivation for subscribing to luck egalitarianism stems from the belief that one's success in life ought to reflect one's own choices and not brute luck. Luck egalitarian theorists differ in the decision procedures that they propose, but they share in common the general approach that we ought to equalize individuals with respect to brute luck so that differences in distribution are only a consequence of the responsible choices that individuals make. I intend to show that through the application of its own distributive procedures, the luck egalitarian approach actually undermines its original motivation by making the lives of individuals subject to brute luck.

INDEX WORDS: Luck egalitarianism, distributive justice, property rights, philosophy of economics

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MATTHEW JEFFERS

A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of

Master of Arts

in the College of Arts and Sciences

Georgia State University

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DEDICATION

For Rick Jeffers, Scott Jeffers, Christian & Debbie Aellig.

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1 INTRODUCTION

1.1 Fusing Right and Left

On what basis, if any, is it justifiable that some earn less than others? How one answers *and asks* this question, is the litmus test of whether one is a member of the political right or left.¹ Within the divided liberal tradition the right has answered this question of justice with an emphasis on individual freedom, while the left has stressed the importance of equality. A recent movement within political philosophy has attempted a synthesis between these two conceptions of justice, fusing the right's regard for freedom and individual responsibility with the left's concern for equality and fairness.

The resulting synthesis called "luck egalitarianism" is concerned with mitigating the extent to which one's well-being is subject to luck. I refer to any view as belonging to the luck egalitarian family of views if it "seeks to combine the traditionally radical idea of distributive equality with the traditionally conservative concern for holding people responsible for their actions."² The luck egalitarian position is chiefly motivated by the idea that one's success in life ought to reflect one's own choices and that we ought to mitigate the effects of bad luck on people's lives.³ Ronald Dworkin summarized the ideal as follows: "We must allow the distribution of resources at any particular moment to be ambition-sensitive... but on the other hand, we must not allow the distribution of resources at any moment to be endowment-sensitive."⁴ The idea is that a person's success in life ought to flow from their choices and should not entirely hinge on events outside of their control. I find this original motivation for luck

¹ Alternatively, we can ask the same question but with a different default assumption: "On what basis, if any, is it justifiable to take resources from those who have produced them?"

² Knight 2009, 1. Also see Anderson 1999

³ Jeremy Moss summarizes this succinctly, saying "Dworkin and Cohen tell us not only about the role of the chance/choice distinction but also about the goal of egalitarianism, which is to eliminate the effects of bad brute luck." Moss 2014, 86

⁴ Dworkin 1988, 311

egalitarianism to be intuitive and compelling. However, I worry that the general approach that luck egalitarian theorists propose to satisfy this ideal actually undermines this original motivation.

In particular, I set about to demonstrate that implementing the luck egalitarian standard of justice indexes the economic well-being of a person to features entirely outside of their control. I demonstrate this by holding constant a person's immediate circumstances and their choices in response to these circumstances, while altering features entirely external to their control. I focus on two external features in particular: the responsibility of others and the size of the population. I intend to show that according to luck egalitarianism, alterations in these external features completely change the earnings of an individual, despite the individual facing the same circumstances and making the same choices. That is, in a luck egalitarian system of justice, these external features overpower the importance of individual choice in determining economic outcomes. If this is true, then luck egalitarianism undermines one of the central motivations for its adoption and so those originally accepting the position on these grounds now have good reason to abandon it.

1.2 Outline and Methodology

I begin by motivating the luck egalitarian position and then sketching a generic luck egalitarian standard of distributive justice. In sketching out this standard I also define key concepts and terminology. After defining this standard, I give a series of cases in which we can observe a set of individuals' distribution under two conditions, a baseline condition and a luck egalitarian condition. The baseline condition models a distribution where income follows from a combination of an individual's initial endowment and choice. The luck egalitarian condition is meant to *correct* for income flowing from unlucky initial endowments while *preserving* income

flowing from choice. Altering external features will reveal that while income flowing from unlucky initial endowments is indeed corrected, this correction has an overpowering effect such that income flowing from choices is not preserved. The upshot is that luck egalitarianism has one desirable consequence and two undesirable consequences. The desirable consequence is that satisfying the luck egalitarian standard significantly curtails bad luck stemming from unequal initial endowments. However, it achieves this at the expense of reducing the extent to which distributions are “choice sensitive” and further it indexes the economic success of a given individual’s life to features that are entirely external to their control.⁵

I spend sections III through VI motivating, defining, and demonstrating the luck egalitarian approach to distributive justice. In sections VII and VIII, I offer two detailed demonstrations of how implementing luck egalitarianism undermines its original motivation. In sections IX through XIII I give five possible luck egalitarian objections and rebut each objection. I conclude in sections XIV and XV by exploring the underlying tension inherent in luck egalitarianism and offer some thoughts on how to resolve it.

⁵ See Dworkin 1988, 311

2 TWO CRITIQUES OF THE LUCK EGALITARIAN STANDARD

2.1 Motivating the Luck Egalitarian Project

Imagine that a day before you are set to proctor an exam a student e-mails you a doctor's note that indicates she has come down with the flu and that she is too sick to attend class. You decide that this is a legitimate excuse for missing class and allow her to retake the exam at a later date. Two days after you proctor the exam, a separate student e-mails you asking to take the exam at a later date and offering no reason for missing the exam. You decide that the student has not been responsible and do not allow him to retake the exam. Given that both students are asking for the same thing why are you justified in treating these students differently? Presumably, your differential treatment is justified on the basis of their relative levels of responsibility. A common moral assumption is that we should not hold people accountable for things outside of their control, such as getting sick, while they are to be held accountable for things within their control, such as notifying others when they are unable to meet their prior commitments. It seems that differences in choice or responsibility can justify differential treatment and by consequence, differential effect. The irresponsible student is likely to have a worse grade than his more responsible counterpart as a result of not being allowed to retake the test, but we do not view this consequence as being unjust.

Luck egalitarian accounts apply this same way of thinking to the topic of distributive justice. According to luck egalitarians, differences in income between any two individuals are justifiable if these differences are the consequence of their choices. By contrast, differences in income between any two individuals are not justified if these differences are the result of luck, that is, the result of events that they are not responsible for causing.

Luck egalitarianism draws its intuitive strength from combining two powerful ways of looking at normative issues. On the one hand it draws from liberal individualism, the idea that our lives should be a reflection of our own personal choices and decision making. On the other hand, it recognizes that sometimes people do poorly not because of any choice they have made but because they are the victims of bad luck. Thus, the approach incorporates an egalitarian element, whereby we can be justified in redistributing from those with good fortune to those with bad fortune in order to offset inequalities based on luck and not choice.

2.2 The Luck Egalitarian Standard

Luck egalitarian theorists differ in the decision procedures that they propose, but they share the general approach that we ought to equalize individuals with respect to brute luck so that differences in distribution are only a consequence of the *responsible choices* that individuals make.⁶ While the distributive goal offered here may not precisely map onto each approach, every luck egalitarian account should be sufficiently similar to make my critique relevant.⁷

Generic Luck Egalitarian Standard: Economic goods are to be allocated such that all individuals equally share the burden of bad brute luck⁸, and that differences in economic goods are to only depend on differences in voluntary choices between individuals.⁹

This description contains three terms that require further clarification: *economic goods*, *bad brute luck*, and *voluntary choices*. I discuss each of these terms in order.

⁶ I say “responsible choices” here because luck egalitarians disagree about what sorts of choices you should bear responsibility for and in what ways. See Arneson’s distinction between desert theorists and choice theorists. Arneson 2004

⁷ I discuss how Dworkin might relevantly diverge in the section entitled objection #5.

⁸ Lippert-Rasmussen says “...when luck-egalitarians write about “neutralizing luck”, this is really short-hand for something like “eliminating the differential effects on people's interests of factors which from their perspective are a matter of luck.” Lippert-Rasmussen 2014, section 7

⁹ Carl Knight puts it this way “variations in the levels of advantage held by different persons are justified if, and only if, those persons are responsible for those levels.” Knight, 2009, 1

Luck egalitarians disagree about what economic goods justice should track. Each luck egalitarian has their own special brand of economic good that they prioritize. For example, for Arneson it is “welfare,” for Cohen it is “advantage,” and for Dworkin it is “resources.”¹⁰ Instead of using one theorist’s preferred economic good over the other, I will use income. The specific economic good used should have little bearing on the effectiveness of the critique; income in this context is interchangeable with whatever economic good each theorist prefers. A luck egalitarian may substitute for income whatever brand of economic good he finds most compelling. Nevertheless, I use income for four reasons. First, in comparison to other kinds of economic goods it is easy to determine what someone’s income is. Imagine sorting through all of the factors that go into determining someone’s *level of advantage*; such a task is too complex for our purposes. Second, the amount of income that a person receives can easily be manipulated either by adopting different private property rules, instituting different systems of taxation, or redistributing through the use of wealth transfers. Third, using income allows us to keep a foot firmly planted in reality since it is something that can be easily tracked, measured, and transferred. Fourth, using income is intelligible; that is, everyone knows what we are talking about.

The notion of luck plays a central role in luck egalitarian theories.¹¹ Luck in this context refers to instances where a person’s life is affected by events entirely outside of their control. For instance, that someone was born with only one properly functioning hand is an instance of bad brute luck, while someone inheriting a large sum of money is an instance of good brute luck. Brute luck can be contrasted with events that are caused, at least in part, by choices; e.g. deciding

¹⁰ See Dworkin 1981, Cohen 1989, and Arneson 1988

¹¹ See Mason 2006, 89, Dworkin 2000, 287, and Vallentyne 2002

to finish high school instead of dropping out, or choosing to work instead of taking the summer off. I will discuss the relationship between choice and brute luck later.

The generic luck egalitarian standard attempts to equalize luck, but this raises the question, what counts as “luck”? I adopt G.A. Cohen’s account of luck which can be put in the following terms: “*Y* is a matter of luck for *X* if, and only if, (i) *X* is not responsible for *Y*; and (ii) *X* is not responsible for *Y* if, and only if, *Y* is not, in an appropriate way, the result of a choice made by *X*.”¹² I choose this account because it seems most in line with luck egalitarian predilections, including those found in Dworkin and Arneson.¹³ Lurking behind this account and threatening to interrupt any meaning it might otherwise have are the topics of moral luck, responsibility, and free will. However, these topics fall outside the purview of what I care to consider here. For all intents and purposes, I assume that are people morally responsible for how they act. This is in accord with what luck egalitarians generally hold. Dworkin puts it this way, “We might think ourselves persuaded, intellectually, of the philosophical thesis that people have no free will, and that we are no more causally responsible for our fate when it is the consequence of our choices than when it flows only from a handicap or from society’s distribution of wealth. But we cannot lead a life out of that philosophical conviction. We cannot plan or judge our lives except by distinguishing what we must take responsibility for, because we chose it, and what we cannot take responsibility for because it was beyond our control.”¹⁴

¹² See Lippert-Rasmussen 2014, originally from Cohen 2011

¹³ I think Dworkin’s notion of responsibility is plausible here: “We take responsibility for our choices in a variety of ways. When these choices are freely made ... we blame ourselves if we later decide that we should have chosen differently. We evaluate and criticize the ambitions out of which our choices are made. We try to reform or overcome those character traits that have led us to make choices we would prefer not to have made. Our circumstances are a different matter: It makes no sense to take responsibility for these unless they are the upshot of our choices.” Dworkin, 2000, 323

¹⁴ Dworkin 2000, 323

Luck egalitarianism is a view that connects what a person is entitled to with what they voluntarily choose. The idea is that inequalities in economic goods can only be justified if differences in voluntary choices alone account for these inequalities.¹⁵ Critics of luck egalitarianism have misconstrued the luck egalitarian position as being committed to letting people suffer for all of their poor choices. As Brown points out, “luck egalitarians do not actually claim that *every* instance of voluntary choice should incur full responsibility.”¹⁶ The question then remains, what kind of voluntary choices can account for these inequalities? Some luck egalitarians hold that distributions ought to reflect ambition-sensitivity, while others are concerned with effort.¹⁷ Regardless of how voluntary choices that confer responsibility are specified, the critique offered here should apply. I use the term *economic responsibility* to refer to those voluntary choices that people are responsible for and that confer entitlement. This includes hard work, effort, prudence, or whatever else a luck egalitarian theorist might believe confers entitlement. I will assume that the only thing that is untouched by luck is economic responsibility.

Now that the three notions operating in the generic luck egalitarian standard are clearly defined, consider the following example to make clear how the standard operates. Imagine two individuals, Adam and Hephaestus. Assume that they have the same job, come from similar backgrounds, and make the same kinds of choices. By “make the same kinds of choices,” I mean they have the same economic responsibility. Some might still be puzzled what I mean by this, so imagine that they both put in roughly the same amount of effort at their job, they are relatively thrifty spenders and do not squander their wealth, and they make prudent decisions such that they

¹⁵ Cohen says, “brute luck is an enemy of just equality, and, since effects of genuine choice contrast with brute luck, genuine choice excuses otherwise unacceptable inequalities.” Cohen 1989, 931

¹⁶ Brown 2009, 40

¹⁷ See Dworkin and Roemer respectively. Dworkin 1981, 311, Roemer 1996, 308

are careful not to cause undue harm or risk to themselves or others. So when I say that Adam and Hephaestus have the same *economic responsibility*, I mean the character of their voluntary choices are roughly the same. Thus, they are the same in nearly every feature except the following: through no fault of his own, Hephaestus is born with a physical disability which limits his ability to produce as much as Adam. Adam makes considerably more money than Hephaestus because of this fact. But given that both Adam and Hephaestus have identical economic responsibility and that Hephaestus is comparatively worse off due to brute luck, under the luck egalitarian standard, they are both entitled to an approximately equal distribution of economic goods.¹⁸ Therefore, in order to meet the luck egalitarian standard, there would need to be a transfer payment from Adam to Hephaestus to compensate for this difference.

2.3 Setting the Baseline

Since luck egalitarianism is a theory of distributive justice, it tells us what standard needs to be met in order to satisfy it. However, no society begins with justice, you have to arrive there from somewhere else. Earlier I stated the luck egalitarian should want to “preserve” income flowing from choice while “correcting” for income flowing from luck. The luck egalitarian standard seeks to do this against the backdrop of a baseline condition. That is to say, the luck egalitarian should want to preserve income in the baseline condition flowing from choice while correcting for income in the baseline condition flowing from luck.

For this baseline condition I use an idealized market economy and do so for several reasons. First, a key influence on the movement, Ronald Dworkin, thinks an idealized market is

¹⁸ According to Lippert-Rasmussen, “Most [luck] egalitarians believe that justice requires the nullification of all differential effects of brute luck, feeling that it cannot be just that some people are worse off than others simply because they have been unfortunate, say, to have been born with bad genes.” Lippert-Rasmussen 2014, section 7

congruent with luck egalitarianism. Indeed, Dworkin argues that once initial equality of resources has been guaranteed, then a market system enables individuals to reap the rewards of their own choices. Dworkin says, “If he earns enough by working hard or by working at work that no one else wants to do, to satisfy all his expensive tastes, then his choice for his own life costs the rest of the community no more than if his tastes were simpler and his industry less. So we have no more reason to deny him hard work and high consumption than to deny him less work and frugality.”¹⁹ The idea is that if a person chooses to work hard to produce something, they should reap the rewards, and similarly if they choose leisure time instead, nobody should begrudge them, but they also shouldn’t expect others to sacrifice for their sake when they could have chosen willingly to do otherwise.

Another reason for using an idealized market as the baseline is that it is a realistic starting place. By and large, market systems have prevailed over planned economies in terms of their overall effectiveness at providing the goods and services that people want and need. Furthermore, most countries today, even social democracies and communist countries, use a basic market framework for determining the initial production and distribution of goods, which is then subject to redistribution. This makes a market economy a good baseline condition, since it is the condition upon which any luck egalitarian redistributions would be implemented in the society that most people live in today.

Keeping with the spirit of the original motivation, I assume that in an idealized market economy an individual worker receives in compensation roughly his contribution. The idea is that the gains from production and trade reflect the ambition and industriousness of the laborer. Thus, as an individual increases his productivity, he also increases his income, and if he

¹⁹ Dworkin 2000, 85

decreases his productivity, he decreases his income. Of course, someone's productivity might be affected due to no fault of their own. In such a case, deviations from the baseline condition may be required in order to satisfy the luck egalitarian standard. Indeed, the luck egalitarian standard is meant to handle such problems in the baseline condition.

To begin the analysis, consider again the two figures already introduced, Adam and Hephaestus. Recall that they are similar with respect to all of their features, except that through no fault of his own, Hephaestus has a disability which hampers his productive capacities. Adam on the other hand, was born healthy and has no such natural impairment. In accordance with our baseline condition I assumed that individuals receive roughly in proportion to their economic contribution. Since Adam is healthy and responsible he is able to earn 100 dollars per hour. On the other hand, Hephaestus is responsible but suffering from a disability and so is able to earn only 20 dollars per hour. I further assume that Adam and Hephaestus are members of the same society but have otherwise never interacted. Now I turn to investigate what the luck egalitarian standard demands of them.

2.4 What Luck Egalitarianism Demands

The distributions of Adam and Hephaestus according to our baseline condition can be represented as follows:

Table A: Adam and Hephaestus under the Baseline Condition

Agents Similar in Economic Responsibility	Income Distribution under the Baseline Condition
Adam	100
Hephaestus	20

I should note that there is one sense in which the 80 dollar *difference* between what the two receive is a matter of luck and one sense in which it is not. It is a matter of luck that Hephaestus

happened to have born with a lame foot, for if he had not been, then *ceteris paribus*, he would receive approximately as much as Adam. However, it would be false to say that Adam's earning 100 dollars per hour is a matter of brute luck. No, it was the combination of the lucky event of having been born healthy and his economic responsibility that resulted in Adam's rate of earnings. Similarly, it was the combination of the unlucky event of having been born disabled and his own economic responsibility that resulted in Hephaestus earning 20 dollars per hour.

Recall the luck egalitarian standard: *Economic goods are to be allocated such that all individuals equally share the burden of bad brute luck, and that differences in economic goods are to only depend on differences in voluntary choices.* Adam and Hephaestus have the same kind of job and exhibit economic responsibility in a similar degree and so in comparison to one another they do not differ with respect to their voluntary choices. The only way in which they differ in comparison is that Hephaestus earns less due to a natural disability, a side effect of pure brute luck. Therefore, since the *difference* between Adam's income and Hephaestus's income is attributable to bad luck, this difference is unjustified. Or as Carl Knight puts it, "variations in the levels of advantage held by different persons are justified if, and only if, those persons are responsible for those levels."²⁰ Since this inequality is not justified, satisfying the luck egalitarian standard would require transfers from Adam to Hephaestus until they are both equally well off. In this case, 40 dollars of income is to be redistributed from Adam to Hephaestus. I assume that this redistribution is performed with perfect information, perfect effectiveness, without transaction costs, and that transfer payments do not distort the total amount of wealth produced in the society.²¹ Table B describes the resulting distribution:

²⁰ Knight 2009, 1

²¹ I make these assumptions because while economic efficiency and incentive problems are important when considering any redistributive effort, I want to focus on the justice-bearing reasons relevant to luck egalitarianism.

Table B: Adam and Hephaestus under the Baseline and the LE Standard

Agents Similar in Economic Responsibility	Income Distribution Under the Baseline Condition	Income Distribution Under the Luck Egalitarian Standard
Adam	100	60
Hephaestus	20	60

2.5 The Responsibility of Others

Having observed what conditions satisfy the luck egalitarian, I turn to demonstrate how such a standard effects the lives of individuals subject to standards external to their control. I add another character to our story to illustrate the problem. Consider someone just like Hephaestus with the same background, and possessing the same disability, but who does not make the same choices. Belphegor, despite having the choice to do so, did not apply for the same kind of job that both Adam and Hephaestus possess. Instead, Belphegor chooses to spend most of his time on enjoyable but leisurely activities. Every once in a while, Belphegor works some part time gig so he can eke by, but otherwise he chooses not to spend his time working. Belphegor's disability does not reduce his effectiveness in these jobs. The following two counterfactual claims are true of Belphegor: 1) if Belphegor did not have the disability, but made the same choices, then he would earn the same as he does now, and 2) If Belphegor did not have the disability *and* he made the same choices that Adam did, then he would earn as much as Adam. Assume that Adam shares society not with Hephaestus but with Belphegor instead, what would the luck egalitarian standard demand? Since differences in income between Adam and Belphegor are attributable to choice and not to disability, then according the luck egalitarian standard of justice, it would be unjust to redistribute from Adam to Belphegor. Table C describes the resulting distribution:

Table C: Comparing Adam and Belphegor

Agents Similar in Economic Responsibility	Income Distribution Under the Baseline Condition	Income Distribution Under the Luck Egalitarian Standard
Adam	100	100
Belphegor	10	10

The distributions under the baseline condition and the luck egalitarian standard are the same since differences in distribution are attributable to choice and not luck. By comparing Hephaestus's and Belphegor's conditions under the luck egalitarian standard, one can appreciate how the luck egalitarian standard assists individuals disadvantaged due to brute luck. The move from the baseline to the luck egalitarian standard improves Hephaestus's income by 300 percent, while the move from the baseline to the luck egalitarian standard does not improve Belphegor's income since his inequality with respect to Adam is based in choice and not luck.

But if one looks at how Adam is affected by moving from the baseline condition to the luck egalitarian standard, the story looks a bit different. In Table B, the move from the baseline condition to the luck egalitarian condition makes Adam 40 percent worse off, while in Table C, the move from the baseline condition to the luck egalitarian condition does not change Adam's income at all. Recall that Adam from Table B and Table C are the same in every respect except one lives in a society with Hephaestus while the other lives in a society with Belphegor, and the only difference between Hephaestus and Belphegor is their choices. In other words, Belphegor making different choices is the key difference between Adam's being entitled to 100 dollars or 60 dollars. But it is really strange for Adam's entitlement under luck egalitarianism to change based on the *level of responsibility of others*. Table D compares their two distributions.

Table D: Comparing Adam's

Agents Similar in Economic responsibility	Income Distribution Under the Luck Egalitarian Standard
--	--

Adam (Table B)	60
Adam (Table C)	100

Recall that Adam from Table B and Table C, not only have the same economic responsibility they also face the same circumstances. There is literally no difference *internal to Adam* that explains their different distributions under luck egalitarianism, the difference is *purely external*, namely who they happen to share society with.

So why does this pose a problem for the luck egalitarian? Recall that luck egalitarianism was supposed to preserve income flowing from choice while correcting for income that was flowing from luck. In Adam's case, under a luck egalitarian condition, his income *depends* on an external factor, namely, how responsible others are. Luck egalitarianism was supposed to reduce the extent to which external factors determined a person's economic success, and yet Adam's income under luck egalitarianism is indexed to an external feature, namely, the responsibility of others. If a moral system is meant to reduce the extent to which a person's income flows from luck, it is problematic if a person's income can be significantly reduced based on the choices that *others* make. It undermines the very goal that made luck egalitarianism attractive in the first place.

One potential response is to argue that what I am asking for is impossible. How could a system possibly reduce the effect of luck of some, like Hephaestus, without imposing a cost on others, like Adam? Indeed, the whole point of luck egalitarianism, was for individuals to *share* in the bad brute luck, not to eliminate the possibility of bad brute luck altogether, since this would be impossible. So, yes Adam's life is subject to an increase in luck, and so he is a worse off than he otherwise would be as a result, but Hephaestus is much better off, and why should there be any difference between their earnings, given that they make the same kinds of choices?

While this is a strong response, it is important to keep in mind the limits of such a response. Luck egalitarianism has two components: it is meant to correct for influences on income stemming from luck, and it is meant to preserve influences on income stemming from choice. The prior response places priority on the former while putting the latter in terms of a comparative. But the comparative analysis cuts both ways. It's true that Adam and Hephaestus make the same choices, but *it's also true* that Adam from Table B and Adam from Table C make the same choices, as they are in fact the same person, and only someone else in the society has changed. Luck egalitarianism is meant to correct for luck, but if it is to preserve for choice, then the relative income levels of the Adams from our two separate tables should at least be in the same ball park. Put differently, for people making the *same choices and facing roughly similar circumstances* there should be a significant degree of *staying power* in Adam's income. That is, two people that make similar choices, in similar circumstances, yielding similar production should not have radically different earnings. A 40 percent decrease in income seems like a radical fluctuation and as we will observe, luck egalitarianism places *no theoretical limit* to such fluctuations.

2.6 The Size of the Population

Turning back to our original scenario, imagine that Adam lived in a society with five people like Hephaestus, instead of one. In Table E, I have listed the resulting distributions under the baseline condition and the luck egalitarian condition:

Table E: Adam's Income in a Society with many Hephaestus's

Agents Similar in Economic Responsibility	Income Distribution Under the Baseline Condition	Income Distribution Under the Luck Egalitarian Standard
Adam	100	33.3
Hephaestus 1	20	33.3
Hephaestus 2	20	33.3
Hephaestus 3	20	33.3
Hephaestus 4	20	33.3
Hephaestus 5	20	33.3

Recall that under the baseline condition, Adam and the Hephaestus's directly reap the rewards of their own economic productivity. In the new scenario, Adam loses almost 70 percent of what he would possess under the baseline condition, each Hephaestus benefits by almost 60 percent of what he possesses under the baseline. Luck egalitarianism was meant to be both luck-reducing and choice-preserving, and while it's luck-reducing role in the incomes of the Hephaestus's can be observed, its choice-preserving role is not reflected in Adam's income. A system is choice-preserving the extent to which alterations in external factors do not affect the income of a person facing the same conditions and making the same choices. Obviously, luck egalitarianism cannot be perfectly luck-reducing and choice-preserving, and it would ideally strike a balance between these two normative goals. However, under the luck egalitarian standard, there is no staying power in Adam's income, it fluctuates completely with respect to the degree to which others are responsible, the amount of bad luck that others face, and the number of people there are.

There is one sense in which the luck egalitarian standard is choice-preserving. Suppose all of the Hephaestus's were Belphegor's instead. In such a situation, the Belphegor's would not be entitled to any transfer payments from Adam since differences in income are reflected by differences in choice. In other words, if we imagine all of the Hephaestus's were Belphegor's

instead, then their income under luck egalitarianism would be the same as the baseline condition. So, under the luck egalitarian standard, the choice preserving element is just for determining whether or not you are eligible for transfer payments. It's important to pause for a moment and consider that this is not because Belphegor's life is deemed any less worthy. It's simply the idea that in order to justify a redistribution from one person to another person, the differences in their income need to be rooted in luck, not choice. If Belphegor chooses to live differently than Adam and this is the reason why he earns less, then the disparity of incomes is not arbitrary. If, however, he makes the same choices as Adam and earns less based on luck, then these differences are arbitrary, or so the luck egalitarian reasoning goes. So, the luck egalitarian standard is choice preserving in the sense that it preserves the income among a group of individuals who have chosen to lead similar lives. That is, the luck egalitarian standard is choice preserving in the interpersonal comparative sense, but not in the counterfactual sense.

To demonstrate, I consider Adam's income across different societies, comparing his respective income in one society to another. The only factor that varies among each of these societies is the number of Hephaestus's present. All other considerations in the society are the same. For ease of discussion I will be referring to four Adams (α , β , γ , and δ), each of whom lives in a different society. While each Adam is a different person, we can imagine each of them as virtual clones of one another having the same background, facing the same situation, and making the same choices. The only difference between them is the number of Hephaestus's in each respective society. Table F lists the income of each Adam across various societies and compares each of them across the baseline condition and the luck egalitarian standard.

Table F: Adam's Income Across Societies

Adams from Different Societies	# of Hephaestus's in Society	Adam's Income Under the Baseline Condition	Adam's Income Under the Luck Egalitarian Standard
Adam α	0	100	100
Adam β	1	100	60
Adam γ	5	100	33.3
Adam δ	20	100	23.8

This table illustrates that under the luck egalitarian standard across societies, individuals who face the same situations and make the same choices have radically different distributions. In particular, as the number of Hephaestus's increase, Adam's income approaches, though never reaches, 20 dollars. In other words, under luck egalitarianism, as the proportion of Hephaestus's increase, Adam's income moves closer to whatever their average under the baseline happens to be. However, there is absolutely no difference between the Adam in each of these societies and yet under the luck egalitarian standard, Adam α earns nearly 5 times what Adam δ earns. If there is no difference between each Adam across the various societies, why should the distribution of each radically fluctuate between them?

What the luck egalitarian standard fails to take into account is that there are different kinds of brute luck. The population size, the amount of bad luck that others face, and the responsibility of other people in a given society are all external to Adam. Recall that "Y is a matter of luck for X if, and only if, (i) X is not responsible for Y; and (ii) X is not responsible for Y if, and only if, Y is not, in an appropriate way, the result of a choice made by X."²² None of these three things (population size, the amount of bad luck that others face, and the responsibility of other people) are a result of a choice made by Adam, and so Adam is not responsible for them.

²² See Lippert-Rasmussen 2014, originally from Cohen 2011

Yet his earnings under the luck egalitarian standard are indexed to these three factors. But Adam can no more alter these things than Hephaestus can alter his disability. One of the main reasons to adopt luck egalitarianism was out of a concern that a person's economic life not hinge entirely on external factors. But under the luck egalitarian standard, Adam's economic life does in fact hinge on these external factors. Paradoxically, implementing the luck egalitarian standard threatens the very notion that it was meant to safeguard, namely, that the economic success of an individual's life is to flow from his own choices and not be subject to factors outside of his own control. Thus the implementation of the luck egalitarian standard undermines the original motivation for adopting luck egalitarianism in the first place.

The problem emerges because there is not a non-comparative manner in which luck egalitarianism is choice-preserving; egalitarianism is necessarily comparative. It is worth noting that the critique put forward here is not an attack from within egalitarianism, but from the outside. The whole point of egalitarianism is to divide the pie equally across some *equalisandum*.²³ Luck egalitarianism says that for any group of people with similar economic responsibility, individuals in that group ought to share in the burdens of bad luck. So, it is a simple consequence of egalitarianism that as you add more people without increasing the total social product (by much), then the total social product will have to be further divided such that each person's share becomes smaller. So this cannot be a critique of luck egalitarianism *as* a form of egalitarianism, because egalitarianism involves equalizing members of a particular group across a given good, and the luck egalitarian standard achieves that among members of a particular society.

²³ "An *equalisandum* claim specifies that which ought to be equalized." Cohen 1989, 908

The critique shows that egalitarianism makes our lives *dependent* on factors beyond our control, in this case, the conditions of others. Egalitarians, generally speaking might not see anything particularly problematic with Adam's economic success being tied to how many Hephaestus's exist since this just is a necessary consequence of egalitarianism. Indeed, it is easy to imagine someone asserting that we have not raised a critique for egalitarianism, we have just demonstrated its implications. Yet such a response fails to properly address the point. Egalitarians *in general* might be willing to bite this bullet, but luck egalitarians in particular, sincerely motivated by the idea that we should insulate an individual's life from brute luck, cannot so easily shrug off the charge. This is because the luck egalitarian standard is being critiqued *on the very ground* that motivates it, i.e. it makes Adam's life completely subject to luck. The problem is that egalitarianism, as a process of distribution, is responsible for the brute luck affecting Adam's life. Luck egalitarians either need to show why treating Adam in this way does not undermine the original motivation or deny that luck egalitarianism entails that we should treat Adam this way.

Luck egalitarians wishing to defend their view have five routes available. First, they can argue that Adam's economic success is not ruled by luck under the luck egalitarian standard because he has no presocial entitlements, that is, he has no claim that his entitlement approximate the baseline condition. Second, they can deny that the idealized market condition is a legitimate baseline and argue that some other baseline is required. Third, they could challenge the assumption that Adam has a unique entitlement to his income and hold that Hephaestus has some claim to that income since the product of their labor is *inextricably joint*. Fourth, they could contend that the kind of brute luck Adam becomes subject to under the luck egalitarian standard is warranted from the standpoint of justice, while the kind of brute luck that Hephaestus is

subject to without the standard in place is unjust and therefore worthy of rectification. Fifth, they could object to the interpretation of the luck egalitarian standard offered here and could argue that the standard does not entail aggregating the sum of labor and dividing it equally among those with identical economic responsibility, therefore avoiding the objection that the luck egalitarian standard makes Adam's life dominated by brute luck. I will explain and then respond to each of the five objections in turn.

3 HANDLING OBJECTIONS

3.1 Objection #1: The Baseline Does Not Matter

The first line of defense for the luck egalitarian might be made along Rawlsian lines. Just distributions are arrived at under a *fair scheme of cooperation*.²⁴ If the luck egalitarian scheme is fair, then whatever distributive outcomes that arise from it are also fair. The objection may also be put this way: Adam does not have any entitlement prior to the just social arrangements being put in place. That is, merely because the 100 dollars under the baseline condition are a product of his choice, that fact alone does not entitle Adam to those 100 dollars. Instead, Adam only derives a legitimate entitlement from whatever he would get according to a fair social schema. For luck egalitarians, the fair social schema is the luck egalitarian standard, so Adam is only entitled to outcomes derived from a correct implementation of that standard. Since Adam does not have any presocial entitlements, he is not being unjustly deprived of anything. Under this line of reasoning, none of the Adam's, α , β , γ , and δ , have any entitlements independent of the luck egalitarian scheme. Therefore, none of them have legitimate grounds of complaining about their respective distribution.

There are two problems with the objection and I will begin with the less significant problem. If Robinson Crusoe built a canoe from the resources that he had on his desert island, independent of anyone else's assistance, and someone came along and took the canoe, they seem to have wronged Robinson Crusoe.²⁵ If there are no presocial entitlements whatsoever, why would it be wrong to take the canoe without Robinson Crusoe's consent? It cannot be on the

²⁴ Rawls says, "I stress that there is no criterion of a legitimate expectation, or of an entitlement, apart from the public rules that specify the scheme of cooperation. Legitimate expectations and entitlements are always based on these rules." Rawls 2001, 72

²⁵ Nozick raised this issue in response to Rawls saying, "wouldn't it be unjust if someone stole another's products in the noncooperative situation?" Nozick 1974, 186

basis that Robinson Crusoe would otherwise use the canoe, since it would not be wrong to take some of the coconuts on the island despite the fact that Robinson Crusoe might use them.²⁶ The obvious difference is that Robinson Crusoe built the canoe, but he did not build the coconuts. Robinson Crusoe had to exert his time, effort, and energy into producing something, and so his entitlement is a product of his choices in response to his circumstances. To deprive Crusoe of the canoe is to deprive him of living the life that he chooses.

Some might object to this reasoning on grounds that luck egalitarians typically reject Lockean entitlement claims derived from the product of one's labor.²⁷ But Lockean entitlement theory is not necessary to reach the conclusion that Crusoe has a unique entitlement claim to the canoe that others do not have. Suppose, for example, in Village A that Crusoe's canoe is regarded as common property, such that anyone in the village is capable of using it at any time and for any reason, and that Crusoe's claim to the canoe does not trump anyone else's claim at any given time. Now imagine in Village B that Crusoe's canoe is regarded as his own property except in emergency circumstances such as when another villager is drowning. Now consider the following question, does Crusoe have more control over the way his life goes in Village A or in Village B? Canoes, of course, are advantageous for fishing, catching crabs, or just enjoying the water, so in Village A, there will likely be constant use of Crusoe's canoe, while in Village B, Crusoe's will have access to the canoe whenever he needs it. So when answering the question, is there any doubt that he has greater control over the economic success of his life in Village B than in Village A?

²⁶ With the obvious stricture that we should not take all the coconuts thus depriving Crusoe the ability to feed himself. See Locke 2005, 16

²⁷ Dworkin 1988,312

The luck egalitarian might respond, *sure*, Crusoe has more control of his life, but this comes at the expense of others. But this actually does not follow. Crusoe's production of a canoe does not prevent others from creating their own canoes. Indeed, there are likely to be more canoes in Village B than in Village A since people have more of an incentive to produce canoes in Village B than in Village A.²⁸ But even apart from this economic fact, Village B is more in keeping with each person choosing the life he wishes to lead. In Village B, someone who prefers to eat coconuts, and spend the rest of their time lounging on the beach, is free to do so. Presumably, their preference for doing this bundle of activities is greater than another bundle of activities, such as giving up beach time to craft a canoe. By contrast, when this same person in Village A has the entitlement claim to use Crusoe's canoe whenever it becomes available, it comes at Crusoe's expense. Crusoe, on the other hand, cannot make use of this person's beach-time. In Village B, there is a symmetry of relationship between the two persons such that each can gain the benefits of how to spend their time, while in Village A, there is an asymmetry such that Crusoe's use of his time benefits others, while the use of others' time does not benefit Crusoe. At the end of the day, Village A is not choice-preserving with respect to labor time, while Village B is choice-preserving with respect to labor time.

If eroding Crusoe's entitlement claim to the product of his creation diminishes his control over the economic success of his life, then the same holds true of Adam. There are circumstances in which the tribe is justified in using Crusoe's canoe without his consent, like in the specified case of drowning villagers. The same applies in Adam's case, such that society can be justified in reducing Adam's income to assist Hephaestus. However, if there are no limits placed on the extent to which Hephaestus can claim a share of Adam's earnings, then Adam living under a

²⁸ For a good analysis of this, see Schmidtz 1994

luck egalitarian standard is like Crusoe living in Village A. The result is that the luck egalitarian standard completely erodes the baseline and undermines the ability for Adam to control his own economic life. Adam uses his time in response to his circumstances to produce 100 dollars per hour for himself. Recall that Adam did not inherit this money; it is a product of his choices in response to his circumstances. In order to be choice-preserving, luck egalitarianism must preserve some reasonable amount of income such that the effectiveness of his choice is not diminished. If, for example, Adam's income fluctuated between 70 dollars and 130 dollars under the luck egalitarian standard in response to alterations in the responsibility of others and the population size, then an argument can be made that luck egalitarianism satisfies choice-preservation. But I have shown that changes in these two external features cause radical perturbations in Adam's income despite him making the same choices in response to the same circumstances.

Some luck egalitarians might not be convinced that Crusoe has any entitlement to the canoe, and thus be unmotivated by appeal to the case presented here. These luck egalitarians might deny that the choice-preserving element ought to be derived from some relevant baseline, or even that it should play a role at all. For instance, one can imagine some luck egalitarian theorist asserting that all that matters is the comparison between two individuals. They might say Robinson Crusoe, Adam, Hephaestus, or anyone else can only have an entitlement claim in virtue of the comparative procedure determined by the luck egalitarian standard and on no other basis. Can these luck egalitarians escape the problem at hand?

One need not assume that Adam has any presocial entitlements in order to see how the luck egalitarian standard makes Adam's life subject to unremitting luck. Even if entitlements are only legitimately derived on a purely comparative basis, Adam's income still entirely depends on

external features. To see this, look at each of the tables, ignore the baseline and instead only look at distributions under luck egalitarian standard. It still remains true that the economic success of his life is dependent on how many other people there are, how responsible they are, and how bad off they are. While the critique becomes stronger if one holds the commitment that Adam has some entitlement to the income generated by his choices, it does not depend on it. It's still true that Adam in one society will fare significantly better than Adam in another based on entirely external features that he is not responsible for. Therefore, even if one takes the radical assumption that there are no presocial entitlements and that entitlements are only ever determined through the comparative procedure, the problem of indexing Adam's life to luck based features remains.

3.2 Objection #2: Idealized Markets Are the Wrong Baseline

While Dworkin thinks that the market can serve as a legitimate baseline, other luck egalitarians, such as Cohen, might find this objectionable and instead argue that some other baseline is legitimate. They might further argue that choosing the appropriate baseline can solve the problem since under the correct baseline, we can parse out income accrued due to choice versus income accrued due to luck.

The original situation can be altered to show that the problem remains under any baseline condition. Imagine that the 100 dollars Adam receives is derived from whatever the respective luck egalitarian might consider to be a legitimate baseline, whether it is the resources Adam directly gathered from nature, the full value of Adam's labor that can be ascertained in an idealized socialist scheme, the transactions that Adam makes in a system of fairly agreed upon social rules, trades that Adam participates in within a free market, or whichever other process that confers legitimate holdings that the luck egalitarian would accept.

Once the original baseline has been established, apply the same process of reasoning as before. Imagine, for instance, society adopts one of G.A. Cohen's suggestions, that every hour of work gets paid the same. The idea is that since work is paid the same, each person gets to choose the relevant work to leisure trade-off that is best for them, and so "under a system where each gets the same income per hour, but can choose how many hours she works, it is not an intelligible complaint that some people have more take home pay than others."²⁹ However, suppose that Hephaestus's disability could limit the number of hours it is possible for him to work, while Adam has the ability to work as much as he chooses. Now imagine that as a result, the distribution is the same as in our original situation (Table B), such that Adam receives 100 and Hephaestus receives 20 dollars. So, even in Cohen's chosen case, deviations from the baseline will occur, such that Hephaestus is still disadvantaged compared to Adam. This is because regardless of what system is used to confer original entitlement, it is always possible, indeed *likely*, that it will stray from satisfying the comparative measure.³⁰ Cohen would agree with this point, and I raised it only to demonstrate that choosing a different baseline will not fix the structural problem that I've identified, and so this objection dissipates.

3.3 Objection #3: Adam Cannot Do It Alone

A third line of response by the luck egalitarian involves challenging the original assumption in the provided scenario. Someone might argue that in an advanced society, social products are *inextricably joint*, and thus no individual can claim to have an exclusive entitlement over some portion of the given social product.³¹ Adam's production is dependent upon either the

²⁹ Cohen 2009, 20

³⁰ Nozick 1974, 161

³¹ Rawls asserts that the social product is inextricably joint. Taking a different tack but arriving at similar conclusions, Cohen argues that because the world is jointly owned initially, one cannot appropriate natural resources

production of others or the consent of others. Since Adam lives, trades, and operates in the same society with Hephaestus, Hephaestus's production is a necessary part of Adam's ability to produce a lot. So, Adam has no permanent entitlement claim over the 100 dollars alone, but owes Hephaestus some of these units since Hephaestus is a necessary part of the production process.

I first note that challenging the assumption of the thought experiment can only be taken so far. Then I show that even if we take this line of reasoning as far as it goes, it leads to undesirable consequences for the luck egalitarian. The idea that social products are inextricably joint is true in the sense that many people might contribute to the process of production, but this does not undermine the idea that some individuals are more responsible for producing a given product or service than others. That is, we can still identify that the primary causal force in any given person's production *is* that person. Consider Calliope the musician who uses expensive electronic equipment to produce her songs. If Calliope decided to cease working altogether, she would stop producing songs. In other words, her immediate choice to stop, would be sufficient to cease her musical production. This is not true of her production in conjunction with others. If the company which sold her the electronic equipment ran out of business, she could go to a different company. If all such advanced electronics companies ran out of business, she would have to start producing her songs on vinyl. If all uses of electricity were impossible because of some strange global catastrophe, Calliope could play in front of live audiences. We can continue along this line of reasoning until either Calliope gives up and chooses a different profession or she furnishes a guitar out the resources found in her backyard. Calliope's production is improved by her interaction with others, but she decides whether she produces, what she produces, and the extent of that production. The point here is that Calliope's agency is the operative causal force

via labor alone. See Rawls 1993, 275 and Cohen 1995. Similarly, some have also argued that ownership is a social fact that requires the rational consent of those affected by it. See Lindsay 2015

behind her production. The luck egalitarian who argues that we do not have legitimate holdings because all social products are inextricably joint holds a position which is *in tension* with the following plausible claim: that being the operative causal force behind your own production greatly contributes to your claim of entitlement to the product of that production. Denying the moral importance of this fact might be easy for an egalitarian welfarist or a utilitarian, but it is not easy for the luck egalitarian. If the luck egalitarian wants to take seriously the notion that our income should be a reflection of our choices, then it is difficult to see how the luck egalitarian can deny a person's entitlement to the product of those very choices.

There is a second problem with this line of reasoning. Predicating Hephaestus's entitlement on the notion that he contributes to Adam's product puts Hephaestus's entitlement to assistance in a precarious position. What if Hephaestus was not in fact at all necessary to produce the 100 dollars? What if Adam's production of 100 dollars was inextricably joint with a collection of other individuals that did not include Hephaestus at all? In other words, imagine that Hephaestus's own contribution was completely causally unrelated to Adam; perhaps he made paintings that Adam did not enjoy and would never purchase. By removing Hephaestus from society, Adam loses nothing. If Hephaestus played no role in bringing about the 100 dollars Adam produced, would the luck egalitarian concede and say that Adam owes Hephaestus absolutely nothing? If Hephaestus's production is not necessary to bring about the 100 dollars, then are Adam's duties to Hephaestus now dissolved? Surely, the luck egalitarian would not want to say that Hephaestus should be left without assistance because he was not a part of the processes by which Adam produced 100 dollars. Biting the bullet by saying that Hephaestus is entitled to no assistance whatsoever would be just as damaging to the luck egalitarian position as biting the bullet that the luck egalitarian standard makes Adam's life subject to unremitting luck.

So if the luck egalitarian wants to maintain that Hephaestus is entitled to assistance even if he is not a part of the production, then what is the relevance of the social product being inextricably joint? Either the social products being inextricably joint is a fact relevant to the entitlement claims or it is not. If it is not relevant, then this objection dissolves. If it is relevant, then the luck egalitarian is predicating Hephaestus's entitlement claim on whether or not he is a part of productive process. Then in the cases where Hephaestus (or those like him) are not a part of the joint productive process, they are then left out in the dust, with no entitlement claims.

3.4 Objection #4: Only Interpersonal Luck Matters

A fourth response involves distinguishing between different kinds of brute luck. Susan Hurley, a prominent critic of luck egalitarianism, distinguished between two kinds of luck that might be helpful for the luck egalitarian here. Hurley differentiates between *interpersonal luck* and *counterfactual luck*. Under the interpersonal account, "I compare my situation with other people's situations. I have bad luck when what I and others have is a matter of luck, and I am worse off than others."³² Interpersonal luck only comes into play when there are comparative differences between individuals that are based on luck. Alternatively, under the counterfactual account, "I compare my actual situation with other possible situations I might have been in. I have bad luck when what I have is a matter of luck and I am worse off than I might have been."³³ Here the point of comparison is not between separate individuals, but between the situations that you might have otherwise been in. Distinguishing between these two kinds of luck enables us to see the different ways that Adam's and Hephaestus's life become subject to luck.

³² Hurley 2003, 156

³³ Hurley 2003, 156

In the original situation featured in Table A, the difference between Adam and Hephaestus's distribution is one of interpersonal luck. Adam and Hephaestus have equivalent degrees of economic responsibility, but Hephaestus has 80 fewer units of income due to morally arbitrary factors, and hence has bad interpersonal luck. This is in contrast with the kind of analysis I ran when comparing Adam's situation in Table A with his situation in Table C. In that case, we compared Adam's state under the luck egalitarian standard with Adam's potential state without that standard and noted that the differences in his income were not based on his economic responsibility, meaning that in Table C, he suffered from bad counterfactual luck. The defender of luck egalitarianism might contend that we should only be concerned with interpersonal brute luck and not counterfactual luck. This would allow her to evade the critique posed here since the critique supposedly rests upon the notion of counterfactual luck.

This response suffers two drawbacks. First, the luck egalitarian needs to say why we are concerned with interpersonal luck and not counterfactual luck in a way that is non-question begging. The luck egalitarian needs independent grounds for compensating one kind of luck without being concerned with the other. Yet it seems unlikely that there is a way of doing this that is not in tension with the original motivation for adopting luck egalitarianism in the first place. The concern about luck was motivated by the idea that our lives should be up to us. The point was that we should be in control of our own lives and that external events impinge on the possibility of individual control.³⁴ So if part of the concern was ensuring that individuals control their lives, then all forms of luck pose a potential threat to that control. Why exclude some forms of luck from our considerations of control?

³⁴ Explaining the luck egalitarian view here, Cohen says, "the grounding idea of Dworkin's egalitarianism is that no one should suffer because of bad brute luck," and then he goes on to say "I believe that we should compensate for disadvantage beyond a person's control..." Cohen 1989, 922

The second problem with this response is that my critique can be described both in terms of interpersonal *and* counterfactual luck. In fact, Table D is just a list of comparisons between different individuals, all named Adam, in different societies. I compared two different people, Adam α and Adam δ , who earn radically different amounts, except the only difference between them is that they live in different societies. Adam δ has bad interpersonal luck since he is far worse off than Adam α and this difference is not derived from differences in choice. So even if the luck egalitarian could give a reason for compensating interpersonal luck over counterfactual luck they still remain saddled with the problem presented here.

Some luck egalitarians may want to make the claim that we should not be concerned with luck between individuals living in separate societies, but only among individuals living *within* societies. They may argue that since the critique rests on a comparison between Adam across different societies, that it only applies to global luck egalitarianism and not intra-societal luck egalitarianism.³⁵ However, this ignores the changes in population size and relative levels of responsibility that happen within societies themselves. I could have just as easily made the comparison between the same Adam in the same society across different time slices. For instance, if over the course of decades the Belphegor's change their habits to become more like Hephaestus's, then Adam's level of entitlement would radically transform despite Adam's choices and level of production remaining the same. Thus a kind of intra-societal luck egalitarianism does not evade the challenge I have posed here.

³⁵ See Blake et al 2013, section 4.1

3.5 Objection #5: Separate Choice-Derived Income from Luck-Derived Income

The previous four objections are all premised on defending the luck egalitarian standard and the resulting distributions. However, some luck egalitarians might want to argue that the prior discussion was ill construed and assert that luck egalitarianism is *not* committed to the distributions detailed in the examples. Some luck egalitarians might think that we are making the distributive cut across the wrong lines. As Dworkin puts it, we shouldn't seek to "squeeze the differences out of persons or lives."³⁶ So a luck egalitarian might ask, 'Which portion of Adam's product of labor comes from brute luck and which portion comes from economic responsibility?' They may argue that the portion of Adam's labor which is the result of brute luck is open to redistribution, but not the portion which is the result from economic responsibility, i.e. his choices.³⁷ By separating the income derived from luck from the income derived from choice, we could find a natural limit to the amount that could be taken from Adam, therefore diffusing the critique offered here. For example, if it turned out that 80 units of Adam's income came from his economic responsibility and 20 units from luck, then we could not take any more than 20 units from Adam to assist Hephaestus. If on the other hand, 50 units came from luck, and only 50 from economic responsibility, then we could only take up to 50 units from Adam, depending on the needs of Hephaestus. This solution, if applicable, would neatly solve the problem I have presented here.

Before the luck egalitarian can rejoice in this solution, we need to know what it means to separate the income solely derived from luck and the income solely derived from economic responsibility. We can make some sense of the idea of income solely derived from luck. Imagine

³⁶ Dworkin 2000, 334

³⁷ Those partial to Dworkin's equality of resources would probably take this approach. "Some believe that justice requires the differential effects of option luck not to be nullified. Dworkin takes this view." Lippert-Rasmussen 2014

that when you were born, you were entered into a lottery for one million dollars, and you won the lottery on a random drawing. There was no choice that *you* made to either enter the lottery or to improve your chances of winning, so we can describe your winning as an instance of brute luck. Similarly, if you inherit a large sum of money from your parents, we can say that these earnings are, from your perspective, luck based. You did not do much to receive the money that you inherited, except in so far as you made choices to remain in the good favor of your parents. The income earned from inheritance in this circumstance and from the perspective of the agent receiving the money is derived from luck. It is on this basis that the luck egalitarian should find it more desirable from the standpoint of justice to tax inheritance than to tax wages or salaries, since the latter are derived from deliberate choices of the agent earning the income and not from some source external to that agent. Yet while wages and salaries are derived from deliberate choices of the earning agent, they are not *solely* the consequence of his or her choices.

Returning to the issue at hand, can the amount of income derived *solely* from economic responsibility be determined? While it's possible to distinguish between luck and choice, the question is whether or not there is some portion of the income derived from choice that is free from the influence of luck. The problem here is that luck *frames the very circumstances* in which we make our choices to begin with.³⁸ For example, suppose Adam decided to be a carpenter and he worked hard at his craft. He practiced for thousands of hours and persisted in his efforts even when there were moments where he wanted to give up. He sacrificed other opportunities and gave up considerable amounts of his free time in order to cultivate his skill. As a result of his efforts, he became a skilled carpenter and produced beautiful cabinets that he sold on the market. Adam consistently made the choices necessary for him to cultivate a profitable skillset.

³⁸ Dworkin call this "The Strategic Problem." Dworkin 2000, 323

However, while Adam chose to do these things with his hands, the fact that Adam had hands in the first place is a matter of brute luck. If Adam was not born with hands or if he was born with a hand deformity, he could not have cultivated his excellent carpentry skill, no matter how hard he tried. Similarly, the fact that Hephaestus was born with a limp foot was a matter of luck, but that he still made all of the efforts to live a good life was up to him. The point is that even though people make authentic choices, the choices that they make are dependent on the circumstances that they come into, and these circumstances are outside of their control.³⁹ This is not to say that choice is reducible to brute luck; it just to point out that the options available to choose from are different because of luck. So, the results of labor are the result of both choice and luck.

While it is possible to distinguish between luck and choice, it is impossible to parse the *results of luck* from the economic choices that we make. I am *not* arguing that because there is an element of luck in determining the choices that are available to us, that therefore we are not responsible for them. As Arneson rightly points out in response to Hurley, the luck egalitarian need not be committed to the so-called regression requirement for responsibility.⁴⁰ As stated earlier, I am assuming that it is perfectly possible for the luck egalitarian to construe a notion of choice such that we can say that one is responsible for bringing about her income. Indeed, as I have told the story, both Adam's and Hephaestus's choices played an integral and primary causal role in the resulting income. As I have stipulated, Adam is economically responsible for producing his 100 units and Hephaestus is economically responsible for producing his 20 units. However, luck framed the very choices that they had in the first place. Therefore, it is impossible

³⁹ I am not interested in objections to luck egalitarianism based on arguments against the existence of free will. I am trying to be as favorable as possible to the luck egalitarian position and so, as stated earlier, I am assuming that there is some adequate conception of authentic choice that can be worked out. Authentic choices could be construed under either a compatibilist or libertarian approach to freedom; this account is not metaphysically committed.

⁴⁰ See Arneson 2004, 12

for us to determine how much of Adam's income was the result of luck and how much the result of choice, because both choice and luck were *necessary* and *neither alone was sufficient*. Since it is impossible to distinguish how much of one's income is the result of luck and how much is the result of choice, the luck egalitarians attempt to find a natural limit based on this separation strategy is bound to fail.

4 CONCLUSIONS

4.1 What Went Wrong?

The upshot of this analysis is that while the luck egalitarian standard succeeds in mitigating the effects of bad luck that specifically flow from initial endowments, it fails to preserve the choice-sensitive aspects of the baseline condition, and worse than that, it indexes a person's economic well-being to two external features. I explore the cause for each of these failures in turn.

Luck egalitarianism's failure to preserve the choice-sensitive aspects of the baseline condition stems from its insistence on a comparative standard. When comparing two individuals under the luck egalitarian standard, their income is aggregated and equalized whenever their choice sets are sufficiently similar. Such a standard fails to take into account the unique causal relationship a person has to their income. In other words, the luck egalitarian standard does not care about the causal history of someone's production, it only cares about the relative levels between individuals who make similar choices. But by failing to address a person's causal history, it considers a person only in light of how they compare to others and not on their own terms, as agents in the world who have made plans for particular reasons, have sacrificed time and exerted effort for particular purposes, and who monitor their labor-leisure levels in accordance with their own preferences. Choice-preservation from the baseline is important so that people not only reap the benefits of their choices but also so that they can properly execute their plans. By failing to preserve income flowing from choice the luck egalitarian standard runs roughshod over the choices that people have made and the reasons that they have made those choices.

In addition to preserving income flowing from choice, luck egalitarianism intended to share the burdens of bad luck and it succeeds in mitigating the effects of bad luck that flow from initial endowments. However, it achieves this goal by exposing individuals to two other strands of luck stemming from 1) the responsibility of others and 2) the population size. No given individual has control over how others act, and she has a negligible effect on the total population size. However, under a luck egalitarian standard, these two factors determine whether a person gets to keep the lion's share of what they produce or if they give most of it up. The problem yet again lies with the comparative nature of the luck egalitarian standard. Since a person's entitlements depend on comparisons between their position and responsibility relative to others, the lives of others will be significant factors in determining their entitlement. So while the bad effects of unlucky initial endowments will be reduced, this comes at cost of letting two other luck-based features be chief factors in determining entitlements.

4.2 Reconciling Two Extremes

The idea that choice and not luck should determine the success of a person's life is a powerful idea and one that should not be abandoned despite luck egalitarianism's failure to achieve it. Indeed, the notion that the success of one's life should primarily depend on one's own choices deeply resonates with common moral sentiment and is arguably the wellspring of liberalism. The challenge then is this: How should society balance two competing moral considerations, that individuals are the responsible authors of their own lives entitled to income flowing from their own choices, and that individuals whose lives are negatively affected by bad luck are entitled to robust social support?

With the luck egalitarian position evacuated, there is no prominent theory of distributive justice which properly accommodates both of these considerations. This is because the tension inherent in the luck egalitarian position reflects the larger tension within liberalism. Luck egalitarianism rests on the fault line which divides liberalism into its egalitarian and libertarian tendencies. The libertarian position could safeguard us from the critique at hand, since under it, Adam's life is not subject to any redistributive processes, but it does this at the expense of making the life of Hephaestus unduly subject to luck. By letting people's lives succumb to extraneous circumstances beyond their control, the libertarian position fails to embody the ideal that the success of a person's life should flow from the choices she makes. Alternatively, the luck egalitarian position improves the position of Hephaestus whose life would otherwise be ruined by bad initial endowments, but it does so at the expense of making the success of Adam's life wholly dependent on the choices and circumstances of others. The problem with distributive egalitarianism is that it considers a person's life only in a comparative way, by assessing it in light of others' lives. A system which completely ties an individual's welfare to the welfare of others threatens the notion that the success of our lives is up to us, since it makes the success of one person's life depend on the lives of others. For those unsatisfied by either political extremity, a theory of justice which can reconcile these two competing considerations is needed.

On the one hand, a theory of justice should consider a person's life *on its own*, with independent moral standing, irrespective of how others are doing. On the other hand, a theory of justice would prevent individuals from becoming victims of their circumstance.⁴¹ A system of

⁴¹ Ideally, we morally want to prevent anyone from falling, period, regardless of whose fault it is. But that is an attitude that we should have towards others and what we should consider *freely* doing for them. What we are considering here is a political regime where we coercively demand income from some and give it to others on the basis of justice. It is one thing to cultivate empathetic attitudes towards others on a human basis, it is another thing to coercively demand that all members of a political community satisfy that empathetic attitude. Distributive justice, *as a political aim*, involves considering what we can ask from others from the standpoint of justice, *not* from the standpoint of considerations of human compassion. The assumption here is that it can be legitimate to redistribute

distributive justice should mitigate the effects of bad luck but in such a way that limits the burdens that can be placed upon others. The problem with luck egalitarianism was not in its original vision, but in the machinery it used to achieve that vision. Both of its failures stemmed from using a comparative standard to determine entitlements. Instead of using a comparative standard, those motivated by luck egalitarian ideals could appeal to different kinds of normative machinery. For example, we could hold that individuals have a pro-tanto entitlement claim to the product of their labor while simultaneously holding that individuals also have a pro-tanto compensatory claim when bad luck strikes. The pro-tanto entitlement claim could operate by setting a threshold or limit on how much can be taken of each dollar earned. Also, going past certain thresholds would require ever increasing levels of justification, possibly up to the point of some absolute limit. In the other direction, a pro-tanto compensatory claim could work to compensate luck not on some comparative basis, but on the existence of some objective threshold. This could include the use of sufficientarian standards, or some other baseline against which bad luck is assessed against in order to determine compensatory claims. Much conceptual work would need to be done in order to determine how exactly this would go, but these suggestions indicate the possibility of legitimate alternatives for handling both kinds of normative claims without resorting to comparative measures.

In closing, the problem with the luck egalitarian approach is that luck and its effects cannot be conceived as *a fixed amount* which we then go about reapportioning. The very attempt to correctly reapportion luck paradoxically introduces another kind of luck into the system. However, this does not necessarily make futile any effort to reduce luck. Redistributing based on luck is like standing on a balance board; shift your weight too far in any given direction and you

wealth when the person receiving the redistribution is not at fault and that the legitimacy of redistribution comes into question when the person is at fault for their predicament.

fall off, that is, you make some person's life completely subject to luck. The effort to realize a system that enables people to flourish based on their own choices should not involve comparing one life with another, but should instead seek to balance property-based entitlement claims with luck-based compensatory claims. In short, it is not a question of how to equalize, it is a question of how to balance.

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