

## **Responsibility, Luck, and Equality**

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This dissertation argues for a new way to approach the study of responsibility and a new strategy for understanding equality in terms of responsibility. The former innovation brings Rawls' political liberalism to bear on the study of responsibility, and the latter gives us a new form of luck egalitarianism. Luck egalitarianism holds that whether a given inequality is just or unjust is highly sensitive to whether its bearer is responsible for his condition or whether his condition is a matter of brute luck.

Both Rawls and the luck egalitarians emphasize that luck is arbitrary from the moral point of view, while choices and actions for which an agent is responsible are not arbitrary. This claim has implications for our understanding of both moral responsibility and equality. Rawls' early work argues that whatever is arbitrary from the moral point of view ought not influence our choice of principles of justice, nor fundamentally determine the distribution of benefits and burdens in a society. This is why his form of contractarianism appeals to a choice made from behind a veil of ignorance. One of the main functions of the veil is to occlude knowledge of many contingent features of one's self and one's society.

Rawls' early stance towards luck was taken up by the luck egalitarians

and distilled into a view that defines equality solely in terms of responsible choices and luck. As Ronald Dworkin puts it, the “crucial boundary between chance and choice” forms the “spine” of justice. According to Gerald Cohen, “the fundamental distinction for an egalitarian is between choice and luck in the shaping of people’s fates.” On this approach, whether a given inequality is just or unjust depends on its causal origins. Variations in brute luck can generate unjust inequalities. These variations include one’s native and unearned talents and the family situation into which one is born. But this does not include all forms of luck. Luck in how one’s freely chosen gambles turn out can generate just inequalities. I can be responsible for the consequences of my choices, and it can be just for me to bear the benefits and burdens of those choices, even if those outcomes are partially shaped by “option luck.”

The fundamental thought behind luck egalitarianism is that if the bearer of an inequality is responsible for his own predicament then, absent further considerations, this cannot be unjust and does not require redistribution. This view can be wed to many different metrics of equality: welfare, resources, income, wealth, etc. The luck egalitarians have grasped an important truth about justice, but they have misconceived both responsibility and equality. My work resolves fundamental problems in their attempts to provide a responsibility-sensitive conception of equality. In my criticism and reformation of the view, I

remain mostly agnostic on the proper metric of equality. I argue that the deep structure of luck egalitarianism, regardless of the metric, has a fundamental flaw. I argue for a particular strategy for resolving the structural problem that can be used by proponents of all the different metrics.

The first problem with luck egalitarianism is its narrow conception of equality as definable just in terms of choice, responsibility, and luck. That is, equality is defined as a responsibility-sensitive and brute-luck-insensitive distribution of some preferred metric. I provide two sorts of arguments to show such theories must be incomplete. The first are external arguments based in the competing view of social or democratic equality, which focuses on the type of social relationships required for citizens to have equal standing. Luck egalitarianism misses the relevance of equal respect and equal social standing because it focuses on the distribution of divisible goods, its policies can sometimes actively violate those values, and implementing the view would have to violate our privacy by investigating our degree of responsibility for our predicaments. I argue that Elizabeth Anderson's version of this attack is illuminating, but its consequences are overstated. It is true that some luck egalitarian policies have these problems, but not all such policies have these problems. I respond to Anderson by showing how we can co-opt her concerns as a way to limit the scope of luck egalitarian concern. If some domain of inequality

cannot be addressed without violating privacy and expressing demeaning judgments about the recipients of aid, then that domain is not within the proper scope of egalitarian concern. Luck egalitarianism therefore needs to import the values of democratic equality in order to define its own limits.

The second sort of incompleteness argument is internal to luck egalitarianism. I argue that luck egalitarianism needs, but cannot provide, a benchmark or starting-gate conception of equality from which an agent's choices can generate just deviations from distributive equality. While luck egalitarians have generally recognized the need to define a benchmark of equality from which individual choices can matter, their normative resources are not up to the task. As Dworkin puts it, "the argument in favor of allowing differences in option luck to affect income and wealth assumes that everyone has in principle the same gambles available to him. Someone who never had the opportunity to run a similar risk, and would have taken the opportunity had it been available, will still envy some of those who did have it." I argue that "everyone has in principle the same gambles available to him" must be interpreted to mean not that everyone has the exact same set of gambles available, but that everyone has a non-identical set that is equivalent enough. If we required that everyone has the exact same gambles, the theory would be utopian in the pejorative sense and there never would be any just inequalities. The theory would set conditions on

just inequalities that will never be met. So we must instead understand the gambles in a somewhat general and fungible sense. But the value of choice, and the concepts of luck and responsibility, are of no help in telling us when two non-identical sets of gambles are equivalent enough. We therefore again need to import other egalitarian values in order to define when people are situated equivalently such that their choices can matter to distributive justice. The best way to do this is by thinking about what opportunities one needs in a particular society to have equal social standing and be free from domination.

After establishing the incompleteness of luck egalitarianism, I raise a second problem having to do with the way these theories of equality rely on the concept of responsibility. The luck egalitarians all either help themselves to the notion of responsibility without providing a theory, or they have provided some sketch of a comprehensive conception of responsibility. These each lead into the same deep problem---their theory of equality requires a comprehensive answer to the metaphysical questions of responsibility and free will. Those questions can only be answered in highly controversial terms that are not endorsable by all citizens. Therefore this approach to equality, which is supposed to illustrate the general principles of how benefits and burdens ought to be distributed in society, will not be endorsable by all citizens. That is a fatal flaw, because a theory of equality must be (in principle) endorsable by all citizens. To attain that end

while retaining the truth in luck egalitarianism, I show how to provide a political conception of responsibility that is robust enough to play a role in egalitarian theory, yet agnostic on the metaphysics of free will. I build this political conception up from Rawls' political conception of the citizen as having a moral power to possess, revise, and pursue a conception of the good. Rawls' distinction between the comprehensive and the political has thus far only been applied to conceptions of justice, and I show how to apply it to conceptions of responsibility. I argue that there are two different levels of investigation that apply to responsibility, and that egalitarian theory can be restricted to the political level. If one objects that luck egalitarianism must answer to metaphysical skepticism about responsibility (a view found frequently in the literature), then one should have precisely the same worry about Rawlsian political liberalism. Political liberalism contains resources from which we can construct a conception of responsibility sufficient for luck egalitarian purposes, so it must be equally subject to these objections. This is not an appeal to Rawls as an authority figure, but rather, an attempt to show that this common criticism of luck egalitarianism has radical consequences that have gone ignored.

The political conception of responsibility is a sufficient basis for luck egalitarianism. This allows me to resolve an entire family of arguments against luck egalitarianism that attempt to show it is not widely endorsable and that it

must rely on a set of controversial metaphysical claims. One such argument is that luck egalitarianism draws political philosophy into insoluble metaphysical disputes. Another is that luck egalitarianism is only compelling if paired with a robust libertarian conception of free will. My political conception neutralizes these arguments. If luck egalitarianism sinks us in metaphysical confusion, this is no a great cost, since liberal theory itself must have the same consequence. If this is a real problem, it is not at all peculiar to luck egalitarianism. I answer the libertarian objection by arguing that the political conception is simply agnostic on the debate over libertarianism, because that debate is contained in the comprehensive, not political, level of explanation.

I then fill out the incompleteness of luck egalitarianism by providing a pluralist view of equality that has both luck egalitarian and social components. My theory combines aspects of both those views, but this is not an arbitrary pairing. The incompleteness of luck egalitarianism is not merely that it requires some external resources, but that it lacks a crucial component of equality itself. For example, it needs a way to specify when two agents' starting positions are equal enough such that their choices can generate just deviations from distributive equality. There is no way to specify equality of position merely in terms of choice, responsibility, and luck. An appeal to social equality is the best way to fill out the theory's inadequacy, because it can specify a minimum set of

available opportunities required for citizens to have equal social standing. On the other hand, social equality is insufficiently sensitive to agency, its domain of egalitarian concern is too narrow, and it lacks mechanisms for adjudicating competing claims under conditions of scarcity. Luck egalitarianism gives us the best mechanism for resolving these flaws. It expands the scope of egalitarian concern, prioritizes aid to those least responsible for their predicament, and makes our agency the centerpiece of our conception of equality.

After articulating the general structure of this hybrid view of equality, I use it to resolve cases that have not been adequately handled in the previous luck egalitarian literature, including disability, expensive tastes, cultivation of talents, and organ transfer priority lists. My response to disability is superior to prior versions of luck egalitarianism because the social component of my view prioritizes rectification of the conditions that generate hardships over merely compensating people for their hardships. In terms of organ transplants, my theory is only committed to the distribution being choice-sensitive rather than sensitive to desert. Therefore organ transplant priority lists can be (somewhat) sensitive to individual responsibility for one's health, without this leading to the conclusion that the distribution of health care resources should reward the deserving and punish the undeserving. In terms of expensive tastes, I argue that even unchosen expensive tastes are not a proper concern of distributive justice



because we each have an obligation to revise our tastes in light of what we can reasonably expect to provide for. I then link this obligation to revise aspects of the self to the issues of cultivation of talents and the exertion of effort. Contra Rawls, I do not think we should see the effort making ability of each individual as derivative of fortunate family and environmental circumstances for which they can claim no credit. That view seems to taint all of our efforts with brute luck and leave the entitlement to the product of our labor in a tenuous position. Rather, I argue that while severe deprivations can undermine one's effort making ability and one's ability to be responsible for their predicament, we should view persons who have effort making abilities within a normal range as genuinely capable of being responsible for the efforts they exert in the cultivation of their talents and in their labor. This gives us both reasons to engage in redistribution when warranted, but also reasons to think people have a robust entitlement to the product of their labor.

I then defend my view against the libertarian objection that there can be no just way for a state to bring about greater equality, because this requires violating property rights or engaging in redistributive taxation that amounts to slave labor. I respond with a new critique of the libertarian appeal to the state of nature and property rights. I provide a competing view of property rights that is compatible with a limited but robust commitment to equality. This argument

hinges on an inadequacy in the way libertarians appeal to the state of nature in conceiving property rights. Most libertarians employ a more or less Lockean conception of property rights. According to that conception, the origin of property is found within labor. In the state of nature, one who mixes his labor with unowned resources can come to own that resource. For example, one who collects acorns, or tills a field and plants a crop. It is one's labor that first generates entitlement to property, after which property can be voluntarily exchanged. If this generates vast inequality, there is simply nothing to be done about that fact, because redistribution must violate the choice-sensitivity of this voluntary arrangement. I argue that this picture is flawed because we must recognize that in a modern economy, one's labor is always mixed with the labor of others. The state of nature denizen who gathers acorns or cultivates a crop generates (almost) all the value of the property to which he holds title. However, in a modern economy, that value is partially generated by the labor of others. Therefore there is a stock of value held in common that can form the basis for a redistributive scheme. But since the modern economy not only mixes all our labor together, but also radically increases the value of the products of our labor, everyone can rationally expect to be better off in society as opposed to the state of nature, despite the fact that society allows for redistribution of a portion of one's property.

I close the dissertation by arguing that this answer to the libertarian ties the theory to a particular state. I do not provide a global and cosmopolitan conception of equality. However, I gesture toward strategies for expanding the view, and argue that even if my theory leads to strong patriotic bias, this does not mean that the condition of the global poor is merely a matter of charity. The world's worst off do have a claim to assistance and to a portion of the world's resources, but full development of that issue is beyond the scope of this project.