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SOCIAL EGALITARIANISM, RESPONSIBILITY AND LUCK

**by
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degree of Doctor of Philosophy in Politics and International Studies

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Declaration

This thesis is submitted to the University of Warwick in support of my application for the degree of Doctor of Philosophy. It has been composed by myself and has not been submitted in any previous application for any degree. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

Sotiria Skarveli

20 June 2016

Abstract

My thesis engages with the question about what it means to treat each other as equals, as this has been approached by luck and social egalitarians. Luck egalitarians maintain that luck inequalities should be equalized, while inequalities that are due to people's choices should be left as they stand. This further implies that the scope of egalitarian justice is universal. Social egalitarians criticize luck egalitarianism for failing to provide a proper understanding of the value of equality. Equality is a relational ideal regarding how people should relate to each other as social and political equals, which properly understood requires that they relate to each other in a non-dominating way. Given this, they argue, first, that luck egalitarian principles of justice violate the requirements of non-domination, since responsibility may conflict with the latter; and secondly, that strongly egalitarian duties are generated in virtue of morally significant forms of existing relationships, thus the scope of egalitarian justice is not universal.

In my dissertation, I argue that Dworkin—who has traditionally been considered to be a luck egalitarian—shares the two social egalitarian commitments, namely that equality is a relational value and that strong egalitarian duties are generated in virtue of morally significant forms of existing relationships. Given this I defend two theses, both of which constitute an original contribution to our better understanding of the demands of social and political equality.: a) Dworkin's theory of equality properly understood is not only attentive to the social egalitarian requirement of non-domination, but it provides a better understanding of it precisely because it builds upon a conception of personal and consequential responsibility that is constitutive of non-domination. b) I challenge both Dworkin's and social egalitarians' view of the scope of egalitarian justice by arguing that properly understood the ideal of social and political equality tells us that we *should* relate to each other as equals, not that existing relationships are necessary for justice-based duties to be triggered.

For Grigoris and Giannis

Introduction

Since John Rawls' work *A Theory of Justice* (1971) much of the focus of political philosophy turned to the value of equality. There are at least two fundamental questions within this debate. The first concerns the question "why equality", that is, what, if anything, justifies treating people as equals. The second concerns the question about what it means to treat people as equals. My thesis engages with the second question, as this has been approached by the liberal egalitarian tradition. The discussion over it has largely been dominated by two groups of liberal egalitarian thinkers, luck egalitarians and social egalitarians.

Briefly, luck egalitarianism developed in an effort to rehabilitate Rawls' perceived failure to properly incorporate in his theory of justice, and especially his difference principle, his own diagnosis that people's fates should not be influenced by morally arbitrary factors, such as their innate endowments and social position into which they are born, since people are not responsible for how they are born. The most prominent early luck egalitarian thinkers are Dworkin, Arneson and Cohen, with Dworkin being the first to introduce the idea that a theory of equality properly understood should be responsibility-tracking. Their underlying common commitment has been that if luck is an arbitrary factor from a moral point of view with respect to how a person's life goes, then inequalities stemming from luck should be somehow equalized, at least as much as possible, while inequalities that are due to people's choices should be left as they stand. This is so, since choice, as opposed to luck, is properly responsibility conferring. Thus, a theory of equality properly understood should take this into account by trying to mitigate (or erase if possible) the effects of luck on people's lives on equal terms, while it should leave inequalities arising due to

responsible choice as they stand. Given their shared commitment, the debate within the luck egalitarian camp has focused on how we should make sense of the responsibility (or choice, if you like)/luck distinction and further what the best *equalizandum* is, that is, what it is that we should equalize, given how we should understand the responsibility/luck cut.

The incorporation of the principle of responsibility within egalitarian theories has also provided an answer to the anti-egalitarian objection to egalitarianism that it makes people bear the cost of other people's choices and thus violates their freedom to act according to their will.¹ As Cohen has famously noted "Dworkin has, in effect, performed for egalitarianism the considerable service of incorporating within it the most powerful idea in the arsenal of the anti-egalitarian right: the idea of choice and responsibility" (1989: 933). Yet, left liberalism, as understood by luck egalitarians, has received massive criticism, this time not for being too faithful to the idea of equality, thus compromising the idea of liberty, as the anti-egalitarian objection has it against egalitarianism, but for being unfaithful to the true essence of the value of equality. Such criticism has been generated by social or democratic egalitarians.

Social egalitarians have challenged luck egalitarianism. Anderson in her seminal article "What is the Point of Equality?" (1999) accused luck egalitarians of failing to provide a proper understanding of the value of equality. Equality is first and foremost a relational ideal regarding how people should relate to each other as social and political equals, which properly understood requires that they relate to each other in a non-dominating way. Although equality so understood has certain distributive implications, it is not itself a distributive ideal, as luck egalitarians have wrongly assumed. Moreover, social egalitarians objected to luck egalitarian accounts of

¹ See Williams (2006).

equality, since, according to their view, the latter violate the requirements of non-domination. This is so, mainly because holding people consequentially responsible for their choices, as luck egalitarian accounts demand, may have as a result that some people having made imprudent or foolish choices may be vulnerable to the arbitrary will of others. Social egalitarians, thus, maintained that the proper question for an egalitarian to begin theorizing equality is what equal relations should look like. Based on how we answer this, we can then theorize what distributive arrangements are compatible with or promote the requirements of a society of social and political equals.

So, according to social egalitarians, the point of equality is to relate to each other as social and political equals. If this is so, then principles of justice should be justified in virtue of the requirement of non-domination. This implies that failing to treat each other as equals constitutes injustice. According to this view, then, justice concerns actions, whether individual or institutional, which as such are possible only when people relate to or interact with each other. This further points to what generates justice-based duties. According to social egalitarians, the existence of certain—most notably social and political—relationships between people matters in a morally important way for people's duties to one another, and so strong egalitarian duties are justified on the basis of some form of interaction or relationship between people. This contrasts with the luck egalitarian view, according to which we have strong egalitarian duties to each other in virtue of unchosen natural inequalities, independently of whether we relate to or interact with each other. Social egalitarians argue that this is an implausible view, since natural differentiation cannot itself be just or unjust; nature is not a moral agent. So, our egalitarian duties are generated in virtue of our interaction not in virtue of how luck is dealt to us. In this sense, social and institutional arrangements that permit some members to fall below the threshold of what is required to be able to act as social and

political equals are unjust. Thus, considerations relating to whether someone is responsible for her plight or not are irrelevant with respect to the kind of duties we owe to her as our social and political equal.

My aim in this dissertation is, first, to challenge the social egalitarian view that responsibility is incompatible with or only of secondary moral importance to the demand of non-domination; instead, I shall argue that responsibility is constitutive of non-domination. And, secondly, to argue that properly understood the ideal of relating to each other as social and political equals does not demand that strongly egalitarian duties are generated only in virtue of existing morally significant forms of interaction or relationship, but rather it requires that we establish relationships of equality, even in the absence of existing relationships or interactions.

With respect to my first claim, I shall argue that Dworkin's theory of equality properly understood is not only attentive to the social egalitarian demand that people should relate to each other as social and political equals, but provides a better understanding of non-domination than the proposed social egalitarian accounts precisely because it builds upon a conception of personal and consequential responsibility that is constitutive of equal social and political relationships. As such my argument proceeds from a weaker to a stronger claim.

The weaker claim is that, properly understood, Dworkin's theory of equality shares the two basic social egalitarian commitments, namely that equality concerns how we should relate to each other as equals and that strong egalitarian duties are generated in virtue of morally significant forms of existing interaction or relationships (chapter 1). In the light of this, I shall consider what are the most plausible objections social egalitarians can raise against

Dworkin's theory so understood (chapter 1) and then argue why these objections fail in showing that his theory is not faithful to the non-

domination commitment (chapters 2 and 3). This is a modest claim in that it only points to Dworkin's theory being attentive to the requirement of non-domination. The stronger claim I shall defend is that it provides a better conception of non-domination than influential social egalitarian accounts. In order to defend this, I shall first examine and critically evaluate what I think the most prominent social egalitarian accounts of what it means to relate to each other as equals are and argue that each fails to give an attractive conception of non-domination (chapters 4 and 5). I shall afterwards propose that

Dworkin's theory of equality provides a better account of what non-domination requires by making responsibility properly understood constitutive of non-domination (chapter 6).

With respect to my second claim, I shall argue that both Dworkin and social egalitarians are wrong in thinking that the existence of morally significant forms of interaction is a necessary condition for strongly egalitarian duties to be triggered. Instead, I shall argue that properly understood the ideal of social and political equality tells us that we *should* relate to each other as equals not that we must already relate or interact with each other in order for justice demands to arise (chapter 7).

The structure of my thesis

My thesis is structured chapter by chapter as follows.

In Chapter 1, I give a somewhat detailed account of Dworkin's theory of equality of resources and then I examine how this differs from what I shall call the control-based account of luck egalitarianism, defended by Cohen and Arneson. I argue that their differences with respect to how they interpret the responsibility/luck distinction as well as what the best *equalizandum* is should be seen in the light of a more fundamental disagreement between them, which rests on how each understands the point of equality and justice. Based on this, I then maintain that in order for the social egalitarian criticism to be

plausible against Dworkin, social egalitarians should first recognize how Dworkin's view differs fundamentally from Arneson's and Cohen's and that the former shares the social egalitarian commitments that equality is a relational value and that strong egalitarian duties are generated in virtue of morally significant forms of existing relationships. In the light of this, I argue that social egalitarians can then object to Dworkin's theory on the ground that although it aims to interpret what it means to relate to each other as equals, his equality of resources violates—rather than gives substance to— the social egalitarian demand of non-domination and this failure is mainly due to it being responsibility tracking. Such criticism can be advanced in the form of two objections: the objection from the point of view of power equality and from the point of view of egalitarian motives/incentives/attitudes. However, I argue that there is a third objection—the objection from the point of view of the scope of equality—that can be raised from the point of view of the ideal of social and political equality properly understood against both Dworkin and social egalitarians.

In Chapter 2, I examine the objection from the point of view of power equality and argue that, in its best form, it can be understood to point to mainly two reasons why equality of resources is vulnerable to it. First, in non-ideal circumstances, some people's preferences are the outcome of unjust norms and processes, so that holding people fully responsible for the consequences of their choices that are the outcome of such preferences is itself unjust. An example of this is women's "preference" for dependent caretaking, which also points to a second problem, namely that equality of resources improperly assigns the status of preference to certain duties, such as the duty of dependent caretaking, and thus places its burdens on those who take it up. This results in those people becoming dependent on wage earners or low state-subsidies and are thus vulnerable to the latter's arbitrary will. Secondly, even if it were the case that circumstantial

luck has been mitigated and that objectionable structural inequalities have been eliminated, equality of resources permits victims of bad option luck to become vulnerable to the arbitrary wills of others. Equality of resources can prevent such morally objectionable outcomes only by adopting paternalistic, thus disrespectful, policies.

I then defend the view that the first part of the objection is inattentive to the fact that Dworkin actually acknowledges that some people's preferences are partly shaped by unjust social norms and that equality of resources has reason to call for the required remedies as well as policies that aim at changing such norms, since the latter violate the two principles of dignity. I also argue that equality of resources requires us to provide the necessary social benefits to both kinds of dependents on account of our duty to treat them as equals and to dependent caretakers on account of the fact that dependent caretaking is a duty we all have. Finally, I argue that equality of resources is not vulnerable to the second part of the objection, by showing that it is constitutive of equality of resources that people do not lose access to insurance coverage. In doing so, I propose that the principle of authenticity can be consistently modified to account for compulsory insurance in a way that is faithful to Dworkin's concern about ambition-sensitivity and that this is justified not on paternalistic but on egalitarian grounds.

In Chapter 3, I examine the social egalitarian objection that the motivations, attitudes and incentives that people develop under equality of resources are inappropriate from the point of view of social egalitarianism because they diminish people's equal status. I argue that a more nuanced defence of the social egalitarian position is required in order for social egalitarians to persuasively make their case and I propose how they can provide such a defence. Yet, I argue that even the more nuanced version of the objection under consideration cannot be sustained with respect to equality of resources. More specifically, I examine the role of envy in equality of

resources. I argue that social egalitarians can motivate their envy objection against equality of resources better by drawing on Rawls' elaboration of the problem of envy. Based on this, they can ask whether the principles of justice prescribed by equality of resources are expressive of envy or can generate what Rawls calls excusable general envy. However, I argue that both these strategies fail to show that Dworkin's theory is vulnerable to the envy objection. I then examine the role of pity in equality of resources. I first consider how we can make better sense of the pity objection and propose that social egalitarians can make a moderate claim, namely that luck egalitarian principles of justice can *possibly* be expressive of pity—an attitude or motivation that is, however, morally objectionable when acting on principles of justice—and that to the extent social egalitarianism blocks this possibility, it is a better alternative to luck egalitarianism. However, I argue that this moderate claim fails if advanced against equality of resources. Finally, I consider two reasons that social egalitarians may invoke in order to raise the humiliation objection against luck egalitarianism. On the one hand, they can refer to the fact that in non-ideal circumstances, people would be vulnerable to humiliation and shame by being required to reveal their “inferior” capacities to qualify for social subsidy. On the other hand, they can refer to the idea of opacity respect advanced by Carter. I argue that it is the second form of the objection that seems to be more persuasive. Yet, I argue that Dworkin's theory of equality of resources would not be vulnerable to it.

In Chapters 4 and 5, I examine the main social egalitarian proposals for how we should make sense of what it means to relate to each other as equals. I have classified the different suggestions in basically two categories: the attitudinal conception and the democratic participatory conception of social equality. Within the first category I list and study the proposals of Miller, Fourie, Schemmel and Scheffler, while in the second, Young's ideal of “city life” and

Anderson's "democratic equality". Although, these thinkers share common ground, their classification into two distinct categories is helpful for reasons of analyzing and evaluating what I think the most powerful social egalitarian arguments are.

I argue that advocates of the attitudinal account insist that social equality properly understood is concerned with the right egalitarian attitudes we should have towards each other and that distributive issues (widely understood) are not part of the interpretation of social equality, but are rather determined by it. Given this, I maintain that the attitudinal account supposes that egalitarian dispositions, attitudes and so on are a sufficient condition for bringing about the right outcome. But, I argue that although an egalitarian ethos is necessary, it is insufficient to inform us about what we should do if we are to respect each other as social and political equals. Moreover, this argument for the sufficiency of an egalitarian ethos to bring about the right outcome does not refute the claim that the rightness/fairness/justice of an outcome is such not because people with egalitarian motives produce it, but because people who aim at it are acting in an egalitarian manner. In this sense, the attitudinal conception fails to give us an attractive conception of what non-domination consists in. In contrast, Dworkin's thought is that people show equal respect and concern for each other if in their economic arrangements, for example, they strive for equality of resources. But according to Dworkin, equality of resources is not just because well-disposed people strive for it. Instead people should strive for it if they are to show equal respect to each other.

Young's ideal of "city life" was meant as an alternative to what she calls the liberal distributive paradigm more generally, not specifically to luck egalitarianism. Her criticism thus is against liberal egalitarian theories more generally, within which social egalitarians usually situate themselves. However, her analysis of domination and oppression has strongly influenced social egalitarians, especially her

argument that the distributive paradigm ignores the institutional structure that determines distributive arrangements, while it wrongly theorizes in distributive terms non-material goods such as decision-making power, rights, opportunities and self-respect. Social egalitarians share Young's criticism, although they raise it against luck egalitarianism specifically. This is why I examine whether Young's arguments provide a successful account of non-domination. I argue that from a liberal point of view they do not, precisely because Young rejects the basic liberal theoretical tenets, especially as developed by liberal egalitarians and more specifically by Rawls. Moreover, I argue that her criticism against the distributive paradigm rests on her having misconceived how liberal egalitarians make sense of distributive justice. From a liberal egalitarian point of view, distributive justice concerns how institutions are organized and what people can do in relation to one another, if they are to respect each other as equals. As such, I argue, Dworkin's theory is attentive to this demand, while it does not face the kind of problems that Young's theory of domination faces.

Finally, I argue that Anderson's ideal of "democratic equality" is more promising in that, unlike her fellow social egalitarians, it seems to give determinate content to the demand that people should relate to each other in a non-dominating way. However, I maintain that she is ambivalent with respect to the role of responsibility within her democratic equality. This is so, for she seems to be oscillating between two different strategies each of which has unfortunate implications given her overall commitments to the ideal of social equality and given this, her "democratic equality" fails to be an attractive account of non-domination.

In Chapter 6, I argue that Dworkin's account provides a better understanding of non-domination than the proposed social egalitarian accounts exactly because it builds upon a conception of responsibility that is constitutive of equal social and political

relationships. I argue that in order for people to lead their lives in a non-dominating way, they need to be personally responsible for how their lives go. For this to be so, certain conditions should be available that make the exercise of their personal responsibility possible on equal terms with others. Consequential responsibility is an essential part of it. I thus examine how we should make sense of consequential responsibility, that is, under what conditions we should hold people consequentially responsible for their preferences, choices and so on. I argue that there are justice-relevant and agent-relevant conditions that are jointly necessary and sufficient for ascribing consequential responsibility, which I examine more closely.

Understood in this way, Dworkin's account gives a determinate content to the otherwise vague idea that people should relate to each other in a non-dominating way, something that certain social egalitarian accounts have failed to provide. Non-domination has been traditionally understood as freedom from arbitrary interference in one's actions by the will of others and the state. But as such it is an abstract idea and it has to be explained. This is to say, we cannot account for what arbitrary interference is, unless we have an account of what a fair choice structure is. Dworkin's account, unlike social egalitarian ones, provides such an explanation, by accounting for what a fair choice structure is, which can be used as our yardstick against which we can judge what arbitrary interference consists in, that in this way takes a determinate form.

In the final chapter, Chapter 7, I question the social egalitarian and Dworkinian requirement that for justice-based duties to arise, some form of morally significant relationships or interaction should already exist. I argue that the ideal of social equality properly understood regards morally significant forms of relationships or interactions as constitutive of justice, not as merely triggering justice considerations. To do so, I get into the international/cosmopolitan justice debate, since the conclusions drawn from the latter are

relevant to the debate about the scope of egalitarian duties that is of concern to social and luck egalitarians.

In the light of this, I suggest that there are two main strands within the social egalitarian camp that try to justify egalitarian duties on account of some form of interaction. The first I call statist egalitarianism, the second non-statist egalitarianism. I, first, present the arguments offered by statist egalitarians and consider some objections raised against them by the non-statist egalitarian standpoint. I then proceed to the arguments offered by non-statist egalitarians and suggest why they are unsatisfactory in justifying their claim that justice demands are triggered in virtue of existing interaction or relationships. My aim is not to diminish the general social egalitarian commitment that equality is a relational ideal regarding how we should relate to each other; but rather to maintain that the ideal of social and political equality is more demanding. I argue that the best conception of the social egalitarian ideal is the ideal of the good polity. Roughly, this requires that all people are entitled to the goods of citizenship and justice, which are interdependent: it is through membership in a political association that people can realize their moral nature as free and equal, by way of each living according to her own conception of the good according to public principles of justice, principles that accord each equal concern and respect. Being a citizen in the good polity means living according to common principles of justice. If all people are entitled to the goods of the good polity, then they are entitled to them independently of whether there exists any kind of relationship, interaction, or form of impact. If this is so, then strongly egalitarian duties cannot be assumed to be triggered only in virtue of existing relationships, interactions, practices and so on, but they obtain independently of them.

By the end of my dissertation, I hope to have provided a significant and original contribution to the literature by offering a better understanding of the demands of social and political equality. In doing so, I take seriously Mill's remark that "[a] doctrine is not judged at all until it is judged in its best form".²

In the light of the Millian requirement, then, I try first to present the most plausible way of interpreting Dworkin's theory of equality of resources *vis-à-vis* his fellow early luck egalitarians' accounts. I do so by contrasting the common interpretation of equality of resources, on which his luck egalitarian critics have relied, with my interpretation. Based on my suggestion about what the best interpretation of equality of resources is, I then try to present the most plausible interpretation of the social egalitarian criticism against equality of resources. This is crucial, for if we are to reject the social egalitarian criticism against Dworkin, we should reject its best form. On the other hand, social egalitarians have violated Mill's dictum, I argue, for they have not properly clarified how the luck egalitarian accounts differ so as then to proceed to make a sound case against each of them presented in its best light. I try to fill in this gap with respect to Dworkin's theory and then I go on to offer new answers to the best form of the social egalitarian criticism. I also make a contribution to the social egalitarian literature by clarifying the different social egalitarian interpretations of equality (i.e. the attitudinal and the democratic participatory account). Once presented in their best light or most convincing way, I argue that they fail to give an attractive understanding of non-domination. My dissertation also aims to shed new light on our understanding of consequential responsibility within the wider Dworkian theoretical context—by taking seriously his

² Cited in Freeman (2007a: xii-xiii).

fundamental commitment to the ideal of treating each other with equal concern and respect—which so understood is constitutive of non-domination. Non-domination in this way takes a determinate form and according to my view, the best form. This is an original claim given that responsibility and non-domination have been taken to be incompatible within the social egalitarian tradition. Finally, my claim that the scope of social equality properly understood is universal can be understood to suggest a way of integrating the universalist luck egalitarian view and the relational social egalitarian view that makes each more plausible and as such it constitutes a contribution to the debate about equality as well as to the cosmopolitan/international justice debate.

Chapter 1

Dworkin, Luck Egalitarianism and Social Egalitarianism

The term “luck egalitarianism” was first introduced by Elizabeth Anderson (1999: 289)¹ to characterise a group of egalitarian theories of distributive justice that were developed after and were inspired by Rawls’ work *A Theory of Justice* (1971).²

As is well known, Rawls has forcefully argued against certain theories of justice on account of the fact that they make people’s fate rely too much on morally arbitrary factors, such as on natural lottery outcomes (1971: 72), something that is unfair. Luck egalitarianism has taken stock from Rawls’ thought about the moral arbitrariness of people’s circumstances and focused on giving substance to it. So, the basic idea of luck egalitarian theories is that luck is an arbitrary factor from a moral point of view with respect to how a person’s life goes. If that is so, then people’s inequalities stemming from luck should be somehow equalized.

On the other hand, inequalities that are due to people’s choices

¹ Rakowski (1991) calls luck egalitarianism “equality of fortune”. Anderson also calls luck egalitarianism “equality of fortune” (1999: 289).

² Kymlicka suggests that Rawls is the first to introduce the familiar luck egalitarian ideal but that his difference principle violates it (2002: 58, 74). Yet, Scheffler (2003, 2005) disputes the view that Rawls were really interested in preserving the luck egalitarian concern over ambition sensitivity and endowment insensitivity in his theory of justice, when he introduced the idea that natural lottery outcomes are morally arbitrary. For similar views see also Freeman (2007b: ch. 4), Mandle (2009), Matravers (2007: ch. 3).

should be left as they stand. This is so, since choice, as opposed to luck, is properly responsibility conferring. Thus, a theory of equality properly understood should somehow take this into account by trying to mitigate (or eliminate if possible) the effects of luck on people's lives on equal terms, while it should leave inequalities arising due to responsible choice as they stand. This is how we should make sense of what it means to treat people as equals.

So, at the core of luck egalitarian theories of justice is the principle of responsibility, which, in its abstract form, stipulates that people are responsible for whatever can be counted as their choice.³ This implies that though it is just that the consequences of our choices fall upon us, it is unjust when the consequences of what are not our choices fall solely upon us, but rather should be shared in an appropriately egalitarian manner. This latter kind of consequences is attributed to luck, hence the name luck egalitarianism. Although this is the fundamental shared commitment within the luck egalitarian camp, there has been wide controversy over how we can best make sense of the distinction between choice and luck, which has further implications with respect to what the best *equalizandum* is.

The luck egalitarian interpretation of equality has received massive criticism by the so called social egalitarian camp. Wolff,

³ Alternatively, it could be said that the principle of responsibility asserts that people are responsible for what they have (full) control. However, I think using the notion of choice in the abstract formulation of the principle of responsibility seems to me to be more appropriate, since choice is a broader notion than control. For example, some argue that an agent makes a genuine choice only if she has full control over the factors that have led to her having this choice. Nevertheless, according to others control is not necessary for making an agent responsible for her choice.

Anderson and Scheffler are among the first most prominent figures of social egalitarianism to have initiated this criticism, which has been followed up by more recent attempts to specify in a more nuanced way the aim of equality properly understood. According to social egalitarians, the luck egalitarian paradigm fails to give a proper account of what the point of equality is. They claim that equality is a relational value, that is, it is fundamentally concerned with how people relate to each other as equals not with what a fair distribution should look like, as luck egalitarians insist. Distribution matters to the extent it upholds equal social relations, not independently of them. So, the proper question for an egalitarian to begin theorizing equality is what equal relations should look like.

I share the social egalitarian understanding of equality as a relational value and I think that certain aspects of the social egalitarian critique against responsibility-sensitivity are not groundless. However, it is crucial for social egalitarians, for their criticism to be forceful, to acknowledge the different ways in which each luck egalitarian theory understands the principle of responsibility and then to make a sound case against each of them. In my view, social egalitarians have failed to give proper consideration to Dworkin's theory of equality, which they have classified as a luck egalitarian theory.⁴ This failure seems to be due

⁴ Dworkin himself has renounced the term luck egalitarian as a proper description of his theory (2002: 107, 2003: 192). Also, later Arneson prefers to call his theory "responsibility-catering prioritarianism" (2000). In the same sense, some call luck egalitarian theories responsibility-catering egalitarianism (Blake and Risse 2008), responsibility-sensitive egalitarianism (Knight 2011: 152) or choice egalitarianism (Smilansky 2003).

to the fact that social egalitarians have not properly acknowledged the different role responsibility is meant to play within Dworkin's theory. They rather focused on the principle of responsibility in abstraction of the wider context that Dworkin meant to integrate it. However, Dworkin's view of responsibility, if it is seen in the light of his overall theory, differs fundamentally from how the other two early luck egalitarians, Cohen and Arneson, make sense of it. Once we understand these fundamental differences between those three prominent luck egalitarian figures, we can realize that Dworkin shares more common ground with social egalitarians than he shares with Cohen and Arneson.

My aim then, in this chapter, is first to examine what the underlying differences between the different luck egalitarian views are. In section (a), I shall first give a somewhat detailed account of Dworkin's theory of equality of resources and then, in section (b), I shall go on to examine how his account differs from the two other influential luck egalitarian accounts, Arneson's and Cohen's.⁵ More specifically, in section (b1), I examine how their accounts differ with respect to how we should make sense of the responsibility/luck distinction as well as what the best

⁵ Note that my focus on the aforementioned luck egalitarian theorists is not meant to undermine the fact that there have been proposed serious further developments on choice-sensitivity and on what the proper *equalizandum* should be. See for example, Rakowski (1991), Roemer (1994, 1996), Van-Parijs (1995), Lippert-Rasmussen (2001, 2005, 2015), Vallentyne (2002), Temkin (2011), Knight (2005, 2006, 2009a, 2012), Stemplowska (2008, 2009, 2011, 2013a, 2013b). Yet, those developments fundamentally rest on and provide more nuanced ways of understanding the choice/luck distinction as this has been drawn by early luck egalitarians.

equalizandum is. In section (b2), I argue that their differences discussed in section (b1) should be seen in the light of a more fundamental disagreement between Dworkin and what I shall call the control-based account of luck egalitarianism, defended by Cohen and Arneson. That fundamental disagreement rests on how each of them understands the point of equality and justice. Finally, in section (c), I argue that, given the differences discussed in section (b), Dworkin shares the social egalitarian commitments that equality is a relational value and that strong egalitarian duties are generated in virtue of morally significant forms of existing relationships. In the light of their shared commitments, I shall then suggest what is the most plausible way to make sense of the social egalitarian criticism against Dworkin.

a. Equality of resources: a sketch

In the introduction of his *Sovereign Virtue* Dworkin states that “equal concern is the sovereign virtue of political community—without it government is only a tyranny” (2000: 1). But what is the appropriate conception/interpretation of this abstract principle of equality according to him?

Dworkin’s egalitarian theory is based on two basic principles. The first one says that every person’s life is of equal moral worth (2000: 5-6). The second principle is the principle of personal responsibility (2000: 5-6), according to which people should be responsible for how they lead their life.⁶ These two

⁶ In his later *Justice for Hedgehogs*, Dworkin maintains that what we owe to others is based on the ethical idea of living in dignity (2011: ch. 9). The conception of dignity should be interpreted to include the principle of self-respect, namely that each person should treat the success of his life as having

principles are meant to give substance to the abstract egalitarian principle that a political community should show equal concern and respect to each member, that is, by respecting each person's life as having equal moral worth and by respecting each person's responsibility to lead her life as she thinks. The two principles are meant to give us guidance with respect to how we should act when it comes to distribution, political relationships as well as other morally important relationships.

In what follows, I shall focus on how Dworkin suggests that we should interpret the abstract egalitarian principle with respect to the distribution of resources. As is well known, Dworkin suggests that equality of resources, as this is specified by the devices of the auction and the hypothetical insurance market for disabilities and talents, is the best interpretation of the abstract egalitarian principle with respect to distributive justice considerations. So, let's see how this works.

The auction

In order to answer the question of what the appropriate division of resources is that better responds to the abstract

objective importance, and the principle of authenticity, namely, that each person has a special, personal responsibility to create a life that he endorses (Dworkin 2011: 203-10). These two principles of dignity are integrated into morality. Regarding the first principle, we cannot respect our lives as having objective importance, unless we respect other people's lives as having equal objective importance (Dworkin 2011: 254, 260). This is the guiding principle of morality. Regarding the second principle, if the principle of self-respect requires equal respect for the lives of others, then it follows that we should respect other people's special responsibility for leading an authentic life by not usurping options otherwise available to them. I say more on this in chapters 6 and 7.

egalitarian principle, Dworkin suggests that an “economic market of some form” should be used “mainly as an analytical device” (2000: 66) for this purpose. He employs the example of the shipwrecked survivors on a desert island, who are confronted with the problem of how to divide the island’s resources between them. All of them have different preferences, but they all accept that distribution should satisfy the abstract egalitarian principle. In order for this to be so, two conditions need to be met, envy-freeness and non-arbitrariness. A distributive outcome is envy free when the “envy test” is met, that is, resources have been divided equally only if, after the distribution, no one would prefer the bundle of resources of someone else to his own bundle of resources (Dworkin 2000: 67). A distributive outcome is non-arbitrary, when the bundles of resources offered to people appropriately reflect their preferences. The two conditions are met under the auction model.

According to the latter, each of the immigrants takes an equal amount of clamshells with which she bids for resource lots. The auctioneer proposes sets of prices for each lot, until one of them clears the markets. The process remains open until “everyone declares himself satisfied, and goods are distributed accordingly” (Dworkin 2000: 68). The envy test is met, since if there were some people who would prefer another’s bundle of resources, they could have purchased his bundle with their clamshells (Dworkin 2000: 68). The envy test, in other words, measures the opportunity costs of the immigrants. The non-arbitrariness condition is satisfied since “each person played, through his purchases against an initially equal stock of counters, an equal role in determining the set of bundles actually chosen”

(Dworkin 2000: 68). No one can have a legitimate complaint that he has not been treated fairly.

So, there are two conditions that need to obtain in order for the distribution to be fair: envy freeness and non-arbitrariness. However, non-arbitrariness cannot be satisfied unless there is an account of liberty that stipulates the specific liberties people have. In chapter 3 of *Sovereign Virtue*, Dworkin advances the thought that the auction should take place against a liberty/constraint system.

Theory of liberty

Dworkin's theory of liberty consists of three basic principles: the principles of abstraction, authenticity and independence. Each of these principles is supposed to ensure that genuine equality of opportunity is provided to all.

The principle of abstraction⁷

As we have seen, the auction is a device for distributing resources in a fair way. But in order for people to bid for resources in the auction they need to know what they can do with these resources. And what one can do with one's resources depends on what the legal constraints are in regard to his freedom of action. "No one can intelligently, or even intelligibly, decide what to bid for in an auction, or what price to bid for it, unless he makes assumptions about how he will be able to use what he acquires"

⁷ The principle of abstraction is backed up by the principle of correction in order to ensure that "a genuinely equal distribution measured by true opportunity costs" will be achieved. That is, it provides protection against externalities, which may be the result of the lack of transparency in people's motives, the unpredictability of transactions and organizational costs (Dworkin 2000: 155-8).

(Dworkin 2000: 143). So, material resources and the rights to use them should be understood as two aspects of the same thing (Dworkin 2000: 144). In this sense, what we need is a “background or baseline liberty/constraint system” (Dworkin 2000: 143), which stipulates the specific liberties people have. But the problem is that of indefiniteness and arbitrariness. For, whichever baseline the auctioneer decides to use will have different results, all else being equal (Dworkin 2000: 143-4). This means that although the envy test will be satisfied, there will be some people who would prefer another baseline; that is, they would have a legitimate complaint that they have not been treated fairly.

So, we need to find a way of ensuring that the baseline liberty/constraint system responds to the abstract egalitarian principle that all should be treated with equal concern (Dworkin 2000: 147-8). As we said, the metric of equality of resources is opportunity costs—namely, the cost of a resource someone bids for is the cost others forgo by him having it. More simply, opportunity cost measures how much one is willing to pay in order to have a kind of resource in relation to how much others are willing to pay for the same resource. But, how much one is willing to pay depends (among other things) on what is the background or baseline liberty/constraint system, which stipulates what one is allowed and not allowed to do with regard to the resource put for sale. That’s why it is important to see that a resource and what one is permitted to do with it are different aspects of the same thing. As we have said, different baselines will have as a result different opportunity costs.

So, we need to identify this specific baseline system that will have as a result what Dworkin calls “*true* opportunity costs”

(2000: 149); that is, those opportunity costs that will reflect not only that the aggregate opportunity costs for each are equal—this is ensured via the envy test—but that the opportunities each person has to express her choices are as fair as possible, in the sense that the opportunities open to people should be such that everyone is treated as an equal. In order for a distribution of resources to reflect as much as possible people's equal opportunities to choose among different ways of life, the baseline system should be so specified that there are as few legal constraints as possible on their freedom to act as they wish.⁸ This is what Dworkin calls "the principle of abstraction" (2000: 148).

Related to the problem of the set of liberties people have is the size of the lots auctioned, which needs to be as sensitive as possible to all people's choices, that is, to reflect true opportunity costs. If people are to have the fullest possible freedom to act as they wish, then it follows that the more abstract the form of resources offered is, the more sensitive the auction is to different choices; and thus the fairer it becomes, since it gives to all as equal opportunities as possible to express their choices (Dworkin 2000: 151).

The principle of abstraction is the best guide for stipulating the baseline liberty/constraint system in such a way that is fair to all. Since what one can do with a resource and the way this is actually divided (if it is divisible) affects the choices one will make and thus the formation of his preferences and plans, then both of

⁸ Yet, note that freedom to act as they wish is constrained by the principle of security, which provides "people with enough physical security and enough control over their own property to allow them to make and carry out plans and projects" (Dworkin 2000: 149).

these issues should be settled so that all are treated as equals. The principle of abstraction then provides us with a valuable tool to find the best bridge between the abstract egalitarian principle and equality of resources (Dworkin 2000: 148).⁹

The principle of authenticity

The outcome of the auction as well as the hypothetical insurance market for disabilities and talents (that I present below) are choice sensitive. It is one of the core elements of Dworkin's theory that we respect people's choices and what these cost to others. Both the auction and the hypothetical insurance market are designed so as to accommodate this demand. But, if choices are central to equality of resources, then we have to make sure that these reflect our true preferences, ambitions and plans. However, not all our choices are made after careful consideration of how these could fit our ambitions and life plans; neither are they made in the light of the fullest possible information necessary for deciding prudently. Moreover, people may change their life views and plans throughout their life; or their preferences may be the result of adapting to their bad circumstances. If this is so and since the auction and the hypothetical insurance market that are choice sensitive serve as devices for the allocation of goods which are necessary for people's life plans, then we can imagine how devastating an imprudent choice could be for one's life. It would be an unappealing feature of equality of resources if it remained

⁹ See, however, Otsuka's criticism (2004) that the envy test and the principle of abstraction are in conflict and so that liberty and equality are not completely reconciled contrary to Dworkin's argument for the opposite.

insensitive to the fact of imprudence¹⁰ or adaptiveness. Dworkin is careful to note that “[a] complete account of equality of resources must therefore include, as a baseline feature, some description of the circumstances in which people’s personalities will be taken as properly developed so that auction calculations can proceed. The baseline needs, that is, some principle defining authenticity” (2000: 159).

So, it is essential for equality of resources that people’s choices “should not depend on a view of their personality, and of the personalities of others, with whose formation they remain dissatisfied”. People should be able “to form, reflect on, or to advocate convictions, attachments, or preferences” to the fullest possible extent and they should be able to do so “either *before* the initial auction or *after* it” (Dworkin 2000: 160, my emphasis). “Ideal authenticity requires the fullest possible opportunity” (Dworkin 2000: 160). Dworkin stresses the importance of the principle of authenticity, since violations of the latter “are likely to distort prices [away from true opportunity costs] more fundamentally [than violations of the principle of abstraction]” (2000: 160). This would, in the last analysis, reflect the distortion of equal treatment and respect.

It is true that Dworkin does not elaborate any further on the principle of authenticity. He simply contends that authenticity is important for the formation of true opportunity costs and that

¹⁰ By imprudence I mean the Dworkinian account of it, that is, imprudent choices are ones that do not fit to people’s life plans as judged from the point of view of the individual and not by some independent principle of prudence. “[W]hat is prudent depends on that person’s own individual needs, tastes, personality, and preferences” (Dworkin 2000: 313; see also p. 492, fn. 7).

it “has both a passive and active voice” (2000: 160)—namely, people want to have opportunities both for self-reflection and for influencing others. This requires certain rights to freedoms of religious commitment, of expression, of personal, social and intimate association, of non-expression in the form of freedom from surveillance, and also the right to access the widest available literature and other forms of art. These liberties are protecting negative freedom (Dworkin 2000: 120, cf. 2011: ch. 17). However, usually when we talk of people being able to form authentic choices, it is not only negative freedom we have in mind. Adaptive preferences, for example, are such even under a regime of negative freedom. If equality of resources requires that choices people make are as authentic as possible, then the imposition of legal constraints is insufficient. Yet, in *Justice for Hedgehogs*, Dworkin insists that people should live in an independent way (2011: 211-13). This requires us to resist domination, not influence (Dworkin 2011: 212), where domination consists in being arbitrarily usurped of an otherwise available choice. Usurpation, though, does not consist only in being legally constrained from doing things, but also in being constrained from doing things out of fear of social sanction (Dworkin 2011: 212) or due to one’s preferences having been formed against a background of unjust social norms (2000: 490, fn. 9, 2002: 137). The principle of authenticity then requires compensation or more generally remedial measures to be put in place.

The principle of independence

Another way that true opportunity costs may be significantly distorted is due to prejudice against people belonging to different groups, such as cultural minorities, homosexuals,

ethnicity groups, and so on; or against people holding unpopular opinions or leading unpopular ways of lives and so on. Prejudice constitutes a disadvantage, structurally similar to the disadvantages caused by people's circumstances (Dworkin 2000: 162), as these are judged from the point of view of the individual. However, though structurally similar, disadvantages caused by prejudice differ from those caused by lack of talents or disabilities in that compensation is not an appropriate means for diminishing the former, for this would be disrespectful to the victims of prejudice. Although, further elaboration would be needed to define what constitutes prejudice, but in a broad sense it includes all instances of dislike against people or avoidance of relating to them, which causes unfair disadvantage to the latter. So, it is crucial that we define what an unfair disadvantage is.

As we have said, unfairness refers to the fact that some people have fewer opportunities than others to lead their life as they want—namely, some people's preferences are disfavoured. That's why the principle of abstraction ascribes maximum freedom of choice for all (except where the principle of security and correction should apply). But maximum freedom of choice for all may result in some people having fewer opportunities. The auction is in that way corrupted, since true opportunity costs are distorted. The principle of independence then applies, introducing additional constraints to the baseline liberty system.¹¹

¹¹ However, there are instances of prejudice that do not result in economic/material disadvantage. There can be, that is, modes of behaviour that do not restrict a person's liberty but nevertheless affect his level of self-respect. For example, when people are willing to trade with members of an

The hypothetical insurance market

As we have seen, the auction satisfies the envy test and so everyone receives her equal bundle of resources. However, assuming that the immigrants will get involved in production and trade with the resources they have received, the envy test will not, after a period of time, continue to be satisfied. Some people will produce more than others, be more skilful than others, be luckier than others in many respects, some will prefer to work harder or longer than others or to have more leisure time and so on. The question is whether an outcome that depends on each of these factors is fair or not. And if not, which of these factors can fairly influence outcomes.

ethnic minority, refrain from harassing them and so on, but avoid contacting with them in other contexts, by, e.g., not sitting next to them on buses and not inviting them to their homes. This can cause damage to their self-respect. So, the question is whether such modes of behaviour constitute a form of disadvantage under equality of resources? For example, in Rawls's work it is more obvious that this is so, since he regards the social bases of self-respect/self-esteem as primary goods. On the other hand, there are cases of discriminative attitudes that do not result in any kind of disadvantage, but still are morally objectionable from the point of view of equality. These two cases do not seem to be covered by the principle of independence and Dworkin does not seem to address this problem. However, one possible reply here is that the liberty/constraint system is meant to specify those liberties relative to distributive justice. Although, we may have reason to condemn such attitudes from the point of view of equality, these are not a matter of concern from the point of view of distributive justice. Equality of resources is but one aspect of what it means to treat each other with equal concern and respect and regards how we should treat each other with respect to distribution. Dworkin's theory of equality is a wider project of how we should conduct our relationships with others and, as we will see in chapter 2, this wider project gives us ground to deal with such kinds of objectionable attitudes.

In order to answer such questions, Dworkin draws a distinction between option and brute luck, with the difference between them being a matter of degree (2000: 73). With option luck being the result of a choice made by the agent, who knows *ex ante* what the possibilities of either “losing” or “winning” are, Dworkin asserts that it is “consistent with equality of resources that people should have different income or wealth in virtue of differing option luck” (2000: 74),¹² on the assumption that people should have as many opportunities as possible to run their life in their own way. Some may choose to run a risky life and given that they choose on equal terms with others, it is fair that they bear the good or bad consequences of their choice (Dworkin 2000: 75).

On the other hand, it is consistent with equality of resources that the consequences of brute luck that people would not choose to be part of their life are mitigated. This is so, since bad brute luck restricts in an unfair way people’s opportunities to live their life as they wish. Note that Dworkin does not define what constitutes good and bad brute luck. It is open to people to decide what counts as good and bad luck for them. Blindness, for example, is not, according to Dworkin, necessarily bad brute luck. A blind person may not consider her blindness as a disadvantage. Each person has her own reasons for considering what is disadvantageous for her life and this is why Dworkin refrains from giving a list of disabilities and talents.

¹² For criticism of the view that bad option luck is always fair see, for example, Lippert-Rasmussen (2001, 2005), Vallentyne (2002), Temkin (2011), Knight (2013). See also Cohen (2011) who maintains that option luck never preserves justice and Williams (2013) for criticism of Cohen’s view.

Having said that, the question is how those unwanted consequences of a person's brute luck are to be mitigated in a fair way. The device of the hypothetical insurance market plays a key role here, since it "provides a link between brute and option luck" (Dworkin 2000: 74, 76). Dworkin uses two stages of the hypothetical insurance market; the first provides insurance against disabilities and the second against lack of talent. The idea behind the hypothetical insurance market is that fairness requires that all people should have equal opportunities to pursue the kinds of life they want and insofar as this is not possible due to differences in people's abilities, skills and talents, which are only a matter of brute luck, equality of resources should equalise as much as possible people's circumstances in a fair way. But, how is such equalisation to be made in a fair way? The kind of insurance market Dworkin employs is sensitive to how people assess the different disabilities and lack of talent they may face, attributing to them responsibility for their choice to insure themselves or not and for the level of insurance coverage they would choose to buy, given the fact that they all have equal opportunity to buy insurance coverage.

With respect to the hypothetical insurance market for disabilities, Dworkin assumes that if all immigrants faced at the appropriate age equal chances of developing a range of disabilities in the future, with this range being fixed, then the level of coverage the average person of the community would buy (from her initial stock of clamshells) against these disabilities, will be the level of coverage offered to those who actually develop such a disability and which will be collected through taxation

(2000: 77-8). Thus, taxation, being compulsory for all, would provide protection for all.

The first stage of the hypothetical insurance market helps us correct the consequences of disabilities that may disturb equality of resources. But we are now faced with the question of whether the envy test will continue to be satisfied, on the assumption that the immigrants having different talents and skills will engage in production and trade. Like disabilities, talents and skills belong to people's circumstances; people are born with them, they do not choose whether to have them or not. However, one's talents affect the way one forms her life plan, part of which regards the kind of job she may choose and the income earned by it. If this is so, then equality of resources has reason to correct inequalities stemming from people's differentiated talents. But how are we going to do this?

As in the case of disabilities, we could ask our immigrants at what level they would insure themselves against lacking a certain set of skills, if they were facing the same possibilities of lacking them and on the assumption that they all have the same opportunities to buy insurance coverage (Dworkin 2000: 93). But this method turns out to be objectionable, on the ground that it assumes that the immigrants have no knowledge of their talents and skills. This is problematic; what we ask them presupposes that they already have knowledge of their talents and skills, since it is according to these (among others things) that they shape their ambitions, preferences and tastes (Dworkin 2000: 94). So, by assuming that they have no knowledge of their talents and skills, we deprive them of the very important informational background against which they form their

conception of the good, which then would be the basis for answering the question we have posed.

Instead, we can assume that people know their talents, skills, preferences, attitudes towards risk, the available resources and the income structure that will result after the auction, but they do not know what the economic rent of their talents and skills will be or whether their skills and talents will be valued at all by others (Dworkin 2000: 94). Now, they are all faced with equal possibilities of ending up in any particular level of the economic structure, while any premiums they will choose to buy will be paid out of their future income, not their initial stock (Dworkin 2000: 94), as in is the case for disabilities. So, the question is “how much of such insurance would the immigrants, on average, buy, at what specified level of income coverage, and at what cost?” (Dworkin 2000: 94). The answer to this question will then be the basis for the translation of this hypothetical insurance market to a tax system, with the premiums paid by each immigrant being analogous to the level of her actual income (Dworkin 2000: 100 and on).

These are the main features of equality of resources, that is, of what distributive justice requires if we are to treat each other with equal concern and respect. Dworkin was the first to draw the distinction between luck and responsibility and that was partly a response to Rawls’ supposed failure to properly accommodate in his theory of justice his own diagnosis that morally arbitrary factors, such as one’s talents, skills, sex, race, socioeconomic class into which she’s born and so on, should not affect people’s life chances. Dworkin’s theory purports to be endowment-insensitive and ambition-sensitive and has provided the basis on which luck

egalitarianism has developed. Yet, as we shall see in the next section, luck egalitarian accounts differ fundamentally in how each proposes that we should make sense of the responsibility/luck distinction, which is in turn based on a more fundamental disagreement between Dworkin and advocates of the control-based account of luck egalitarianism.

b. Luck egalitarianism and Dworkin

As I said in the introductory section of this chapter, the basic idea of luck egalitarian theories is that luck is an arbitrary factor from a moral point of view with respect to how a person's life goes and that a theory of equality properly understood should somehow take this into account by trying to mitigate (or erase if possible) the effects of luck on people's lives on equal terms, while it should leave inequalities arising due to responsible choice as they stand. So, central to luck egalitarian theories of justice is the principle of responsibility, which, in its abstract form, stipulates that people should be responsible for whatever can be counted as their choice and not for factors that are attributable to luck. Much of the debate within the luck egalitarian camp has focused on how we can best make sense of the distinction between choice and luck, which has further implications with respect to what the best *equalizandum* is. This will be partly the focus of this section. After assessing the different ways that Dworkin and his fellow early luck egalitarians make sense of the distinction (section b1), I shall further argue that these differences lie in a more a fundamental disagreement between them that regards how each of them conceives of the point of equality and justice (section b2).

b1. Luck, responsibility and the *equalizandum*

The Dworkinian account of luck egalitarianism

Dworkin's concern in the first two chapters of *Sovereign Virtue* is to examine how the abstract egalitarian principle is applied with respect to the distribution of resources. He contrasts two conceptions/interpretations of equality: equality of welfare and his equality of resources. Dworkin has forcefully argued against equality of welfare (1981a; 2000: ch. 1), claiming that if we try to define welfare under its specific conceptions, we realize that each of them turns out to be unattractive on different grounds. Moreover, equality of welfare is vulnerable to the expensive tastes and expensive disabilities objection. This vulnerability seems to be due to the fact that equality of welfare violates the principle of personal responsibility, namely that each person should be responsible for how her life goes which further requires that she is consequentially responsible for her choices.¹³ Why?

Dworkin draws the distinction between the person and her circumstances (1981b; 2000: ch. 2). The distinction has been understood to draw a cut between what a person identifies with—that is, her preferences, tastes, ambitions, convictions, life plans and so on—and those circumstances that the person considers disadvantageous for her life and would not have chosen to be part of her life. As it was said above, disadvantage is identified from the point of view of the individual, that is, from the first point of view. We should note that the distinction as such points to both a

¹³ In chapter 6 of *Justice for Hedgehogs*, Dworkin distinguishes between different kinds of personal responsibility (2011: 102-4). Consequential responsibility here refers to what in *Justice for Hedgehogs* Dworkin calls liability responsibility.

comparative and a non-comparative dimension; that is, a person may think himself disadvantaged compared to the situation of others or independently of whether others are better-off than him. However, it is the comparative dimension that is crucial for the purposes of egalitarian justice, since what matters from the point of view of equality is comparative disadvantage not non-comparative disadvantage.

Given this distinction and the comparative dimension of it then, expensive tastes seem to be an embarrassment for equality of welfare. Briefly, if we were to adopt equality of welfare, we would have to make people bear the cost of the expensive tastes that some people have and with which they identify. But this seems to be unfair. For a person who identifies with her expensive taste does not consider it disadvantageous that she has this preference and she would not be willing to get satisfaction from another's cheaper taste instead. But, if a person does not consider himself worse-off with his preferences ill-satisfied than he would be with another person's preferences well-satisfied, then it is not clear why compensation is owed to him, as equality of welfare seems to suggest; that is, it is not clear why others should be made to bear the cost of him being able to satisfy his preferences, since he does not himself consider these welfare costs as burdensome when he takes suitable alternatives into account.

Now, if equality of welfare treats some people unfairly, as the case of expensive tastes shows, then to undo this unfairness we would have to make people bear the costs of those preferences with which they identify, while we should compensate them only if they disidentify with their preferences and would be willing to have another's preference instead. This is

how equality of resources has been commonly understood.¹⁴

According to the common interpretation of equality of resources then, people should be held consequentially responsible for what they identify with, while they should be compensated for their comparative disadvantage, with disadvantage being identified as such from the first-person perspective. This is one way of interpreting equality of resources. Yet, there is a second way we can interpret it.

In my view, the relevant comparison (that is, whether a person thinks himself better off with her ill-satisfied preferences than he would be with another person's well-satisfied preferences) that Dworkin suggests is meant to be used so as to see why equality of welfare is unfair. It is meant, that is, to be used with the aim of criticizing welfarism, not of suggesting that this is the right comparative measure that a theory of equality properly understood should appeal to. This further implies that the principle of responsibility should not be understood to require that people should be consequentially responsible for the costs of those choices that reflect their personality (that is, their ambitions, tastes etc.) and not responsible for those costs that

¹⁴ Clayton (2000) and Williams (2002a) seem to suggest that equality of resources requires such kind of comparison so that compensation to be due to people. See also Van-Parijs who maintains that his theory of undominated diversity relies on and improves Dworkin's theory of equality of resources, in the sense that it is more faithful to Dworkin's main theoretical assumptions (1995, 2004). He thus maintains that "A's internal endowment (a vector of talents) *dominates* B's internal endowment if and only if every person (given her own conception of the good life) would prefer to have the former than the latter" (Van-Parijs 1995: 73). So, Van-Parijs' theory is meant to improve Dworkin's equality of resources as this has been commonly understood.

flow from facts or consequences that they think disadvantageous when compared with the circumstances of others. Let me explain my view.

As we have seen above, Dworkin draws a second distinction between brute and option luck. “Option luck is a matter of how deliberate and calculated gambles turn out—whether someone gains or losses through accepting an isolated risk he or she should have anticipated and might have declined. Brute luck is a matter of how risks fall out that are not in that sense deliberate gambles” (Dworkin 2000: 73). The relation between the two distinctions is crucial with respect to his account of personal responsibility. As we have seen, what matters is what people themselves judge as having value for their lives to be good ones. Such judgements constitute their personhood. On the other hand, there are things that belong to people’s circumstances that they judge as disadvantageous for pursuing their conception of the good. In one sense, we could say that the personhood/circumstances cut can be better described as one between the person’s chosen and unchosen circumstances.

Choice is understood in the sense of identification, that is, that which a person has reason to value from her own point of view. In this respect, we could say that people’s chosen and unchosen circumstances are a matter of brute luck to them.¹⁵

So, given that our circumstances are a matter of brute luck to us, Dworkin suggests that identification can be a proper basis for distinguishing between chosen and unchosen circumstances.

¹⁵ If I were born in the 19th century, I would probably be another person, with different convictions, preferences and so on. Yet, what matters to us is how we live in our circumstances.

Our unchosen circumstances are those, the consequences of which we treat as disadvantageous in our personal lives. The question then is how we are going to mitigate those unwanted consequences of our circumstances in a fair way. To do so, Dworkin introduces the hypothetical insurance market for talents and disabilities, which converts bad brute luck into option luck. Bad brute luck takes the form of risk against which individuals are asked to insure themselves, taking into account their judgements about the significance in their life of resulting bad luck. So, the first cut between personhood and unchosen circumstances is meant to identify what constitutes a disadvantage for a person's life. The second cut between bad brute luck and option luck is introduced as a first step to identify what a fair way of mitigating or eliminating unwanted consequences of a person's circumstances is.¹⁶ I say as a first step, because it does not only matter (for purposes of egalitarian justice) that people are insured against certain risks, but that people's insurance decisions are made against a background of fair equality of opportunity. This points to the fact that people should be fairly positioned when they make their insurance decisions against risk. People, under equality of resources, have been fairly positioned when each has a fair share of resources as this is specified through the auction and each had an equal opportunity to insure herself against what she judges to be disadvantageous for pursuing her life plan, as this is specified by the hypothetical insurance market.

Given the two distinctions, Dworkin maintains that the best *equalizandum* is resources people have at their disposal (personal and impersonal) as these are measured by opportunity

¹⁶ Note that both cuts are made from the first person point of view.

costs rather than welfare. Resources have been equally distributed when people's opportunity costs are equal. Opportunity cost is the metric of equality of resources and reflects the choices and the importance of choices (from the point of view of the individual) one makes with regard to material resources. So, opportunity cost reflects the idea that distribution is sensitive to first person judgements about an individual's life. The hypothetical insurance market complements Dworkin's distributive scheme by giving people equal opportunities to insure themselves against what they judge to be disadvantageous for pursuing their life plan.

Having said that, let me return to my claim made above, that it is not the case that under equality of resources a person is owed no compensation to the extent she identifies with her preferences and would not be willing to have another person's preferences instead, as the common interpretation suggests. Under equality of resources, people are owed compensation for what they have insured themselves against. Compensation and the level of compensation they receive depends on the insurance decisions of all people, given that all have been fairly positioned against facing certain risks and all had equal opportunity to insure themselves against these risks. To see the difference, suppose that all people decide to buy medical care to insure themselves against the possibility of facing a not so severe disability. In the (quite unlikely) event that all do actually suffer from this disability, all are entitled to medical care—since all have insured themselves against it—even if none can say that he is worse-off than another.

So, according to my interpretation the comparative dimension regards whether a person has been disadvantaged

compared to another with respect to his position against the possibility of facing bad brute luck.¹⁷ It does not further require that a person is disadvantaged compared to another when bad brute luck has actually occurred. This would be so under the common interpretation, but it would not be fair. This is so, for people would be denied to be offered medical care for which they have previously decided that they wanted to purchase out of their fair share of resources. This would fundamentally violate their decisions over how they want to spend their resources. Moreover, if we consider that the hypothetical insurance market is a process of distributing resources, such as medical care for curing the specific disability, then it seems that it would not be a good argument that because all people suffer from the same disability and none is worse-off than others, no one should receive medical care, as it would not be a good argument that because all people need the same resource to the same extent none should have it. As in the case of the auction, where people bid for the available resources, the same holds true with respect to the hypothetical insurance market for disabilities.¹⁸

So, contrary to the common interpretation, according to my interpretation of equality of resources, it is not necessary that people disidentify with their preferences and would be willing to

¹⁷ This is consistent with Dworkin's commitment to an ex-ante conception of equality.

¹⁸ As a matter of fact, Dworkin calls the hypothetical insurance market for disabilities also insurance auction (1981: 303-4). Note, also, that the auction and the hypothetical insurance market for disabilities run simultaneously, since, as we have seen, immigrants are asked whether and how much they would want to afford out of their initial stock of clamshells to insure themselves against the possibility of facing a certain disability.

have another person's preference instead, so as compensation to be due. If compensation is due to people depending on the insurance decisions of all, then people can receive compensation for the unwanted consequences of those preferences with which they identify. "[T]he hypothetical insurance market supposes, not that people should have lived differently from the way they have, but that they should have had a fairer opportunity to guard against the risks of living as they have" (Dworkin 2002: 117). So, the insurance market for disabilities is meant to secure that we do not bear some unwanted consequences even if we do identify with what may be the cause of these consequences. A Formula 1 pilot runs the risk of getting severely injured by what he values highly. Should we say to him that you are not entitled to compensation since you took the risk (fully informed) to drive at extremely high speed and you actually like that you do so? Certainly no. The right question to ask to the F1 pilot is whether you want to insure yourself against the possibility of getting severely injured as a result of your activity with which you identify.

With respect to talents, it seems to be even more obvious that disidentification is not a requirement for compensation. In the insurance market for talents, people insure themselves not against lacking certain abilities (as in the case with the insurance market for disabilities), but against the possibility that the abilities they already have (as a matter of luck) will be unmarketable. This requires that people know what their talents and skills are and this is a central requirement, since people identify more with their talents and skills than they do with their disabilities (Dworkin 2000: 93-4); thus, they need to know what these are so as to be able to form a view of the kind of life they want to live, according

to which then they make insurance decisions with respect to income earned by making use of their talents. So, in the insurance market for talents, people are asked to buy insurance against the possibility their talents, *with which they identify*, to be of lower market value than the value they would prefer. It would make no sense, if people were asked to insure themselves against unmarketability of an endorsed talent, for which they would receive no compensation.

That said, let me consider a possible objection to my interpretation of equality of resources. As I said at the beginning of this section, the personhood/circumstance distinction has both a comparative and a non-comparative dimension with respect to how disadvantage is identified. I also said that only the first one is crucial for the purposes of egalitarian justice. If that is so, then my interpretation would seem to suggest that people can receive compensation for what they think non-comparatively disadvantageous, so long as they buy insurance for this disadvantage. However, it is not true that under my interpretation, a person would receive compensation for whatever he thinks disadvantageous in his life. This is so, for, as it was said above, compensation as well as the level of compensation a person receives depends not only on his insurance decisions, but on everyone's insurance decisions. So, a person who thinks himself non-comparatively disadvantaged for, say, not being able to run a sub three-minute mile,¹⁹ would not be offered compensation, not because everyone is similarly unable to do so, but because the cost of such insurance would be very

¹⁹ This example is taken from Clayton (2000: 78).

high, thus unreasonable for one to buy, since no one would be willing to purchase such an insurance package.²⁰

²⁰ This is consistent with Dworkin's view. To see why, consider how equality of resources would treat insurance for unemployment relief and especially whether people who cannot find their preferred job would be compensated. Dworkin in his chapter on "Justice, Insurance, and Luck" of his *Sovereign Virtue* (2000: 320-350) discusses what the insurance market for unemployment should be like in practice. He begins by describing "a utopian story" (Dworkin 2000: 332), where in the USA wealth and other opportunities have been distributed in a fair way and all have the required informational background of economic insecurity. People in the imagined American community are offered equal opportunity to buy insurance at a stipulated income against unemployment or being employed at a lower wage than that income. Dworkin assumes that "whatever distribution of wealth would result...there would be no ground for objecting that undeserving people, *who could work but didn't*, or who could have trained themselves earlier or better but didn't, were unfairly capitalizing on the efforts of those who did work. For whatever benefits were received would be the upshot of market decisions of various kinds that reflected the impact of everyone's choices on everyone's opportunities" (2000: 332, my emphasis). So, people who can't find their preferred job are entitled to compensation, even if they do not work, given that they have purchased such an insurance and on the condition that all had fair opportunity to buy insurance coverage and this is so independently of whether other people work on their preferred jobs or not. However, later on, when Dworkin examines the kind of insurance policies that would be prudent for people to choose, he points out that "it would not...be possible to insure against not having the job one wants: the premium for such insurance would presumably approach the coverage. On the contrary, any affordable policy would stipulate that the beneficiary attempt to mitigate his position by seeking employment" (2000: 335). So, although one could in principle insure himself against not having her preferred job, such insurance would probably be unaffordable. This case shares some similarity with the person who is non-comparatively disadvantaged for he cannot run a sub three-minute mile. Insurance coverage would be unavailable for it, for it seems that no one would be willing to buy such insurance. Moreover, notice

Summing up, I have argued that Dworkin has criticized equality of welfare on the ground that it does not sufficiently account for what justifies compensating expensive tastes, if a person thinks himself better-off with his expensive tastes less satisfied than he thinks himself with another person's cheaper preferences well-satisfied. Taking stock of this, some have interpreted equality of resources to require that people should be compensated only if they disidentify with their preferences and would be willing to have another person's preferences instead. I said that this is one way of interpreting equality of resources and this is how it has been commonly understood. I suggested, however, that there is an alternative interpretation of it, according to which people are owed compensation for what they have insured themselves against. Compensation and the level of compensation they will receive depends on the insurance decisions of all people, given that all have been fairly positioned against facing certain risks and all had equal opportunity to insure themselves against these risks. So, according to my interpretation, the comparative dimension regards whether a person has been disadvantaged compared to another with respect to his position against the possibility of facing bad brute luck, while it is not necessary that people disidentify with their preferences and would be willing to have another person's preference instead, for compensation to be due. Instead, people can receive compensation for the unwanted consequences of those

that, unlike the case of those who cannot find their preferred job, the person under this example, knows for sure that he is not able to run a sub three-minute mile and the same holds true of others who are similarly unable. What are the chances that they will afford to buy insurance coverage for this?

preferences with which they identify depending on their and other people's insurance decisions.

The control-based account of luck egalitarianism

Arneson and Cohen—the other two most prominent early luck egalitarian figures—have contested Dworkin's anti-welfarist argument by pointing to the plausibility of a principle of equality of opportunity to welfare rather than equality of welfare.²¹ Given the two ways in which, I suggested, we can interpret equality of resources, it seems that Cohen and Arneson have appealed to the common interpretation. Based on it, they criticize equality of resources for inadequately accounting for what constitutes unfair disadvantage. Recall that the common interpretation suggests that people should be consequentially responsible for what they identify with and would not be willing to have another person's preference instead. According to Cohen and Arneson, Dworkin fails to notice that people may not be causally responsible for what they identify with. If that is so, then it is not obvious why they should be held consequentially responsible for their preferences, even if they identify with them.

So, Dworkin's personhood/circumstances distinction is inadequate in providing both a proper basis for criticizing welfarism and consequently the right basis for a responsibility-sensitive theory of egalitarian justice. If what matters is that people are not causally responsible for their choices, then, the right cut should be understood as distinguishing between causal control and luck. Briefly, their view is that people cannot be plausibly considered to be responsible for what they do not have

²¹ Dworkin, though insists that, if it is put under scrutiny, equality of opportunity to welfare collapses into equality of welfare (2000: ch. 7).

control over, even if they identify with what they happen to want as a matter of luck. Only choices that are traceable to their capacity to (causally) control can be properly responsibility conferring. If that is so, then equality of welfare is defeated only if (hard) determinism is not true, not because people identify with their preferences. As Cohen asserts, the revised cut “subordinates political philosophy to metaphysical questions that may be impossible to answer”, since making “choice²² central to distributive justice lands political philosophy in the morass of the free will problem” (Cohen 1989: 934; cf. 2004: 22). Similarly, Arneson admits that his account of equality of opportunity to welfare “is distinct from equality of welfare only if some version of soft determinism or indeterminism is correct. If hard determinism is true, the two interpretations of equality come to the same” (1989: 86). So, in case determinism is not true, the right cut for a responsibility-sensitive theory of justice is this between control and luck.

Cohen and Arneson appeal to a distinction between responsibility and luck from a third person point of view. This is so, since the right cut, according to the latter, draws on whether determinism is true. Unfair disadvantage then is identified by reference to whether a person had control over what has brought it about to have the specific disadvantage. Consequently, what matters for ascribing consequential responsibility to people for

²² I prefer the term “control” to that of “choice”, since I think it better describes Cohen’s and Arneson’s position. Moreover, it would be misleading to withhold “choice” for Cohen’s cut. Both Dworkin and Cohen use the term choice, but disagree on what counts as a person’s choice (for the purposes of egalitarian justice). See also fn. 3 above.

their choices is that they exercise control over their decisions, preferences and so on, independently of what they themselves think. According to Cohen and Arneson, the choice/luck distinction is of fundamental importance with respect to attributions of consequential responsibility and a responsibility-sensitive egalitarian theory of justice properly understood should depend on a proper understanding of this distinction. Given their view, Dworkinian resourcism provides a limited or inappropriate basis for identifying unfair disadvantage.

This has consequences with respect to what the best *equalizandum* is. If what matters is that people are not held responsible for what they do not have causal control over, then opportunity for welfare, where welfare is understood in terms of (inoffensive) preference satisfaction, is a legitimate, if not the best, candidate for equalization. The fact that some people may be worse-off than others in terms of being less able to satisfy their preferences to the same extent as others can be due to factors that they do not control. The shift from resources to preference satisfaction illustrates the fact that what matters is whether distribution of resources is sensitive to people's causal control capacity not simply to their personal value judgements. It thus further illustrates that we can identify disadvantage (whether or not it is one for which the individual is responsible) from a third person point of view—what matters is whether the person has more or less preference-satisfaction, rather than whether he believes that someone else's opportunities are more valuable than hers.

More specifically, early Arneson insists that although the case of expensive tastes is embarrassing for a theory of equality of welfare, still welfarism is more appropriate than resourcism in

the form of equality of opportunity²³ and as such non-vulnerable to the expensive tastes objection (1989). According to Arneson, welfare in his account should be understood in terms of satisfaction of people's ideally considered self-interested preferences (1989: 82-3). Equality of opportunity for welfare "obtains among persons when all of them face equivalent decision trees—the expected value of each person's best (= most prudent) choice of options, second-best, ... nth-best is the same. The opportunities persons encounter are ranked by the prospects for welfare they afford" (Arneson 1989: 85-6). Yet, it doesn't suffice that people face equivalent options; such options should additionally be effective. For this to be so, one of the following conditions should obtain: "(1) the options are equivalent and the persons are on a par in their ability to "negotiate" these options, or (2) the options are nonequivalent in such a way as to counterbalance exactly any inequalities in people's negotiating abilities, or (3) the options are equivalent and any inequalities in people's negotiating abilities are due to causes for which it is proper to hold the

²³ Arneson notes that although Dworkin's criticism against equality of welfare is forceful, he fails to make the right contrasts. In the former's view, there are four egalitarian positions, rather than two, as Dworkin wrongly implies: equality of resources and welfare and equality of opportunity to resources and welfare (1989: 88). According to this classification, Dworkin's theory is a version of equality of opportunity to resources, rather than a version of equality of resources (Arneson 1989: 93, fn. 12, cf. also 1990; 2000). Yet, note that Dworkin, in making the distinction between treating people as equals and treating people equally (2000: 11), accommodates Arneson's distinction between equality of resources and equality of opportunity to resources. It does not, however, accommodate the distinction between equality of welfare and equality of opportunity to welfare, since Dworkin thinks that, if it is put under scrutiny, the latter collapses into the former (2000: ch. 7).

individuals themselves personally responsible” (Arneson 1989: 86).²⁴ Arneson’s concern about people’s equivalent options being effective is related with the problem of control mentioned above. He suggests that because people may “differ in their awareness of [their equivalent] options, their ability to choose reasonably among them, and the strength of character that enables a person to persist in carrying out a chosen option” (Arneson 1989: 86), we need additional conditions to equalize their initial decision-making positions. According to Arneson, Dworkin fails to acknowledge that people differ in their innate capacities to make valuable choices for which they cannot be reasonably held responsible (Arneson 2002: 371). In Dworkin’s terms, these capacities belong to people’s circumstances, something which he nevertheless ignores.

Cohen develops a hybrid view, which he calls equality of access to advantage (1989). According to this view, people may suffer both from resource and welfare deficits. Such is the case of Tiny Tim (Cohen 1989: 917-21). On the one hand, Tiny Tim is paraplegic, thus he has a resource deficiency (disability), but he has a very fortunate utility function; that is, he can get easily happy. On the other hand, he can easily move his hands, but every hand movement is followed by severe pain. In this respect, Tiny Tim has a welfare deficiency, but not a resource one. More generally, the distinction Cohen makes is one between difficulty and cost, which corresponds to resource and welfare deficiencies respectively (1989: 918-9). According to this distinction, in the first case it is very difficult for Tiny Tim to move his legs, but not costly.

²⁴ Later Arneson (1999, 2000) revised his egalitarian theory and opted for “responsibility-catering prioritarianism”.

In the second case, it is very costly for him to move his hands, but not difficult. Cohen asserts that egalitarians would be willing to compensate Tiny Tim for both kinds of deficiencies (1989: 921). Both resource and welfare deficits constitute a disadvantage for people and are compensable, in case these are not the result of people's voluntary choices, where a choice is considered to be voluntary when the agent had (full) control.

Cohen thinks that his stipulation of the distinction between control²⁵ and luck better captures our egalitarian intuitions and it is more faithful to the rationale behind Dworkin's initial personhood/circumstances cut (Cohen 1989: 922, 928). Under Dworkin's resource egalitarianism, Tiny Tim would be compensated only for his resource deficit, to the extent he considers it as such. According to Cohen's view, however, Tim is worse-off than the rest of us in terms of his ability to move and thus eligible for compensation, even if he identified with the fact that he is paraplegic. On the other hand, under equality of resources, Tim would not be compensated for his utility deficit,²⁶ for which he is nevertheless not responsible, since it is not his choice for his arm movements to be followed by severe pain, something which causes him frustration and thus affects the way he leads his life in a way that is unfair. Notice, however, that according to the common interpretation of equality of resources, Tiny Tim can be compensated for having more *unwanted* pain

²⁵ Cohen uses the notion of choice rather than control, but see fn. 3 and 23 above.

²⁶ See Dworkin's critique to Cohen's argument about equal opportunity to welfare (2000: ch. 7, cf. 2004) and Cohen's rejoinder (2004).

than another,²⁷ while according to my interpretation, Tim would be compensated for his pain, if he would have insured himself against the possibility of suffering severe pain, given he had been fairly positioned when he made his insurance decisions.

Cohen later revised his view on when we can appropriately hold people consequentially responsible for their choices. As we have seen, in his “On the Currency of Egalitarian Justice” (1989), he maintains that people should be held consequentially responsible for their choices, if they can exercise (full) control over their formation, that is, if they could avoid developing those tastes (for example, they had full knowledge of their consequences before they developed them and they chose nevertheless to do so) or could school themselves out of them (Cohen 1989: 923, 927). Expensive tastes that do not satisfy these conditions are, contrary to Dworkin’s view, compensable. Cohen later makes a further distinction between brute tastes, that is, tastes “that do not embody judgments of valuation”, “no particular *approval* of it” and “tastes that *are* informed by valuational judgment” (2004: 7). Given this distinction, he maintains that it would not be fair to hold people consequentially responsible for their expensive judgmental preferences, even if the two conditions were met, because “to expect them to forgo or to restrict satisfaction of [those] preference[s] (because [they are] expensive) is, therefore,

²⁷ Williams, for example, suggests that under equality of resources people may be compensated for certain comparative welfare deficits, such as pain relief, but this would not be justified on account of a generalized welfare egalitarian principle (2002a: 383).

to ask them to accept an alienation from what is deep in them” (Cohen 2004: 7).²⁸

This shift in Cohen’s view seems to point to the fact that justice requires equality of welfare with respect to judgmental preferences. But why is asking people to alienate themselves from what is deep in them unfair? Two replies seem possible here. On the one hand, it is unfair, because what is deep in people is beyond their control. It seems that, in a sense, this claim suggests that we do not ultimately choose our personality. So, although people could have avoided developing their preferences or could school themselves out of them, they would nevertheless experience self-alienation if they did so, for they would have to forgo what is ultimately not in their control. Thus, alienation would cause people an unfair welfare disadvantage. Notice that the crucial factor in this objection lies in the fact that people lack causal control over their deep preferences, not whether some people’s deep preferences are expensive.

However, this version of the alienation objection rests on the common interpretation of equality of resources, according to which identification plays a crucial role in our judgements about consequential responsibility. Based on this, the objection implies that what we identify with is not ultimately within our control and this is all the more true about our judgemental preferences. However, according to my interpretation, people are owed compensation depending on what their insurance decisions are. Considerations over whether a person has formed her preferences freely or whether her preferences are affected by her

²⁸ See Dworkin’s reply (2004). See also Knight (2009b) for a critical assessment of Cohen’s revised view on responsibility.

socialization (so long as her socialization is not characterized by injustices) or indeed whether determinism is true or whether she identifies with her preferences are not determinate factors for ascribing consequential responsibility.²⁹ Instead, according to my interpretation, equality of resources asks us to form a view about what it would be reasonable to insure ourselves against, given that we are all equally positioned against certain risks. Thus, it is

²⁹ In defence of my view, see also Dworkin's reply to Williams. Williams introduces the example of two deaf people, Dan and Ella, only the first of which welcomes his disability (2002b) and then goes on to maintain that under equality of resources only Ella would be compensated, while under equality of capabilities, both would be compensated for both lack a capability that others have, independently of the fact that Dan welcomes his deafness. To this Dworkin replies that "[i]t is crucial to the first conclusion not simply that Dan minds being deaf less than Ella does, or that he has been more successful in overcoming its disadvantages, or in finding consolation in opportunities open only to the deaf. *None of that would matter, under equality of resources, in deciding whether he is, in principle, entitled to whatever compensation for his deafness might be justified by a hypothetical insurance calculation*" (2002b: 138-9, my emphasis). So, what matters is whether "he prefers being deaf and therefore would not submit to a costless and painless medical procedure...that would give him hearing. It is true that if he had that peculiar preference before becoming deaf, he would not buy insurance that would indemnify him if he became so" (Dworkin 2002: 139). So, Dan would receive no compensation and "[t]hat seems entirely sensible. Why should the community provide Dan with the funds needed for an expensive operation that would restore his hearing, rather than spending those funds in other useful ways, when he not only would not use those funds for that purpose but also would refuse the operation even if it were free" (Dworkin 2002: 139)? So, it seems apparent that, according to Dworkin, Dan would receive no compensation not because he doesn't think himself worse-off than others, but because he is not willing to buy insurance coverage for overcoming his deafness. This is consistent with my interpretation rather than the common interpretation of equality of resources.

not the case that people are owed no compensation for their judgmental preferences. What matters is what these preferences cost to others.³⁰

On the other hand, it could be said that asking people to self-alienate themselves from what is deep in them is unfair, for if it fundamentally matters that people live in an authentic way (to use a Dworkian term), then we cannot ask them to forgo aspects of their personhood that are constitutive of their authentic life, even if they identify with or are causally responsible for their judgmental preferences. So, if some people's judgmental preferences are expensive, we still should compensate them because it is unfair to ask them self-alienate themselves from what is deep in them, just because what is deep in them happens to be expensive. The determinate factor in this objection lies in the fact that some people's deep preferences are expensive, not that people lack causal control over their deep preferences. This fact should not ultimately figure in people's ability to satisfy them, since although people may be responsible for what they want they are not causally responsible for the cost of their preferences and unless these preferences are satisfied they will become self-alienated.

This second reply has the following consequence for equality of resources. The identification vocabulary to which Dworkin appeals leaves room for certain welfare comparisons, contrary to Dworkin's thought to the opposite. That is to say, that even if we were to identify comparative disadvantage in the first person, as Dworkin requires, we still are able to account for the

³⁰ In chapter 6, I develop a fuller view about how we should make sense of consequential responsibility within the Dworkinian context.

sort of welfare deficits that are of concern to Cohen and Arneson. If it fundamentally matters that we all live authentic lives on equal terms, then a person can legitimately claim compensation for his welfare deficit, even if he would not want to have another person's preferences instead. This is so, for even if "I can think myself better off with my [judgmental] preferences ill-satisfied than I would be with your [judgmental] preferences well-satisfied", I can still think myself worse off with my (judgmental) preferences than you are with yours (Cohen 2004: 25). And I can think so, because I cannot live an authentic life (constitutive of which are my judgmental preferences) to the same extent as you can, because of my ill-satisfied judgmental preferences.³¹

Notice that the second version of the alienation objection can also be raised against my interpretation of equality of resources, according to which, what matters is not whether people are causally responsible for or identify with them, but what these preferences cost to others (given that all people are fairly positioned with respect to distribution of resources). Apparently, other people's preferences are among the factors that may make my preferences either expensive or cheap to satisfy. But other people's preferences should not figure in my being unable to satisfy my judgmental preferences to an equal extent as others can. This would be unfair.

To assess this version of the alienation objection, we need to consider two things. First, that equality of resources rests on a different understanding of the value of equality and justice to the

³¹ See also Shiffrin (2004) and Bou-Habib and Olsaretti (2016) for a similar concern that the demand for authenticity is in tension with consequential responsibility in Dworkin's theory.

one that Cohen's and Arneson's view rests. This is the fundamental disagreement between Dworkin and the control-based account of luck egalitarianism. And secondly, that Dworkin's understanding of authenticity that depends on his understanding of the value of equality and justice differs from the one invoked by the second version of Cohen's alienation objection. So, whether one opts for Cohen's revised view and consequently agrees with the second version of his alienation objection or opts for Dworkin's view and consequently does not agree with the specific objection would ultimately depend on which of the two views of equality, justice and authenticity one thinks more plausible or convincing.

b2. The fundamental disagreement between Dworkin and the control-based account of luck egalitarianism

So, what is the fundamental disagreement between Dworkin and the control-based account of luck egalitarianism?

According to Cohen and Arneson, equality is a value characterizing a just state of affairs. On this view, principles of justice are not ones that derive from the agents' perspective, but independently of them and independently of whether agents can have any influence on the quality of the state of affairs in question (Cohen 2008). If we hold that it is in itself bad or unjust that some are worse-off than others through no fault of their own, we do so independently of whether we can do anything to change this inequality. So, according to this view, a situation is identified as unfairly disadvantageous from an impersonal point of view, that is, compared to a state of affairs that is desirable in itself and thus independently of what the agents think. Individuals should act on

principles of justice, when the circumstances are such that they can actually act on such principles. In the light of this, according to this view, justice does not fundamentally concern how we treat each other. This has further implications with respect to the scope of justice. If it is in itself bad or unjust that some are worse-off than others through no fault of their own, then this is so independently of whether we belong to the same or different communities either now, in the past or in the future. Moreover, according to such a view, if inequality is in itself bad or unjust, it is, independently of how it arose—namely whether it arose due to wrongdoing or due to factors beyond our control (such as how our genetic abilities and skills are distributed by nature)—and independently of whether it can or could be avoided or not.

On the other hand, according to Dworkin, equality requires treating each other with equal concern and respect. This is the fundamental principle of morality and guides us with respect to how we should live together. As such it is a principle that applies to agents (individual and/or collective). The content of the principle of morality is to be found through personal ethics (Dworkin 2011: ch. 9). We respect others as equals when we treat them as equals to ourselves. So, it is crucial first to think what it means to respect one's self and one's life and then go on to apply our conclusions to how we should treat others. However, on Dworkin's view, the guiding principle of morality is to be interpreted depending on the moral context in question. This is to say that what it means to treat each other as equals will depend on certain morally significant factors. Certain sorts of relationships between people give rise to certain duties. In this sense, according to Dworkin, political relationships give rise to stronger duties of

justice between co-members than our shared humanity does. So, what we owe to others cannot be independent of the moral context in question. If that is so, then differences that are due to luck are neither bad nor unjust as such, that is, independently of the moral context in question. Rather, differences in luck should be evaluated given the context in question. So, for example, political relationships are morally significant for they fundamentally affect (through their coercive character) or are constitutive of how our life goes. If that is so, then the political community should treat all people with equal concern and respect by enabling each person to determine the terms of her life on equal terms with others. Within this context, differences due to luck should be so addressed so that they do not arbitrarily determine the life prospects of the individuals as these are judged from their point of view. Dworkin's view further differs from the control-based account of luck egalitarianism in that the former, unlike the latter, restricts strongly egalitarian duties to our co-members, while it takes judgements over how certain inequalities arose to be morally relevant factors in our assessments of injustice, namely whether they arose due to wrongdoing or whether they can be avoided. So, if certain inequalities arise due to our different innate endowments and these can be somehow eliminated or mitigated then we have moral reasons to do so as explained above, while not doing so counts as an injustice. But, contrary to what Cohenites and Arnesonians maintain, no such injustice occurs when there is nothing we can do now to undo such inequalities.

Given his view of the point of equality and justice, Dworkin insists that living an authentic life, is not just living as one would

wish, but in response to one's circumstances (2011: 209), among which is one's political community, the resources the latter commands, the cultural and technological stage of his society, the mix of preferences and ambitions of his co-members, as well as the mix of talents and abilities people within this community have, and so on. Given this, Dworkin insists that although those factors are a matter of luck to people, they are not in themselves "either fair or unfair to [them]; on the contrary that mix is among the facts that fix what it is fair or unfair for [them] to do or to have" (2000: 298); and what is fair or unfair for people to do or to have should respond to the requirement that people should determine the conditions of their common living on equal terms. So, living authentically means living a life, the conditions of which one has determined on equal terms with others, by appropriately responding to her circumstances. Among those factors that people should collectively determine on equal terms is the distribution of resources.

Equality of resources, then, is meant to illustrate what it would mean that people determine the conditions of their common living on equal terms with others with respect to distribution, by requiring people to form their "ambitions with a sense of their cost to others against some presumed initial equality of economic power" (Dworkin 2000: 81), not independently of it. So, given Dworkin's understanding of authenticity, people can live authentic lives even when they cannot have what they would most like. Thus, a person cannot legitimately claim that he is entitled to compensation, because he cannot live as he would most wish, while others can. For he

should form his ambitions about how to live taking into consideration what his fair share of resources is.

It is apparent that Dworkin's understanding of authenticity is different from the one invoked by the second version of Cohen's alienation objection. The latter insists that it is unfair if some people are not able to live according to what they most want (which is what is deep in them) even if they are personally responsible (either in the identification- or control-based account of it) for them, while others can, only because what they most want happens to be expensive and thus they are less able to satisfy their judgmental preferences than others are able to satisfy theirs. Now, the fact that some people's preferences are expensive is owed to certain factors, such as the mix of preferences, ambitions and so on one finds in her community, as well as the overall state of the world's resources, the technological and cultural stage of her society and so on. But, as we have seen, according to Dworkin, even if such factors are a matter of luck to people, they are not in themselves "either fair or unfair to [them]", but rather "fix what it is fair or unfair for [them] to do or to have". Thus, to ask others to finance my (judgemental) preferences *because they are expensive* is to ask them to pay me because they do not share my preference, which had they shared it, would be less expensive. But, can't others similarly complain that had I shared their preference, they would not have to pay me for my expensive preference?³² Asking people to compensate me

³² In auction-like cases, the situation would be different. If all people want the same resource as I do, then this resource would be more expensive for me to buy. The fact that others want the same resource as I do is a matter of luck to me. But I cannot legitimately complain that it is unfair that others make my

for my expensive preferences would violate their right to determine the conditions of their life on equal terms with me, for they would have to adapt their life plan to my life plan. But this is unfair.

Summing up, I have argued that the fundamental disagreement between Dworkin and advocates of the control-based account of luck egalitarianism lies in how each understands the point of equality and justice. This fundamental disagreement explains their differences in how we should make sense of responsibility and luck. Whether one should opt for Dworkin's or Cohen's and Arneson's conception of equality and justice is a different issue, which I shall not address in this dissertation. Although, I advocate most aspects of Dworkin's view, my primary aim in this dissertation is not to defend it against the control-based account of luck egalitarianism and its view on the point of equality and justice,³³ but rather to argue that his account properly understood shares the social egalitarian commitments and further that it provides a better understanding of what it means to relate to each other as equals, because it (among other reasons) is responsibility-sensitive. Before that, however, it is crucial to understand what is at stake between Dworkin and social egalitarians in the light of my discussion above. This is the task of the next section.

favourite resource more expensive than it would be, had they not shared my preference for it.

³³ The argument I advance in chapter 7, however, can be understood to suggest a way of integrating the two views that makes each more plausible.

c. Dworkin and social egalitarianism: what is at stake?

Social egalitarians have raised a number of objections against the luck egalitarian paradigm. Such objections were most systematically presented in Anderson's "What Is the Point of Equality?" (1999). The social egalitarian project has been twofold and has a negative and positive aspect. The negative one is to reject luck egalitarianism as the proper or best interpretation of equality. The positive one is to provide us with what social egalitarians take to be the proper interpretation of the value of equality.

Briefly, social egalitarians begin from the assumption that equality is primarily a social and political ideal, which certainly has distributive implications, but it is not a distributive ideal in the first place, as luck egalitarians seem to assume. According to this view, if we are to respect people's equal moral standing, then we should respect them as social and political equals. Equality is primarily a social and political ideal and its concern is to identify the proper relations between social and political equals. In this sense, the fundamental egalitarian aim is to eliminate inequalities in social and political status and establish equal social and political relationships. So, according to social egalitarians, equality of status is the fundamental value, and treating people with equal respect is a requirement of according them equal status. This further implies that a society committed to this value is one where there are no relations of oppression and domination, since such relations undermine equality of status. Principles of distributive justice should be seen as either flowing from what it means to relate to each other as social and political equals (Anderson 1999) or distributive justice is a distinct value to social equality and

where the two conflict it is the latter that should take priority (Wolff 1998).

Having said that, social egalitarians diagnose two fundamental disagreements between luck egalitarianism and their favoured conception of equality. First, according to social egalitarians, equality is a relational value. It regards how people should relate to each other as social and political equals. This requires that we respect people's equal social and political status and in order for this to be so, people should be free from arbitrary interference, that is, from domination. If this is so, then principles of justice should be justified in virtue of the requirement of non-domination. As such, this conception of equality contrasts the luck egalitarian interpretation, according to which equality is a quality characterising a just state of affairs (Anderson 2010). Thus, secondly, since equality regards the proper relationships between people, principles of justice are ones that apply to individuals and institutions governing their common life. On this view, we have strong egalitarian duties to each other in virtue of our relationships or interaction with others, not independently of them, as luck egalitarianism maintains.³⁴

Given the first point, social egalitarians accuse luck egalitarianism of failing to satisfy what I shall call the justificatory

³⁴ See, for example, Scheffler who maintains that questions about the allocation of goods "concern the terms on which we want to live with one another" (Scheffler 2005: 22). And "[t]o answer such questions, we must determine the kinds of relations in which we want to stand to our fellow citizens...If there are distinctively egalitarian answers to these questions, they...must rest...on some conception of the importance of living together as equals" (Scheffler 2005: 22). This is a strong claim that states that there are no reasons to favour equality in the absence of the ideal of living together as equals.

test. Scheffler has systematically elaborated the argument that luck egalitarian theories of justice lack the necessary justificatory basis that a theory of distributive justice should have in a society of social and political equals (2003, 2005).³⁵ His argument for this is twofold. On the one hand, if we try to give a substantive interpretation of the principle of responsibility by trying to identify the line between chosen and unchosen factors, we see that any such version of the substantive form is bound to be controversial (Scheffler 2005: 9). For the generalized form of the substantive principle of responsibility—namely that all inequalities resulting from people’s voluntary choices are always acceptable, while those resulting from people’s unwanted circumstances are always unacceptable—does not “enjoy widespread intuitive support” (Scheffler 2003: 32). According to Scheffler, “[t]he more common or intuitive view...is that the fairness or unfairness of differences in advantage resulting from, on the one hand, factors beyond people's control and, on the other hand, people's voluntary choices, is highly dependent on the prevailing social context and institutional setting” (2003: 32-3).

For luck egalitarianism to be plausible, Scheffler maintains, it “must be anchored in some more general conception of equality as a moral value or normative ideal” (2003: 31), and although luck

³⁵ Anderson also holds a similar view (1999: 295). However, she makes a stronger claim than Scheffler by maintaining that luck egalitarianism fails to show equal respect to people (1999: 295), while Scheffler maintains that it is up to luck egalitarians to justify their position by showing that luck egalitarianism is anchored in a conception of equality as a social and political ideal (2003: 31), thus he leaves the possibility open for luck egalitarians to argue that distributive egalitarianism can be so anchored. However, see Scheffler (2015: 43).

egalitarians actually argue that the principle of responsibility is based on the equal moral worth of people and thus is anchored in a broader moral value, this view cannot be simply taken for granted, since “it is by no means clear that most people actually have the intuitions to which luck egalitarians appeal” (2003: 32). So, luck egalitarians need to justify their view that the principle of responsibility is the best interpretation of the ideal of treating each other as having equal moral worth (Scheffler 2003: 32). Moreover, they need to show how it can be compatible with a society of social and political equals (Scheffler 2003: 34).

On the other hand, Scheffler argues that although luck egalitarianism needs to justify its position, it nevertheless cannot justify it, that is, it cannot pass the justification test.³⁶ This is the most fundamental objection raised against luck egalitarianism by social egalitarians. The reason why luck egalitarianism cannot pass

³⁶ Anderson has more recently raised a similar objection (2010). She maintains that luck egalitarian theories are justified from a third-person point of view, while relational egalitarians adopt a second-person or interpersonal conception of justification. This is, she claims, the fundamental disagreement between luck and relational egalitarians (Anderson 2010: 3). According to Anderson, people in a society of social and political equals make claims of justice in the second-person (2010: 3). More importantly, the second-person or interpersonal conception of justification is constitutive of a society of democratic equals (Anderson 2010: 3). If this is so, then luck egalitarian principles fail to be compatible with a society of equals, since they are based upon third-person justification (Anderson maintains that Dworkin “occupies an ambiguous position between these camps” (2010: 1, fn. 2)). Though Scheffler’s and Anderson’s formulations of the objection are not identical, they share a fundamental assumption: luck egalitarian principles of justice are not compatible (Anderson 1999, 2008, 2010; Scheffler 2015) or have not been shown to be compatible with a society of democratic equals (Scheffler 2003).

the justification test on this view is that it is based on a philosophically dubious³⁷ and morally implausible account of choice (Scheffler 2003: 17-19). Let me note that there is a weaker and a stronger sense in which we can understand the specific objection.

In a weak sense, the objection seems to state that because luck egalitarianism is based on a philosophically dubious and morally implausible account of choice, it does not justify placing on it that great a political and economic significance as luck egalitarians do (Scheffler 2005: 17). That is, even if it were the case that choice should be of political and moral significance, it is not obvious that it should be of *unique* political significance. There may be other more important values in a society where people relate to each other as social and political equals. In such a society people deliberate on what the fair terms of living together as free and equal citizens are. In this respect, there are other values as well that people take into consideration in deliberating about the fair terms of living together and the choice/circumstance distinction may be one of them but not the most significant one (cf. also Scheffler 2015: 41-3). Respect and reciprocity are important values that also figure in the complex ideal of equality and in principles of distributive justice (Scheffler 2015: 41).³⁸

However, in a stronger sense, the fact that luck egalitarian

³⁷ For a similar criticism see also Fleurbaey (1995: 38-41) and Smilansky (1997).

³⁸ See also Wolff who maintains that the principle of responsibility is one aspect of what it means to treat each other as equals, is one value among others, but not the most important one, as luck egalitarians seem to assume, and it should not take priority when it conflicts with the value of respect for all as social and political equals (1998).

principles of justice rest on controversial metaphysical assumptions and are morally implausible makes them inappropriate candidates for principles of justice within a society of equals, even with the limited role the weaker view permits.³⁹

Now, as I said in the introduction of this chapter, Dworkin shares more common ground with social egalitarians than he shares with Cohen and Arneson. Given the differences between Dworkin's conception of equality and that of Arneson and Cohen discussed in section (b) above, it is apparent that Dworkin's view on what the point of equality and justice is shares—rather than contrasts with—the two basic social egalitarian commitments, namely that equality is a relational value that requires that we relate to each other in a non-dominating way, and that principles of justice are ones that apply to individuals and institutions governing their common life and so strong egalitarian duties are generated in virtue of our relationships or interaction with others, not independently of them. As we have seen above, according to Dworkin, equality requires treating each other with equal concern and respect, and so principles of justice apply to (individual and/or collective) agents; while, the demands of equality depend on the

³⁹ Such seems to be Anderson's view (1999). Later Scheffler also holds the stronger view that luck egalitarian principles of justice fail to satisfy the *egalitarian deliberative constraint* in decision-making processes that is constitutive of a society of equals (2015: 40-3). According to the latter "[i]n a relationship that is conducted on a footing of equality, each person accepts that the other person's equally important interests—understood broadly to include the person's needs, values, and preferences—should play an equally significant role in influencing decisions made within the context of the relationship. Moreover, each person has a normally effective disposition to treat the other's interests accordingly" (Scheffler 2015: 25).

moral context in question, which implies that certain sorts of relationships between people give rise to certain duties. As such, political relationships give rise to stronger duties of justice between co-members than our shared humanity does.

That said, in order the social egalitarian criticism to be plausible against Dworkin, social egalitarians should first recognize how Dworkin's view differs fundamentally from that of his fellow early luck egalitarians and that the former is committed to a view of equality similar to the social egalitarian one. In the light of this, social egalitarians can then object to Dworkin's theory on the ground that although it aims to interpret what it means to relate to each other as equals, his overall theory and his equality of resources specifically violates, rather than gives substance to, the social egalitarian demand of non-domination and this failure is mainly due to it being responsibility tracking.

More specifically, equality of resources is a morally implausible doctrine of distributive justice, for it fails to treat people as social and political equals. There are mainly two reasons why this is so. First, by basing people's shares on their personal preferences and by ascribing consequential responsibility for such preferences, it fails to recognise that the former are in an important respect the outcome of certain cultural, social, economic and political structures that are themselves characterised by power inequalities for which people cannot be reasonably held responsible. This may result in people from oppressed groups being made to bear the disadvantageous consequences of their position on the assumption that it is their choice. Take, for example, women's "preference" for taking care of dependents, which has been shaped by certain social norms

and processes that places women in a disadvantageous and dominated position. So, although equality of resources is supposed to be an egalitarian doctrine, it is not, for it doesn't seek to erase structural inequalities that are pervasive in human relations; on the contrary, it reproduces them by holding people responsible for their preferences. On the other hand, it creates various political and social inequalities even if we assumed that there were no background structural inequalities and even if it were the case that circumstantial luck has been mitigated or erased. This is so, since equality of resources permits victims of bad option and brute luck to become vulnerable to the arbitrary wills of others (Anderson 1999). However, people as free and equal would not choose principles that would result in some being left destitute, even if their situation were traced to their "negligence, foolishness or high-risk behavior" (Scheffler 2003: 19). This is unacceptable from the point of view of social egalitarianism, the primary concern of which is that people are free from domination. I shall call this *the objection from the point of view of power equality*.

The second reason why equality of resources is morally unacceptable is that it justifies its principle of distribution on the feelings or emotions of envy and pity felt by those it categorises as unlucky and lucky respectively (Anderson 1999: 289). This is disrespectful to the envied (Anderson 1999: 307) and treats as inferiors the pitied, who are stigmatised by the state (Anderson 1999: 289). Moreover, it would not suffice for the latter to *admit* their inferiority, but they would also have to *prove* that they are actually inferior in their personal qualities so as to qualify for compensation by making "shameful revelations" about

themselves, that may even be humiliating and which may cause a harm to their “respect standing” (Wolff 1998: 109, 113-5; Anderson 1999: 305-6; Hinton 2001, McTernan 2013: 103). This, on the other hand, has as a consequence that for the state to inquire whether people are actually responsible for their plight to qualify for compensation, it “makes demeaning and intrusive judgments of people's capacities to exercise responsibility and effectively dictates to them the appropriate uses of their freedom” (Anderson 1999: 289). I shall call this *the objection from the point of view of egalitarian motives/incentives/attitudes*.

However, there is a third objection that—although it can be raised from the point of view of the egalitarian ideal that we should relate to each other as social and political equals—is addressed to both social egalitarians and Dworkin. Let me explain. As we have seen, social egalitarians accuse luck egalitarianism of failing to properly account for what generates justice-based duties. If equality is a relational value, then strong egalitarian duties are generated in virtue of our relationships and interactions. The appropriate focus of justice-concern, according to social egalitarians, is not some kind of state of affairs, as luck egalitarians assume, but how either individual or collective agents act (Anderson 2010: 2, 16-9). Dworkin holds a similar view. The control-based account of luck egalitarianism, on the other hand, holds that justice is a property characterizing states of affairs, independently of whether individuals can have any influence on its quality (Cohen 2008). Social egalitarians and Dworkin deny this and instead maintain that the existence of certain relationships between people matters in a morally important way for people's duties to one another, and so strong egalitarian duties are

justified on the basis of some form of interaction or relationship between people. Consequently, social egalitarians insist that it is not plausible to think that equality requires the mitigation of the consequences of luck in people's lives as luck egalitarians assume (Anderson 1999, 2010; Scheffler 2003, 2005; Schemmel 2010), so that duties of justice are not triggered in virtue of natural inequalities (Anderson 2010). As I argued in section (b2) above, Dworkin does not advocate this, as some social egalitarians have assumed. Instead, he regards that certain natural inequalities should be addressed in virtue of morally significant forms of relationships and more specifically political relationships.

The social egalitarian and Dworkinian view has considerable implications with respect to cosmopolitan justice considerations. If, as advocates of the control-based account of luck egalitarianism insist, it is bad or unjust that some are worse-off than others through no fault of their own, then it cannot plausibly matter whether there are any existing social and political relationships for justice-based duties to be triggered, but instead we have strong egalitarian duties also to those people with whom we do not share political membership. In contrast, if, as social egalitarians and Dworkin insist, injustice is socially created, then it does matter whether we share political membership or whether we are related or interact in some morally important form, since it is within such relationships or interactions that social injustices arise. Absent these no injustice can exist and in this sense we do not owe strong egalitarians duties to non-members, with whom we have no interaction.

As I shall argue in chapter 7, properly understood the ideal of social and political equality does not restrict strong egalitarian

duties to those with whom we interact or relate in morally significant ways. Instead, it requires that, where such morally significant forms of relationship do not exist, they should be established. This is so, for if the value of equality, properly understood, regards how we should relate to each other as moral, social and political equals, then it should be understood as defining properly structured relationships, not as presupposing certain relationships. I shall call this *the objection from the point of view of the scope of equality*. The argument advanced in this chapter can be understood to suggest a way of integrating the two views— the relational view of social egalitarians and Dworkin, on the one hand, and the asocial view of those advocating the control-based account of luck egalitarianism—that makes each more plausible.

Summing up, I have argued that Dworkin's theory of equality shares the two fundamental social egalitarian commitments that equality is a relational value and that strong egalitarian duties are generated in virtue of morally significant forms of relationships and interactions. Given this, I argued that social egalitarians can object to Dworkin's theory on the ground that although it aims to interpret what it means to relate to each other as equals, his overall theory and his equality of resources specifically violates, rather than gives substance to, the social egalitarian demand of non-domination and this failure is mainly due to it being responsibility tracking. I maintained that there are specifically two kinds of objections that they can raise against equality of resources: the objection from the point of view of power equality and the objection from the point of view of

egalitarian motives/incentives/attitudes. However, I also claimed that there is a third objection—the objection from the point of view of the scope of equality—that can be raised from the point of view of the ideal of social and political equality properly understood against both Dworkin and social egalitarians.

Chapter 2

The Objection from the Point of View of Power Equality

According to social egalitarians the aim of equality properly understood is to end oppression and domination (Anderson 1999: 288) and to establish relationships of equality (Anderson 1999: 289). Understood in this way, one of the primary concerns of social equality is power inequalities. Social egalitarians theorise power inequalities in terms of domination, which is usually interpreted as having the capacity to arbitrarily interfere in other people's actions. The notion of domination as arbitrary interference has been more systematically elaborated by the republican tradition that has advanced the ideal of freedom as non-domination.¹ The social egalitarian claim can thus be understood to maintain that what matters from the point of view of equality is absence of arbitrary power.

In the light of the social egalitarian demand that people should be free from domination, we can evaluate the objection from the point of view of power equality, which has been primarily advanced by Anderson (1999). One of her aims is to reject the luck egalitarian doctrine as insufficient for upholding a society of social and political equals that is the proper point of the value of equality.² The problem

¹ See, for example, Pettit (1996, 1997, 1999, 2012), Skinner (2008), Lovett (2001, 2009, 2010, 2012), Maynor (2003), Costa (2009), Laborde (2008, 2010), Richardson (2002), Bohman (2008).

² However, earlier Scheffler leaves the possibility open for luck egalitarians to show how distributive egalitarianism can be anchored in a conception of equality as a social and political ideal (2003: 31, but see Scheffler 2015: 43). See also Wolff who argues that fairness is one value within the egalitarian ethos that may conflict with the value of respect for all (1998: 97), thus he does not reject luck egalitarianism but thinks that in some cases where the two values conflict respect should take priority;

with the former, according to Anderson and other social egalitarians,³ is that it cannot be reconciled with a society of equals (cf. also Anderson 2010), because it (re)produces objectionable social and political hierarchies. I call this *the objection from the point of view of power equality*. Although the specific objection has been advanced generally against all luck egalitarian theories, I shall discuss it only with respect to equality of resources, which is my focus in this thesis.

In what follows then, I shall, in section (a), examine in more detail the objection under consideration here and argue that, in—what I think is—its best form or most plausible interpretation, it can be understood to point to mainly two reasons why equality of resources is vulnerable to it. First, in non-ideal circumstances, norms and processes that affect people's preferences are sometimes the outcome of domination and oppression, so that holding people fully responsible for the consequences of their choices that are the outcome of such preferences is itself unjust. For example, dependent caretakers traditionally are women, but their "preference" of taking care of dependents has been shaped by certain social norms and processes that place women in a disadvantageous and dominated position. But the example of dependent caretakers also points to a second problem, namely that equality of resources improperly assigns the status of preference to certain duties, such as the duty of care we have to dependent people, especially children, the elderly, the disabled and the infirm, and thus places the burdens of caretaking on

and Baker who argues that distributive equality is not less important than social equality and that the former does not derive its value by the latter (2015: 65).

³ Young, for example, although she is not denying the importance of distribution within a society of equals, rejects the distributive paradigm as inappropriate for such a society (1990: 14-38, 66-81). See also Seligman (2007), who advances a "bargaining problem for luck egalitarians", where fairness in distribution, as specified by luck egalitarian principles, can be compatible with political power inequality.

those who take up the relevant duties. This results in those people becoming dependent on wage earners or low state-subsidies, who are thus become vulnerable to the latter's arbitrary will. Secondly, even if it were the case that circumstantial luck has been mitigated or erased and that objectionable background structural inequalities have been eliminated, equality of resources permits victims of bad option luck to become vulnerable to the arbitrary will of others. This is unacceptable from the point of view of social egalitarianism, the primary concern of which is that people are free from domination. Moreover, equality of resources can prevent such morally objectionable outcomes only by adopting paternalistic policies. Yet, paternalism is disrespectful.

In section (b), I defend the view that the first part of the objection is inattentive to the fact that Dworkin actually acknowledges that some people's preferences are partly shaped by unjust social norms and thus equality of resources would call for the appropriate remedies. Moreover, equality of resources has good reason to call for policies that aim at changing such norms, since the latter violate the two principles of dignity. Finally, I argue that equality of resources would require us to provide the necessary social benefits both to those who are dependents on account of our duty to treat them as equals and to dependent caretakers on account of the fact that dependent caretaking is a duty we all have and we cannot plausibly assume that we are absolved of it whenever there is someone willing to undertake it, even if it is her truly authentic choice to do so.

In section (c), I intend to argue that equality of resources is not vulnerable to the second part of the objection, by showing that retaining access to insurance coverage is in fact constitutive of equality of resources. In doing so, I propose that the principle of authenticity can be consistently modified to account for compulsory insurance in a way that is faithful to Dworkin's concern about

ambition-sensitivity and that this is justified not on paternalistic but on egalitarian grounds.

a. The problem of objectionable background power inequalities

One reason why equality of resources is vulnerable to the objection from the point of view of power equality, according to social egalitarians, is that it fails to give proper consideration to the fact that norms and processes that affect people's preferences, on which it heavily relies, may be the outcome of domination and oppression. But if this is the case, then it would be unfair to hold people fully responsible for those preferences, as equality of resources holds. Moreover, it fails to recognise the fact that some of what it considers to be individual preferences are duties we all have and it improperly holds those who undertake those duties fully responsible for the burdens such duties confer by assuming that it is their preference to do so. This is even more objectionable if those people, who undertake those duties, do so as a matter of their socialisation that has partly shaped their preferences.

Dependent caretaking is one of the most prominent examples social egalitarians use to make their case. On the one hand, equality of resources regards taking care of dependent people not as an obligation owed to them but as a personal choice—as a lifestyle—for which one is not owed compensation to the extent she identifies with it.⁴ Since dependent caretaking is not marketable, dependant

⁴ Similar to this is the problem of occupational discrimination Anderson raises against luck egalitarianism (1999: 298-9). She claims that luck egalitarians believe that people that have chosen to work in highly risky jobs are owed no public subsidies in case the risk turns out badly. Yet, this is objectionable to the extent such occupations are not only dangerous but socially valuable, such as policemen, soldiers, firefighters, farmers, fishers and miners. Although Anderson does not frame the problem in such terms, we can say that we all have a duty to serve in such

caretakers become themselves dependent on wage earners or on usually low state subsidies and are thus vulnerable to oppression and domination (Anderson 1999: 297-8).^{5,6} Secondly, equality of

socially valuable occupations. In this sense, people working in such jobs are commissioned by all citizens to perform what their duty requires. If that is so, then it cannot be plausible to maintain that bad luck resulting from performing one's duty should fall entirely on the person who performs that duty. Yet, the point here is that such jobs are socially valuable, not that the state would discriminate against high risk occupations. If someone took up a risky but socially non-valuable activity, Anderson would not regard this as objectionable occupational discrimination. See also Lippert-Rasmussen's discussion of the problem of occupational discrimination (2012: 130). Moreover, this specific objection disregards the fact that equality of resources concerns itself with the distribution of privately owned resources and the correction of market allocations. Some of the occupations Anderson discusses relate to the provision of public goods, such as national security. As such they are goods, the provision of which requires collective contribution. People working in such jobs would be provided with all the necessary public subsidies.

⁵ On this see also Okin (1989: 134-69).

⁶ Based on this, some social egalitarians raise the objection against liberal theories more generally that the latter fail in this way to appreciate that dependence is "a basic human condition" (Young 1990: 55), by basing principles of justice on a conception of human beings as rational, autonomous and independent choosers. This, in effect, has the consequence that, on the one hand, those who are dependent on others (children, ill, disabled and infirm people) do not fully enjoy the status of an equal within society, while, on the other hand, those who take up the task of caretaking are either considered to have made a fully rational and autonomous choice, the full burdens of which they should bear themselves, or they are considered to have made a less autonomous choice by being the "victims" of socialization, and thus see themselves as passive subjects defined by something alien to themselves and may experience loss of respect and self-respect. On the view that principles of equality of opportunity (as these are elaborated by luck egalitarians) may undermine autonomous agency see Phillips (2006). See, also, Gilligan who notes (in maintaining a paradigm shift in how we understand the human condition) that empathy and caring were considered to be feminine characteristics, while "the separation of the self from relationships and the splitting of thought from emotion" were considered to be healthy forms of development

resources disregards the fact that dependent caretakers have traditionally been women, whose preference for caretaking has been partly shaped by their socialisation.

In the light of this, we can consider Mason's criticism against Dworkinian equality of resources. His main concern is that Dworkin's criteria of authentic choice are insufficient for justifying outcome inequalities (Mason 2000: 242). Dworkin maintains that for people's choices to be authentic, people should have ample opportunity to form and critically reflect on their preferences, convictions, life projects and so on, and to influence the corresponding opinions of others (2000: 160). Moreover, people's preferences, convictions etc. should not be the upshot of manipulation or brainwashing (Dworkin 2000: 483, fn. 26). Given Dworkin's criteria of authenticity, Mason asks us to consider the case of the kind of "career-sacrificing mother", who, although she fully recognises that her needs and desires are shaped by her gender socialisation, which is based on the norm that women are primarily responsible for child rearing, and although she rejects that norm, nevertheless "reflectively endorses those needs and desires as her own" (2000: 242); thus, on Dworkin's account, her choice is authentic. Yet, Mason maintains that even if it is the case that a woman meets the Dworkinian conditions of authentic choice, this doesn't suffice to show that she is also fully responsible for the bad consequences of her choice, when this choice accords with a social norm that is itself unjust. As he says, "it is partly the injustice of

(2014: 89). This had the effect that "emotions and relationships were associated with women and seen as limiting their capacity for rationality and autonomy" (Gilligan 2014: 89). It is interesting, however, to note how Rawls, being a liberal and a target of the above criticism, envisions a social community as one where people depend on one another for the fulfilment of their capacities and powers (1971: 522-3). This points to the fact that dependence is a basic human condition not only when we regard cases of people that we normally think are in need of help, but it is an essential feature of the human nature more generally.

this norm (not merely the process of gender socialisation that is shaped by it and fosters behaviour that is in accordance with it) which explains why it would be unjust to require the career-sacrificing mother to bear the costs of her decision to act in a way that is consistent with the norm, even when she rejects it” (Mason 2000: 243-4).⁷

So, what primarily concerns social egalitarians is whether certain social norms produce (or are produced by) inequality of power. If people’s preferences are shaped to a considerable extent by their socialization, where this involves belonging to certain groups that form people’s identity, then we need to consider how socialization constrains people’s opportunities and whether such constraints are arbitrary and unjust or unfair.⁸ In the light of this, the

⁷ For a similar line of thought see Brown (2005: 322-3). Williams’ case of the twin siblings, Bob and Ann (2002b), can also be seen to raise a similar point to the one examined here, namely that Dworkinian equality of resources cannot accommodate claims of justice on behalf of the career-sacrificing mother. Williams presents his case in reply to Dworkin’s objection to Sen’s capability approach that it is either identical to equality of resources or collapses into equality of welfare depending on how capabilities are specified (Dworkin 2000: 286). See Dworkin’s reply to Williams in his “Sovereign Virtue Revisited” (2002: 136-140). See also Browne and Stears (2005) for a criticism of Williams’ conclusion that resource egalitarianism is not equipped to account for such gender injustices *vis-à-vis* its capability egalitarianism rival. See also Sen’s reply to Dworkin (2009: 299-303) and Dworkin’s rejoinder (2011: 476, fn. 6, 480, fn. 13). On the discussion over capabilities and Dworkinian resourcism see also Kaufman (2006: 125-8) and Pierik and Robeyns (2007). The notion of capabilities, albeit basic capabilities, is as well adopted by Anderson (1999: 316 and on).

⁸ Ann Phillips suggests that there are cases where “equality of outcome...has to be taken as a key measure of equality of opportunity” (2004: 6). When we observe that there are persistent outcome inequalities that are based on otherwise arbitrary factors, such as sex, skin colour, ethnicity and so on, then we have good reason to think that no true equality of opportunity has been achieved and we should strive for equality of outcome.

Dworkinian criteria of authentic choice are insufficient for justifying outcome inequalities, when such outcomes are partly explained by existing unjust social norms. Equality of resources thus neglects background hierarchical power structures and holds people responsible for their preferences even when such preferences are partly formed by objectionable norms. In this way, it reproduces and improperly justifies existing objectionable hierarchical power structures. Moreover, it fails to acknowledge the distinctive moral status of duties by inappropriately assigning them the status of preference.

b. The abandonment of the bad-option-luck-victim objection

One of the most well-known objections raised by Anderson is the abandonment of the negligent victim objection (1999: 295-6).⁹ According to equality of resources, if a person had equal opportunities to insure himself against a risk (knowing what the probabilities are for that risk to turn out badly) and chooses not to insure himself, then no help or compensation is owed to him in case he suffers from bad option luck.¹⁰ Anderson maintains that in the case of an uninsured car

⁹ Anderson discusses the specific objection against Rakowski's version of luck egalitarianism (1991), which, as she acknowledges, is hard-line (1999: 298). However, she maintains that "other luck egalitarians do [not do] a better job than Rakowski in shielding the victims of bad option luck from the worst fates[.] Dworkin's theory offers no better protection than Rakowski's against predatory practices in the free market, once people have lost their fair share of resources through bad option luck. Nor would it help dependent caretakers, or people who are disabled as a result of choices they made" (Anderson 1999: 298).

¹⁰ Related to the objection of the abandonment of bad option luck victims is the objection that equality of resources discriminates between those disabled people that have purchased insurance and those that have not (Anderson 1999: 296). As Anderson says "Dworkin's proposal would treat two people with the same disability differently, depending on their tastes. A risk-averse blind person could be entitled to aid denied to a risk-loving blind person, on the grounds that the latter probably

driver who is involved in a car accident, no obligation of assistance is raised by considerations of justice, according to equality of resources, and he may be left to die (Anderson 1999: 295-6).¹¹

Kristin Voigt has called this the harshness objection (2007). She offers a number of considerations that may prompt us to think such harshness as objectionable (Voigt 2007: 392-4).¹² First, there are

would not have insured against being blind, given the probabilities. [This is a case] of discrimination among the disabled" (1999: 303). Yet, the discrimination objection is misplaced with respect to Dworkin's theory of equality. For the objection to be successful, it would have to be shown that some people under equality of resources are not given equal opportunities to insure themselves against bad brute luck. Differential treatment under equality of resources does not result from some people being deprived of their equal opportunity to buy insurance coverage, but by the fact that people themselves have chosen to have differential treatment through their insurance choices. It is unclear why, on Anderson's view, this counts as discrimination in the first place and moreover as objectionable discrimination. There have been many suggestions with respect to the badness or wrongness of discrimination, but it is difficult to find any of these fitting what Anderson here describes as discrimination. For some influential accounts of wrongful discrimination or of the badness of discrimination, see, for example, Arneson (2006), Alexander (1992), Lippert-Rasmussen (2006), Hellman (2008), Scanlon (2008), Moreau (2010), Segall (2012). Finally, for a recent critical overview of accounts of discrimination and fruitful suggestions, see Lippert-Rasmussen (2013).

¹¹ See also Fleurbaey (1995: 40-1) for a similar criticism.

¹² There is now a considerable number of defences against the harshness objection offered on the part of luck egalitarianism. Some of the theorists that have provided arguments that qualify what can be called the crude version of luck egalitarianism are Stemplowska (2009, 2011, 2013), Knight (2005, 2015), Brown (2005), Kaufman (2004), Eyal (2006, 2007), Tan (2008, 2012), Segall (2007, 2010), Voigt (2007), Barry N. (2006), Christiano (1999). Such defences against the harshness objection fall under a wider project that aims at showing that luck egalitarianism cannot be plausible if choice-sensitivity is not backed up with a structure of opportunities, since we cannot possibly know what people are and are not responsible for, if we have not settled on an account of "what opportunities should be available to agents... [where] [a]n "opportunity" is defined both by the range of actions open to an agent and the range of payoffs corresponding to the actions" (Stemplowska

outcomes that are so severe that no one deserves them, even the imprudent (Anderson 1999b; Scheffler 2003: 18-9; Fleurbaey 1995: 41). Secondly, luck egalitarians, and in what concerns me here Dworkin, don't take into account that some outcomes are disproportionate to the probabilities of the risk taken (Goodin 1985: 585; Arneson 2002: 371)).¹³ This kind of consideration is related to the first one, since it also takes into account deservingness of the consequences of risk-taking. Thirdly, there are certain goods to which people should never lose access, such as those serving people's basic needs. Social egalitarians,¹⁴ among others,¹⁵ share this view. Finally, there is a basic moral intuition, which equality of resources contradicts, that relates to the duty we feel we have to alleviate suffering, especially when little or no cost would be required in doing so, something which is ruled out by equality of resources.¹⁶

2013: 404). For similar elaborations see, for example, Vallentyne (2002), Olsaretti (2009), Segall (2012), Hill and Voorhoeve (2004), Fleurbaey (1995; 2008), Dekker (2009), Williams (2006).

¹³ See, however, Stemplowska who stipulates that the principle of opportunity, which is one of the two principles that luck egalitarianism should be composed of (with the other principle being the choice-sensitivity principle), "can itself be more or less choice sensitive" (2013: 404) and in this sense there are two versions of it that can be seen as the two ends of a continuum: at the one end is the internalizing of the costs of choice version and at the other end the externalizing of the costs of choice version (2013: 404-5).

¹⁴ See, for example, Young (1990: 91), Anderson (1999: 317), Scheffler (2003: 23, 24).

¹⁵ See, for example, Goodin who defends the view that "there are circumstances in which considerations of desert are simply out of place" and such are cases when "[n]eeds are trumping deserts. They do so not just in the sense of overriding deserts, but of actually cancelling them" (1985: 587).

¹⁶ Such a view is accommodated by prioritarian considerations, namely that "[b]enefiting people matters more the worse off these people are" (Parfit 1997: 217). Temkin, for example, calls the priority view "extended humanitarianism" (1993: ch.9). Arneson's responsibility-catering prioritarianism also responds to our

Although all these considerations that generate the harshness objection are ones that an egalitarian can raise, they are not distinctively egalitarian. Non-egalitarians can also raise them.¹⁷ From

duty to relieve suffering. As he says: “The root idea of prioritarianism is that one ought as a matter of justice to aid the unfortunate, and the more badly off someone is, the more urgent is the moral imperative to aid. The moral ground for helping someone is the badness of their situation, not any determination of how one person’s situation compares with another’s” (Arneson 2000: 342-3). On prioritarianism see also McKerlie (1994, 1996), Parfit (2000, 2012). For criticism see Williams (2012), Otsuka (2012), Otsuka and Voorhoeve (2009). For replies to Otsuka and Voorhoeve’s objections to prioritarianism see, for example, O’Neil (2012), Parfit (2012), Porter (2012). Sufficiencyarianism can also accommodate claims for suffering alleviation that are based on humanitarian concerns.

¹⁷ This is all the more true of the last reason. Both sufficiencyarianism and prioritarianism are non-egalitarian doctrines, yet they endorse the view that what stimulates us towards intervention is primarily our compassion felt for those whose situation is so bad that they suffer great evils. Nevertheless, they do not call for egalitarian policies (see, for example, Frankfurt (1987), Temkin (1993: ch.9). See, however, Hausman (2015), Fleurbaey (2015) and McKerlie (1994), who argue that prioritarianism is an egalitarian doctrine)). The special importance of basic needs is not a distinctively egalitarian demand either. It is compatible with hierarchical structures and economic inequalities. As long as people are provided with what is necessary for the satisfaction of their basic needs, no further steps towards equal dispensation is required, while benevolent elites can accommodate the demand for suffering alleviation by providing for basic needs satisfaction. With respect to the first reason, although it could be true that there are bad outcomes that no one deserves, it is also true that one need not address such an objection from the point of view of equality. Certainly, more needs to be said as to why people don’t deserve such bad outcomes no matter what, but whatever the answer is, trumping some such outcomes doesn’t necessarily lead to egalitarian arrangements. As with the third reason, namely that luck egalitarianism doesn’t take into account the disproportionality between outcomes and the probabilities of the risk taken, the case is somewhat more complicated. Even if we could actually match probabilities to deserved outcomes, for it to be a motivating reason to the harshness objection, it would need to be combined with the first reason for raising the harshness objection. In other words, we would have to put a threshold below which no proportionality applies

a social egalitarian point of view, the abandonment of negligent and imprudent victims of bad option luck primarily points to the fact that the latter become subject to the arbitrary wills of others. So, besides the point that equality of resources is a harsh doctrine, the distinctively social egalitarian objection is that it does not prevent power inequalities and undermines equality of status.

Satz provides such an illustration of how Dworkinian resourcism can lead to power inequality by forming what she calls the Titanic cases. Satz assumes that according to equality of resources what was objectionable in the case of the real Titanic boat was the fact that some people were so poor through no fault of their own, that they couldn't afford to buy tickets with access to lifeboats and so many of them died. However, Satz considers another Titanic case, where there is no background wealth inequality and where some people make a fully rational and well-informed choice to buy tickets without safety access. In case the boat sinks, equality of resources will find nothing objectionable about the fact that some people will die. Satz maintains that what is counterintuitive in the second Titanic case is that those who have not bought tickets with security access are

but only above it (Goodin (1985), for example, holds a similar view). In any case, proportionality has been suggested as a principle of equal treatment, namely that people are treated equally when they are given their due (see Aristotle on the distinction between numerical and proportional equality (*Nicomachean Ethics*, 1130b-1132b)). However, this formulation is compatible even with extreme inequalities unless we assume that all people are morally equal. But neither this necessarily leads to substantive equality. With respect to the demand of making outcomes proportional to risk probabilities (and assuming the equal moral worth of people), although it can be a demand from an egalitarian point of view (Anderson, for example, argues that desert-catering egalitarianism calls for principles that specify "which individuals should have which goods, according to individual characteristics such as desert or need" (2008: 239)), this is not necessarily so (on this see, for example Kagan (1999)).

vulnerable to domination by those who have.¹⁸ In both Titanic cases, what is of egalitarian concern is that some people can be forced out of the lifeboats; they are at the mercy of those who have bought safety access (2010: 84-9).¹⁹ But in a society of equals no one would be left to such a situation.

Given the fact that what matters from the point of view of equality is that people are free from domination, social egalitarians maintain that there should be certain constraints on the range of available options to people compatible with equal social relations (Anderson 2008: 261-270).²⁰ Resource egalitarianism leaves people vulnerable to the outcomes of voluntary choices generated within

¹⁸ See also Wolff who as well explores the implications of differential access to lifeboats and notes that “[i]n this particular case we are offering not purely a different level of safety, but, in the case of the ship sinking, a different form of treatment by other human beings. Differential entitlement to access to lifeboats would be horrible to implement and to police in an emergency. The ship’s officers will effectively be sending people to their deaths. Perhaps it is the horror of that situation, and not differential safety per se, which determines our thoughts about the case” (2007: 305).

¹⁹ Note, however, that Satz seems to confuse the social egalitarian concern about non-domination with other non-egalitarian reasons. For, what is counterintuitive in her Titanic case can be explained by our feeling that we should alleviate suffering (see 4th reason above). If we were to give to those who have made a fully rational and well-informed choice to buy tickets with no safety access a pill that would make them die once the boat sinks, or if we were to put them in a different boat without safety precaution (Schelling who has introduced the Titanic Puzzle gives a similar example (1984: 115-6)), they would not be vulnerable to the wills of others. Although, this would be counterintuitive on account of some of the non-egalitarian reasons mentioned above, it does not violate the non-domination demand. In order for her case to work well, she would have to provide an argument where the harshness objection is constitutive of the objection. A possible reply to my objection against Satz would be that in a society of equals, choices of the sort I mention (death pill or non-safety-provision-boat) would be blocked. Yet, such a reply does not refute my objection.

²⁰ See also Satz (2010: 99-100).

unconstrained markets, once it has ensured equal shares in people's personal and external resources. But, "free choice within a set of options does not justify the set of options itself" (Anderson 1999: 308-9). Equality of resources, thus, fails to recognise that outcomes attached to choices are a matter of social arrangements that are themselves in need of justification (Anderson 2008: 257).²¹ On the other hand, equality of resources can escape this objection only by implementing compulsory insurance on paternalistic grounds, which, however, is itself disrespectful (Anderson 1999: 292, 300-2),²² since "[i]t is hard to see how citizens could be expected to accept such reasoning and still retain their self-respect" (Anderson 1999: 301).

Summing up, I have argued that, according to social egalitarians the point of equality is that people should relate to each other in a non-dominating way. If this is so, then we should aim at providing for all people the conditions that enable them to stand as social and political equals, through properly structuring those institutional arrangements, which are mainly constitutive of people's relations to each other. Equality of resources fails not only to take account of how institutional arrangements can constitute hierarchical relationships, but it improperly justifies such relationships supposing that they are the outcome of bad option luck. I have argued that there are two main reasons why equality of resources may be susceptible to the objection from the point of view of power equality. First, luck egalitarianism disregards

²¹ See also Wolff and de-Shalit who recommend that people have genuine opportunities to the extent it is reasonable to expect them to so act so as to achieve the relevant functioning and thus it is reasonable to hold them responsible under these circumstances (2007: 80). They contrast their proposal of what should be the set of choices open to people against which accountability is reasonable with Dworkin's and Cohen's view of identification and choice respectively (Wolff and de-Shalit 2007: 75-80).

²² See Dworkin's answer to the paternalism objection (2002: 114-5).

the fact that in non-ideal circumstances the process of socialisation that influences people's preferences may be affected by unjust social norms so that people cannot be held fully responsible for such preferences. Secondly, even if circumstantial luck has been mitigated or unjust social norms have been eliminated, people may end up being vulnerable to domination due to their bad option luck.

c. Equality of resources on the problem of objectionable background power inequalities

The first part of the objection, recall, holds that the Dworkinian criteria of authentic choice are insufficient for justifying outcome inequalities, when such outcomes are partly explained by existing unjust social norms. Equality of resources neglects background hierarchical power structures and holds people responsible for their preferences even when such preferences are partly shaped by unjust social norms. In this way, equality of resources reproduces and improperly justifies existing objectionable hierarchical power structures. Moreover, it disregards the moral status of duties by regarding them as mere preferences.

The reviewed objection, however, seems to be misplaced with respect to equality of resources. First, in my view, the objection wrongly supposes that the conditions of authenticity Dworkin discusses under the authenticity principle are sufficient for making choices that satisfy them consequential/liability-responsibility conferring. On the contrary, authenticity seems to be *one* of the conditions necessary for making people's choices consequential/liability-responsibility conferring. As we have seen, Dworkin maintains that for people's choices to be authentic, they should have ample opportunity to form and critically reflect on their preferences, convictions, life projects and so on and to influence the

corresponding opinions of others (2000: 160).²³ This can be understood as pointing to what conditions are sufficient for people's choices to be authentic not for them to be consequential-responsibility conferring as well. More needs to be said as to when people are also consequentially responsible for their authentic choices. I discuss in more detail what necessary and sufficient conditions are for a person's choice to be consequential/liability-responsibility conferring in chapter 6.

Secondly, Dworkin has already developed the similar view that when one's preference has been formed against a background of injustice, then in the event her preference has as a consequence that she has to bear some burdens, the latter are compensable (2000: 490, fn. 9). He discusses Scanlon's example of a work shy person, who has become so due to his upbringing in an environment where work is not valued highly (Scanlon 1998: 292). Dworkin distinguishes two reasons we may have to give such a person unemployment relief. The first is that the work shy person has not chosen to dislike working; the second is that "unjust and inadequate education, or poverty or prejudice insured [sic] that work was not available...on reasonable terms". He then describes two kinds of work shy persons. The first is an upper-class person and has grown up to snub work as something only lower class people should do. The second is a poor person having grown in an environment of high and endemic unemployment. If we adopt the first reason, we should give both people unemployment relief; if the second, then only the second person should receive subsidy. Dworkin maintains that it is the second reason we should adopt.

This line of argument seems to accommodate also the case of Mason's career-sacrificing mother. In fact, in his reply to Williams,

²³ He also maintains that people's preferences, convictions and so on should not be the upshot of manipulation or brainwashing (Dworkin 2000: 483, fn. 26).

Dworkin is more explicit with respect to how unjust norms would distort equality of resources and thus compensation or more generally remedial measures would be supported (2002: 137).²⁴ He maintains that equality of resources presupposes that there are no such kind of background social injustices, such as unjust social norms (Dworkin 2002: 137). His theory of equality is meant to illustrate what distributive equality would be like under certain idealised conditions. This is not to say that equality of resources is insensitive to non-ideal circumstances of the sort invoked by the objection. On the contrary, equality of resources is meant to provide a theoretical background against which we can judge what counts as injustices in real world and what the proper rectifications are.²⁵ In this sense, the career-sacrificing mother, whose otherwise authentic preferences are partly formed by “social expectations that are themselves the consequence of long-standing and unjust patterns of discrimination and stereotyping”, would be entitled to “remedial measures” (Dworkin 2002: 137).

Moreover, dependent caretakers would be entitled to social subsidies, independently of whether their choice satisfies any criteria of authenticity or not. If dependent caretaking is a duty owed to dependents, then it cannot be plausibly the case that those who take up the relevant duty are *solely* consequentially responsible, even if it is their authentic choice to take up the specific duty. Our duty to dependents flows from the abstract egalitarian principle that we should respect each other as equals. Dependents are entitled to our help in virtue of our duty to respect them as equals. This entails that people who take up the task of taking care of dependents are entitled

²⁴ See also Navin’s defence of luck egalitarianism against the objection that the latter tolerates oppression (2011).

²⁵ See chapter 3 of *Sovereign Virtue*, where Dworkin advances ways of applying equality of resources in the real world (2000: 162-180).

to our help on account of the fact that it is all people's duty to come to the aid of those in need. The fact that a mother may willingly sacrifice her career to raise her children does not mean that we are absolved of the relevant duty to dependents.^{26,27} In this sense, we would have to provide the required social benefits (as these would be formed under the hypothetical insurance scheme).²⁸

However, it would be wrong to think that welfare benefits would be sufficient for undoing the injustice brought about by certain social norms. Liberal welfare states have been accused of reproducing such injustices instead of eliminating them (Young 1990: ch. 3). Indeed, the problem is not only that people should be compensated for unfair disadvantage experienced due to discrimination, stereotyping and so on. The problem is that discrimination and stereotyping should be eliminated. Moreover, compensating the discriminated for the fact that they are discriminated is disrespectful. In the light of this, equality of resources could be accused of not aiming at the right target. By giving compensation to dependent caretakers, for example, it simply reproduces or at least it does not undermine sexist norms that disadvantage women. The proper egalitarian aim would be to eliminate unjust social norms.

²⁶ This does not mean that everyone has a duty to bear *equal* costs in coming to their need. Parents have a *special* duty to raise their children. My point, however, is that even if certain costs should fall on procreators, we all have a duty to children to help them grow up decently and provide them with the conditions to become full members of political society.

²⁷ Note also that the career-sacrificing mother would be entitled to public subsidies, independently of whether she identifies with her preference to raise her children, on account of the fact that she would have insured herself against the possibility of not being able to bear the full costs of raising her children. As I said in chapter 1, according to my interpretation of equality of resources, people are owed compensation if their insurance decisions support this, given that they are fairly positioned before they make them, not if they disidentify with their preferences.

²⁸ See Dworkin (2000: 338-9), where he discusses insurance provisions to children.

The present social egalitarian argument is partly right in that it insists that unjust social norms should be eliminated. However, it is wrong to the extent that it implies that equality of resources is insensitive to the relevant demand. Equality of resources would object to such social norms and would call for policies that aim at their elimination, not only because the effects of such norms may be unfairly disadvantageous for some people, but also because—and more fundamentally—such norms are themselves morally wrong, independently of the disadvantageous effects they may have. We can better appreciate this by examining Dworkin's two principles of dignity.

According to Dworkin, what we owe to others is based on the ethical idea of living in dignity (2011: ch. 9). The conception of dignity should be interpreted to include the principle of self-respect, namely that each person should treat the success of his life as having objective importance, and the principle of authenticity, namely, that each person has a special, personal responsibility to create a life that he endorses (Dworkin 2011: 203-10). These two principles of dignity are integrated into morality. I cannot regard my life as having objective importance if I do not, at the same time, recognise that other people's lives are of equal objective importance (Dworkin 2011: 254, 260).²⁹

This has implications for the second principle as well. I cannot, in the name of leading my life as I see fit, diminish other people's dignity and their special responsibility for leading an authentic life. If other people are to lead an authentic life, as I am, which is entailed by the principle of self-respect, and if self-respect requires equal respect for the lives

²⁹ Dworkin bases the principle of self-respect on "Kant's principle", according to which we cannot consistently think that our life is of objective importance without at the same time thinking that all peoples' lives are of equal objective importance (2011: 19, 255-67).

of others, then it follows that I should respect other people's special responsibility for leading an authentic life.

Prejudicial attitudes flowing from certain social norms, such as sexism, racism, religious fundamentalism, homophobia and so on, fail to respect the lives of the victims of such attitudes as objectively important, while they impose unfair disadvantages on the opportunities they have to lead their life as they wish, namely they fail to respect those people's personal responsibility to make something valuable out of their life.³⁰ The second principle of dignity guides us with respect to what justice requires, namely that if we are to respect other people's personal responsibility, we should provide to all opportunities to lead their life on equal terms, where this requires, among other things, that people should be able to lead their life in an authentic manner, that is, the success of a person's life should be judged by the person whose life it is. The kind of norms under consideration deny those people who are victims of prejudice the personal responsibility to form their life in an authentic manner, since they impose on them a certain view of their personal qualities as well as a certain view of what a successful life is. This clearly is a violation of the requirements of equality of resources and as such the latter would call for the required remedies, change of social norms being included.

However, there is a stronger reason why equality of resources would condemn such social norms, namely because they more fundamentally violate the first principle of dignity, that of respect for the equal objective importance of all people's lives. If we hold that we should respect all people's lives as equally objectively important, then

³⁰ See Hansen (2011) who provides a nice argument in favor of the view that Dworkinian resource egalitarianism can account for the kind of disadvantages stemming from misrecognition by appealing to the principle of independence as well as the principle of abstraction.

this is so even if no other injustices are taking place. According to Dworkin's theory, justice is one aspect of what it means to treat each other as equals and is thus informed by the value of equality. We cannot possibly make sense of what justice requires independently of what the value of equality requires. Prejudicial attitudes violate the value of equality that demands more fundamentally that we respect each other as moral equals. And they do so, because they are based on the view that some people's personal qualities are of lower importance. This implies that equality of resources would have good reason to condemn as morally objectionable certain forms of conduct and attitudes that fail to treat people as equals but that are not otherwise unjust.

To understand this, consider Mason's argument in favour of the value of social equality as distinct from justice (2011; 2015). Mason gives certain examples where no other injustices are involved but where there seems to be something morally bad from the point of view of equality in treating people in the way he describes. Generally, the cases he provides involve a person who avoids interaction with people from another ethnic minority, because he thinks that they lack certain qualities. For example, whenever there is an empty seat in the bus near a black person, one avoids sitting there and he prefers to stand up instead. But we can think of other similar cases as well. For example, an individual may avoid developing an intimate relationship with his gay colleague, because he may think that homosexuality is abnormal, but when at work he treats him decently. Another case could be when a man avoids visiting a woman doctor, because he thinks that women do not have the required skills and they would do better if they restricted themselves in domestic work. Frazer mentions the case of "the African-American Wall Street banker who cannot get a taxi to pick him up" (2003: 34). Finally, we may consider cases where one does not refrain from interacting with certain people, but he nevertheless fails to treat them as equals,

because he is interacting with them on morally objectionable grounds. Mason gives the example of a man, who, when he is shopping at the supermarket, “tries to avoid going through a checkout that is being operated by a member of an ethnic minority. He would rather queue for longer, or even shop elsewhere (perhaps paying more money for his groceries) than have to interact with a cashier from that minority because he believes that members of this minority are inferior” (2015: 132). Consider, however, that this man does not avoid interaction with the cashier when at the supermarket (and he even treats the cashier in a very polite manner), because he thinks this is the kind of job the latter should be doing as a member of this minority. He thinks that people from this minority should be in less prestigious jobs, such as ones that require menial work or less skills etc., so he is perfectly happy when he sees people from this minority where they “deserve” to be but not if he sees them occupying more demanding and well paid posts.

Such cases point to the fact that justice and equality are different values,³¹ contrary to the view that “considerations of social

³¹ Miller (1998), O’Neil (2008) and Fourier (2011) also argue that social equality is distinct from justice, but unlike Mason, they do not give a satisfactory account of the distinctiveness of the value of social equality, since the arguments they provide in favor of the latter view include inequalities that can more plausibly be described as injustices, since they point to disadvantageous effects certain attitudes may have on some people. Moreover, not all social egalitarians agree that social equality and justice are distinct values. According to one strand of social egalitarianism (see for example, Anderson (1999, 2010), Scheffler (2003, 2005), Schemmel (2010, 2011, 2015), Young (1990), Baker (2015)), social justice is about the proper social and political relationships between people. Inegalitarian relationships are unjust for they are disrespectful of people’s equal moral status. Supporters of this view define egalitarian relationships as ones of non-domination. Where non-domination occurs there is no further egalitarian concern. Whether one agrees with this or not, it is still the case that there are certain social inequalities that are not otherwise unjust in the sense meant by the account of justice as non-domination and that are morally

equality [to the extent they] are, in general, weighty in our assessment of outcomes, forms of behaviour, or basic institutions, then they automatically count as considerations of justice” (Mason 2015: 130). Whether, however, we regard justice and equality as distinct values or whether equality considerations count as or are an aspect of what justice requires will, to an important extent, depend on how justice is defined (Mason 2015: 131). According to Mason, “unless someone suffers from disadvantage as a result of another’s behaviour, either because she suffers psychological damage, or receives less of some good in a way that makes a difference to how well her life goes, or the behaviour is a constitutive part of a dominating relationship in which she is being subjected to the arbitrary exercise of power, then that behaviour does not come within the purview of justice” (Mason 2015: 142, cf. 131). In the cases above people do not suffer from an unfair disadvantage, but they nonetheless are not treated as equals.

objectionable from the point of view of equality. For it can still be the case that although people relate to each other in a non-dominating way, they fail to respect people as equals if, for example, they avoid making friends with people from certain ethnic minorities or having any everyday interactions with them. Of course, advocates of the justice-based account of social equality may not find anything objectionable in such kinds of attitudes to the extent they do not violate justice-as-non-domination requirements. As Schemmel says: “inegalitarian dispositions are, on that view, problematic for justice only if they lead to domination and marginalization in the ways just explained. If they do not, people remain free to pursue them in their personal lives (for example, in their personal conceptions of friendship, or even of marriage—if the institutional background is cleared from any structural gender disadvantages)” (2015: 163). Yet, to the extent that almost all social egalitarians accept that social and political equality has its root in universal moral equality (Anderson 1999: 313, but see Miller (1999: 238, 240-1) who does not accept this), then it is difficult to see why failing to treat a person as a moral and thus social equal is not morally objectionable even if the kind of treatment in question is not unjust. Of course, they could answer that it is not “problematic for justice”, but it is morally objectionable. But this would commit them to the view that social equality and justice are distinct values.

Having said that, Dworkin's theory of equality asks us more fundamentally what it means to treat each other as equals in all aspects of our lives, not simply when it comes to questions about distributive justice (broadly understood). As Dworkin says, the principle of dignity, as this is integrated into morality, requires first that we respect others as equals and secondly that we do so by showing the right attitude towards them, where the right attitude depends each time on the moral context, that is, our political relationships, distributive justice, our social and personal relationships. In the cases examined above, the attitudes under consideration are not right from the point of view of equality, since some people are not treated as equals. So, from the point of view of equality of resources we have reason to call for remedial measures and elimination of unjust social norms and more importantly we have reason to condemn such norms as morally wrong, even if there is no unfair disadvantage stemming from them. This is so because such kind of social norms violate the two principles of dignity.

Yet, note that, in accepting this, we need to face the following objection. If we consider it as morally objectionable that some people are not treated as social equals, but not unjustly, then there would seem to be a conflict between equality as distinct from justice and the liberal demand of neutrality between conceptions of the good. Suppose that we do accept the view that such kinds of attitudes are morally objectionable and that public condemnation from the state is called for as a response (Mason 2015: 136). But if the state tells to, say, the gay-averse person that it is morally objectionable not to treat his gay neighbour as an equal by refraining from having any interaction with him, because he believes his neighbour to be of less moral importance due to his "abnormal" sexuality, then it would seem to impose on him a view of what a good life is. According to the gay-averse person homosexuality is sinful or abnormal and he does not think it right for him to have any interaction with his gay neighbour.

However, the objection fails to appreciate that what is morally objectionable is that we fail to treat others as social equals when our reasons for refraining from interacting with them are based on the view that they are morally inferior and this is morally condemnable from the point of view of equality, even if no injustice is involved due to our conduct. In the example above, the gay-averse person may avoid interacting with his gay neighbour because he thinks gays are morally inferior. This is morally objectionable and the state (among others) has reason to condemn such attitudes that are based on morally wrong reasons. On the other hand, the gay-averse person may think that all people are moral equals, but insist that those choosing or leading a life of homosexuality violate the will of god. That kind of gay-averse person may refuse to interact with gays, because he does not want them to be part of “the social setting he needs in order successfully to pursue his chosen way of life” (Dworkin 2000: 154). The liberal state is neutral with respect to how people want to pursue their lives and cannot condemn people for not wanting to interact with those with whom they have no shared comprehensive values. If we treat people with whom we share different comprehensive values justly and regard them as moral equals, we do not thereby treat them as social unequals if we refrain from interacting with them.

Summing up, in this section I have tried to rebut the objection that Dworkin’s criteria of what an authentic choice is are insufficient for justifying outcome inequalities, when such outcomes are partly explained by the existence of unjust social norms. Against this, I argued, first, that the objection wrongly assumes that the Dworkinian criteria of authenticity are sufficient for making people’s preferences consequential-responsibility conferring and that this seems to be only one of the conditions for making a choice consequential-responsibility conferring. Secondly, the objection is inattentive to the fact that Dworkin actually acknowledges that some people’s preferences are partly influenced by unjust social norms and would call for the

required remedies. Thirdly, equality of resources has reason to call not only for compensation for the disadvantageous effects of preferences that are formed by unjust social norms, but it would also call for changing such norms on account of the fact that the latter violate the two principles of dignity. Finally, with respect to the related objection that equality of resources improperly assigns the status of preferences to certain duties, such as our duty to care for dependents, and thus places the burdens of caretaking on those who “willingly” undertake the relevant duties, I argued that equality of resources would require us to provide the necessary social benefits both to those who are dependents on account of our duty to treat them as equals and to dependent caretakers on account of the fact that dependent caretaking is a duty we all have and we cannot plausibly assume that we are absolved of it whenever there is someone willing to undertake it, even if it is his truly authentic choice to do so.

d. Equality of resources and compulsory insurance

As we have seen, Anderson has raised the abandonment of the negligent victim objection against the luck egalitarian paradigm. The objection, recall, holds that equality of resources permits people to be vulnerable to their bad option luck. I have argued that we may object to this mainly for two reasons. First, it would be very harsh. This is not a distinctively egalitarian reason. Secondly, victims of bad option luck would be vulnerable to the arbitrary wills of others. This would be a distinctively social egalitarian reason to object to equality of resources. Moreover, equality of resources could only escape the objection by imposing compulsory insurance on paternalistic grounds. In what follows, I shall defend the view that the principle of authenticity can consistently be modified to account for compulsory insurance. The modification I propose is faithful to Dworkin’s concern for ambition-sensitivity. If my argument proves successful, then compulsory insurance would be shown to be constitutive of equality

of resources and this is justified not on paternalistic but on egalitarian grounds.

So, let me take Anderson's example of the uninsured car driver who injures himself as a result of his careless driving. Suppose that the driver is saved and is asked to take out insurance. There are two possibilities. The driver either refuses or agrees. In the latter case, the victim changes his mind; he is engaged in a self-deliberative process and decides that he should get insured. We have reason to believe that his previous choice not to insure himself was not authentic, since he did not have full information about the consequences of such a disastrous fact in his life or that he has falsely not given the proper importance to getting insured against such an occurrence in his overall assessment of his life plan. If this is so, he should be given the chance to insure himself now. This is constitutive of equality of resources, since it is a crucial presumption that people's choices should be authentic at every level of the distribution (Dworkin 2000: 158-161). This is what the principle of authenticity requires.

In general, the principle of authenticity requires that people's "freedom to engage in activities crucial to forming and reviewing" their life plans should be protected to the fullest possible degree. If such a freedom is to make sense, it should be protected throughout people's lives. One crucial element of the relevant freedom is that people have the chance to reconsider their insurance decisions, for these are constitutive of their life projects. And they should have this opportunity at any moment throughout their life. The social egalitarian requirement then that insurance should be available to all is satisfied under equality of resources in virtue of the principle of authenticity.³² This is my main argument here, which I shall try to defend against certain objections.

³² Note that I am not here contending that one's decision to insure, following the accident, is more authentic than one's decision not to insure, prior to the accident.

First, running an insurance scheme that allows post-accident-insurance-purchase may make the scheme more expensive in an unfair way than it would be had such post-accident-insurance-purchase not been available. Given post-accident-knowledge, the regretful uninsured car driver may decide to purchase a costlier insurance package than what he would buy had his decision been based solely on knowledge of the statistical chances of having a car accident, which would probably be unfair to others. Yet, we should be careful to distinguish between having knowledge of the statistical chances of suffering X and having knowledge of the consequences of suffering X. The insurance market clearly requires both. Even if we knew that we have Y chances of suffering X, we wouldn't know how much we would like to insure against suffering X, if we didn't know what the consequences of suffering X were. Equality of resources requires that people should be protected against risk on equal terms with others, given full knowledge and understanding of what given risks entail. The regretful car driver actually acquires this kind of knowledge and understanding of what it means to suffer from a serious car accident. But the problem is not his knowledge of the seriousness of his post-accident situation, but the fact that he *actually*

It is not necessarily the case that any later decision is more authentic since it is a more accurate reflection of the current commitments/views of the person. Rather, what I maintain is that people do not form once and for all authentic preferences, tastes, commitments and so on, according to which they then decide how to lead their lives and make choices. People change their views and one reason for doing so is because they may realise after reflection or in virtue of new information available to them that had they the opportunity at that time to reflect on the choices available and their consequences and/or had the information that they now have, they would have chosen differently; their choice would be more authentic. But, since treating each person with equal concern and respect means giving to all equal opportunities to lead their lives according to what they truly identify with, then this is a strong reason for equality of resources to provide the opportunity to all to reflect on their choices throughout their lives.

experiences this situation. It is this knowledge that becomes tricky with respect to what concerns us here.

However, note that the Dworkinian distributive scheme (auction, insurance market) is hypothetical and is meant to guide us with respect to our speculations about what would be a fair distribution under real circumstances. This means that there is a large degree of uncertainty with respect to what would be individuals' decisions under the hypothetical scheme's counterfactual conditions. Take, for example, the case of the hypothetical insurance market for disabilities. People are asked how much they would insure themselves against the possibility of facing a certain disability, had the chances to face it been equal for all. Yet, in fact some people are born disabled or become so during childhood, when we cannot properly hold them responsible for their choices or at least to the same extent as when they reach adulthood. So, the hypothetical insurance market for disabilities (and talents) asks us to imagine what insurance decisions we would reasonably make *before* bad luck occurred (Dworkin 2000: 345). Given this we can similarly say that in the event a person changes her mind and she now wants to insure herself against X, and since the principle of authenticity requires that people have the fullest possible opportunity to reconsider their projects, convictions, preferences and so on, she should be provided with the insurance coverage she would have purchased before bad luck occurred. In our example, the level of the insurance coverage with which the regretful car driver would be provided would be the level it would be reasonable for him to purchase before the car accident actually occurred.

Considering the second objection, this might be stated as follows. If what I have said so far is right, then if the insurance scheme allows that uninsured people are offered post-bad-luck-insurance coverage at the level they would insure themselves before bad luck occurred to them, it would be possible that some people would capitalise on other people's contributions to the welfare scheme.

They may think, for example, that “I can now keep my share of resources and spend it on my preferred activities, and in case something goes wrong I shall ask for coverage on the pretention that I have changed my mind”. In other words, people may have a strong incentive not to contribute to the insurance scheme, since they know that coverage will always be available. This would certainly be not only unfair, but it would probably undermine the whole scheme. Note that the same may hold true were people’s incentives not malign. Think of the regretful car driver above. Were many people regretful of their imprudent insurance decisions, the insurance scheme would probably be undermined. In the face of this problem, we could make insurance compulsory.

But, would this be justified for those prudently non-insured? This is the third objection I shall consider. As was said above, the driver may refuse to get insurance after the accident. To make my argument clearer imagine that now there are two uninsured car drivers who are both engaged in an accident and get badly injured. According to what was said above, we should save them both on the assumption that their choice not to insure might not be authentic and so equality of resources demands that they should be given the opportunity to re-think their choices, preferences, convictions and so on, so as to form an authentic choice. After we have saved them, driver Y reconsiders his choice in the face of the consequences that an accident would have on his life and decides to insure himself. However, driver X tells us that his choice not to insure himself was authentic. He does not regret that he hasn’t insured himself even after he suffered the accident and even if he knows that he would have died or become disabled, say because his religion prohibits medical treatment. In other words, he has made an *ex ante* authentic choice not to insure himself,³³ and so he may now

³³ Note here that it would be a mistake to say that a choice not to insure oneself is imprudent. “[W]hat is prudent depends on that person’s own individual needs,

complain that we have no right to ask him to pay for insurance, since his choice was authentic. In this extreme case then, equality of resources would have difficulty in explaining why it has required the driver to be saved, once he has made his full-informed choice not to buy insurance.

More generally, we are faced with the following dilemma: what kind of policy should we follow? One that says that all uninsured car drivers should be saved, on the grounds that the choice of some of them not to insure themselves might not be authentic and so they should now be given the opportunity to form their authentic choices, even if this is at the cost of those whose choice not to insure was authentic? Or, one that says that all uninsured car drivers should not be saved on the grounds that those who have already made an authentic choice not to insure themselves should not be made to pay the cost of being saved or made to insure themselves, even if this is at the cost of those who have not made an authentic choice not to insure themselves? The principle of authenticity seems to give us no guide here with respect to what policy we should choose. If it is authentic choices that we should respect, why should we choose to provide an opportunity to someone to make an authentic choice, rather than respect the already authentic choice of someone else?

Making insurance compulsory then would seem to disrespect the preferences of those who would prudently not choose to insure themselves, if insurance was not compulsory. On the other hand, if insurance is optional, then we would disrespect the regretful person's equal opportunity to form an authentic choice. Compulsory insurance seems to pose a problem of conflict between the principle of

tastes, personality, and preferences" (Dworkin 2000: 313; see also p. 492, fn. 7). In this sense, one may decide that getting insured against becoming blind, for example, does not matter to him, since in the event he becomes blind, nothing can compensate him (Dworkin 2000: 76).

abstraction and the principle of authenticity. As we said in chapter 1, the metric of equality of resources is true opportunity costs. Opportunity costs are true when the opportunities people have to live according to their conception of the good are as wide as possible. This is so when the liberties against which the auction and the hypothetical insurance market are taking place are available to the fullest possible degree to all. This is what the principle of abstraction requires. If we allow compulsory insurance, it seems that we would violate the principle of abstraction, since we would require those who would prudently decide not to insure themselves in the absence of compulsory insurance to use their resources in a way that is not ambition-sensitive. On the other hand, if insurance is not compulsory, then we would have to require those regretful non-insured people to bear the full cost of their imprudent decision, thus we would be unfair to them in the light of the requirements of the principle of authenticity.

To answer this objection, we need to provide an argument that shows that compulsory insurance justified on account of the principle of authenticity is not an arbitrary constraint on the principle of abstraction. I have argued that the principle of authenticity requires that people's "freedom to engage in activities crucial to forming and reviewing" their life plans should be protected to the fullest possible degree. If such a freedom is to make sense, it should be protected throughout people's lives. What is of importance then with respect to our argument here is that compulsory insurance is meant to secure people's opportunity to revise their life plans. Being able to revise one's life plan necessarily requires that this is so throughout a person's life. Compulsory insurance is justified on account of the revisability requirement. Because people are likely to change their convictions, preferences, tastes, projects and so on throughout their lives, compulsory insurance ensures that they do not lose access to insurance coverage that is necessary for people in the light of their

revised judgements. Moreover, different people form their authentic preferences at different moments throughout their life. The auction and the hypothetical insurance market would be unlikely to ever commence until all have declared themselves satisfied with their choices. Given these considerations, we can provide two answers to reject the objection examined here.

First, no one can reasonably reject the revisability requirement, that is, no one can reasonably claim that there is no chance that her convictions, projects and generally her conception of the good will be revised.³⁴ If that is so, then it cannot be the case that compulsory insurance imposes an arbitrary constraint on people's liberty, rather it protects it throughout people's lives. Second, the objection wrongly considers the revisability requirement required by the principle of authenticity to be a constraint on people's liberties. The revisability requirement should rather be seen as a liberty. It would not be a good argument on the part of the objector that some people may have no interest in protecting this liberty, for this kind of argument invokes what Dworkin calls the interest based strategy for defining the liberty/constraint system, which he rejects (2000: 139-45). The liberty/constraint system is meant to secure fair equality of opportunities to all people to live according to their conception of the good and the revisability requirement is constitutive of fair equality of opportunities not an enemy of it. What is important from the point of view of equality is that people make choices against a background of fair equality of opportunities. "Ideal authenticity requires the fullest possible opportunity" (Dworkin 2000: 160), until there is no one who would want to exploit this opportunity any longer (Dworkin 2000: 160). Compulsory insurance is meant to ensure that all people will have the opportunity to form authentic choices, namely choices "with

³⁴ See Buchanan (1975) who discusses the revisability principle with respect to Rawls' theory.

whose formation they [do not] remain dissatisfied” (Dworkin 2000: 160).

Would making insurance compulsory in the way I suggested be paternalistic? In *Justice for Hedgehogs*, Dworkin offers a different reply to the similar objection raised by Ripstein (2007),³⁵ that compulsory insurance would be a paternalistic imposition upon those who would not buy insurance coverage, had the insurance scheme not been mandatory. Instead, Dworkin claims that the insurance “scheme is not paternalistic. But it is probabilistic. No one can sensibly think or argue that he would not have made the decision we assume most people would have made. The counterfactuals are too deep for any such individualized judgement: the scheme’s claims can only be statistical. But he can rightly say that he might not have made it. That fact presents an issue not of paternalism but of fairness. We can treat individual citizens on either of the two assumptions, and it seems fair to treat them, lacking any information to the contrary, as if each would have done what we judge most would have done. This is our justification” (2011: 362). The objection I examined here is framed in terms of fairness rather than paternalism. I asked whether it would be fair to impose compulsory insurance on those who would prudently not choose to insure themselves if insurance were optional. Dworkin’s answer invokes the probabilistic nature of the hypothetical insurance market to resist the objection of unfairness. My answer resolves the problem that the objection diagnoses in a more principled way by invoking the requirements of the principle of authenticity.

Note also, that the argument advanced here in favour of compulsory insurance is not vulnerable to the paternalism objection as this is raised by Anderson (1999: 301). As is known, Dworkin endorses the view that insurance should be made compulsory on paternalistic grounds with respect to those imprudently non-insured

³⁵ Cited in Dworkin (2011: 479-80).

under an optional insurance regime,³⁶ but he rejects the view that the kind of paternalism he defends, namely weak paternalism, is offensive of people's liberty (2002: 114-5). However, the view I advanced here is that compulsory insurance is justified on account of the requirement that all people should be able to form authentic choices throughout their lives. It is required, that is, on reasons of fairness rather than on reasons of paternalism. As such it also escapes the harshness objection, but it does so as a consequence, not because it deems harshness itself an objection from the point of view of egalitarian justice. What is objectionable from the point of view of equality is unfairness not harshness.

Let me finally note that my argument that under equality of resources compulsory insurance would be justified on egalitarian reasons partly determines what arbitrary interference consists in. Violation of the revisability requirement would constitute a violation of the requirement of non-domination, in the sense that people would be arbitrarily deprived of choices otherwise available to them. As I will argue in chapters 5 and 6, we cannot account for what arbitrary interference consists in unless we say what a fair choice structure is, violations of which would consist arbitrary interference. Equality of resources, unlike social egalitarian accounts, by determining what a fair choice structure is provides a yardstick against which we can judge whether one has been *arbitrarily* interfered with.

Summing up, I have argued that, contrary to the social egalitarian critique, equality of resources is not vulnerable to the

³⁶ Dworkin's endorsement of weak paternalism is meant to justify compulsory insurance to those who Anderson calls negligent victims, that is, those who may be mistaken about what a prudent decision is. On the other hand, his argument about probabilities reviewed above is meant to justify compulsory insurance to those who would prudently decide not to insure themselves had insurance not been mandatory.

abandonment of the negligent victim objection. This is so, for, as I tried to show, compulsory insurance is justified on account of the revisability requirement required by the principle of authenticity, which is constitutive of true opportunity costs, the metric of equality of resources. If my argument is valid, then this would be a first step in showing that equality of resources can qualify as at least one reasonable conception of justice that people within a society of equals could adopt, since it does not have morally objectionable consequences. This is the weak claim for which my thesis tries to provide support. In chapter 6, I argue for the stronger claim that equality of resources is better equipped to account for the social egalitarian demand that people should relate to each other as equals. I shall now turn to the second reason why social egalitarians have accused luck egalitarianism more generally, and equality of resources more specifically, of being morally implausible, namely because the latter seems to justify its distributive principle on objectionable incentives, motives and attitudes.

Chapter 3

The objection from the point of view of egalitarian motives/incentives/attitudes

The present chapter is concerned with the social egalitarian objection that the motivations, attitudes and incentives that people develop under luck egalitarian principles of justice are inappropriate from the point of view of social egalitarianism because they diminish people's equal status. Anderson develops the view that luck egalitarianism justifies its principle of distribution on the basis of the feelings or emotions of envy and pity felt by those it categorises as unlucky and lucky respectively (1999: 289). On the one hand, what motivates those who are unfortunate to make justice claims with respect to their distributive shares is envy felt for what the more fortunate of their society have. "Envy's thought is 'I want what you have'" (Anderson 1999: 307). But, first this can hardly "generate obligations on the part of the envied" (Anderson 1999: 307) and, secondly, it is disrespectful to the objects of envy (Anderson 1999: 307). On the other hand, those the luck egalitarian theory labels as fortunate are motivated by feelings of "contemptuous pity" towards those with inferior qualities in their talents and abilities (Anderson 1999: 289). Pity—so Anderson argues—is based on feelings of superiority by those who feel it, when they compare their situation to that of the objects of pity (1999: 306-7). Thus, those pitied are recognised as inferiors by the more fortunate. If the luck egalitarian principle is adopted as a public principle of justice, then social stigma can be generated with respect to those the state labels as inferior (Anderson 1999: 289, 305-6, 311). But this hardly treats those people with equal respect, while loss of self-respect is highly possible. Although luck egalitarianism is "emotionally consistent" (Anderson

1999: 307), since “[t]he two attitudes are well-suited to each other: the most generous attitude the envied could appropriately have toward the envious is pity” (Anderson 1999: 307), it cannot generate reasons for action relevant to justice. This is so, for, on the one hand, those envied cannot accept envy as a justice-generated reason to act accordingly. Why would a person feel obligated by a rule that says that “once another person envies your personal and impersonal resources, you are required to compensate him”? On the other hand, those pitied cannot accept pity as a justice generated reason, since they would have to accept their innate inferiority to those they envy.

Moreover, it would not suffice for those labelled as unfortunate to *admit* their inferiority, but they would also have to *prove* that they are actually inferior in their personal qualities so as to qualify for compensation. But in order to prove their inferiority they would have to make “shameful revelations” about themselves, that may even be humiliating, which may cause a harm to their “respect standing” (Wolff 1998: 109, 113-5; Wolff and de-Shalit 2007: 170-1; Hinton 2001; McTernan 2013: 103).

The argument advanced here can be seen in the light of the Rawlsian idea of self-respect, which is “perhaps the most important primary good” (Rawls 1971: 440). In Rawls’ terms, self-respect consists of two aspects: 1) “a person’s sense of his own value, his secure conviction that his conception of his good, his plan of life, is worth carrying out”, and 2) “a confidence in one’s ability, so far as it is within one’s power, to fulfil one’s intentions” (1971: 440). It becomes apparent that self-respect is the most important primary good, since it is what gives our lives meaning, it encourages our sense of a worthwhile life. Since all people have a strong interest in their lives being meaningful, it is reasonable for them to try to secure the social bases of self-respect equally for all in the original position. So, what is crucial for the argument advanced here is that principles

of justice should promote people's sense of self-respect, by providing the social bases of self-respect to all. This can be done so far as principles of justice are ones that everyone can reasonably agree on and everyone can reasonably agree on principles that are to the advantage of all. In other words, no one, as free and equal, would reasonably agree on principles of justice that would not promote her own good as well on equal terms with others.

It is in this sense that social egalitarians raise the specific objection to luck egalitarianism. The social egalitarian basic commitment is equality of status: we should respect each other as social and political equals, that is, as each having equal social and political standing. This partly and more fundamentally consists in providing to all the social bases of self-respect. For one cannot be reasonably said to be respected as an equal if one is denied the opportunity to advance a sense of one's self-identity as valuable and of one's life that is worth pursuing. Yet, envy, pity, shame and humiliation are emotions that are incompatible with respect of the equal status of persons in that they are based on feelings of superiority and inferiority and are potentially harmful to the self-respect of the victims of attitudes potentially generating such feelings. Since luck egalitarianism bases its principles on envy and pity and since shameful revelation and humiliating treatment are the consequences of adopting such principles of justice, then such principles are incompatible with a society of equals, or people within such a society would not consent to them, since no one could reasonably agree to principles of justice that would reduce the value of the most important primary good: self-respect.

In what follows, I shall examine more closely how social egalitarians relate the aforementioned emotions specifically to equality of resources. I argue that a more nuanced defence of the social egalitarian position is required in order for social egalitarians to persuasively make their case and propose how they can provide

such a defence. Yet, I argue that even the more nuanced version of the objection under consideration cannot be sustained with respect to equality of resources. More specifically, in section (a), I examine the role of envy in equality of resources. I argue that social egalitarians can motivate their envy objection against equality of resources better by drawing on Rawls' elaboration of the problem of envy. Based on this, they can then ask whether the principles of justice prescribed by equality of resources are expressive of envy or can generate what Rawls calls excusable general envy. However, I argue that both these strategies fail to show that Dworkin's theory is vulnerable to the envy objection. In section (b), I examine the role of pity in Dworkin's theory of equality. I first consider how we can make better sense of the pity objection and propose that social egalitarians can make a moderate claim, namely that luck egalitarian principles of justice can *possibly* be expressive of pity—an attitude or motivation that is, however, morally objectionable when acting on principles of justice—and that to the extent social egalitarianism blocks this possibility, it is a better alternative to luck egalitarianism. However, I argue that this moderate claim fails if advanced against equality of resources. Finally, in section (c), I consider two reasons that social egalitarians may invoke in order to raise the humiliation objection against luck egalitarianism. On the one hand, they can refer to the fact that in non-ideal circumstances, people would be vulnerable to humiliation and shame by being required to reveal their “inferior” capacities to qualify for social subsidy. On the other hand, they can refer to the idea of opacity respect advanced by Carter. I argue that it is the second form of the objection that seems to be more persuasive. Yet, I argue that Dworkin's theory of equality of resources would not be vulnerable to it.

a. The role of envy in equality of resources

The standard criticism, first advanced, as noted above, by Anderson, is that luck egalitarian principles are expressive of envy. This kind of objection has been motivated due to the introduction of the envy test as a means of measuring opportunity costs in Dworkin's equality of resources (1981b; 2000: ch. 2). As is known, in his reply to Anderson, Dworkin notes that envy in equality of resources is used in a technical sense and that Anderson "confuses the psychological and technical economic senses of 'envy'" (2002: 117, fn. 19). Nevertheless, the question with respect to what concerns us here is whether, contrary to what Dworkin maintains, equality of resources does express envy in the psychological sense, even if the envy test is based on the technical sense of envy. In other words, is the fact that a person would prefer another's bundle of resources based on some kind of psychological envy? Anderson, to be sure, is not careful to make such distinctions, nor does she offer any definition of envy in the sense she wants to use it, except for saying that "[e]nvy's thought is 'I want what you have'" (1999: 307). This is certainly insufficient for making her case. But the fact that Anderson's argument is insufficient, doesn't mean that there is no possibility for her conclusions to be right. So, it is worth trying to answer the above question.

My suggestion is that social egalitarians can follow Rawls' argument in his examination of envy. Rawls examines the problem of envy by making a two-step argument (1971: 143-4, 530-541). First, he argues that principles of justice are chosen in the original position under the veil of ignorance, so that they are not influenced (among other things) by destructive and contingent inclinations, such as feelings of envy. Secondly, he examines whether *excusable* general envy would occur in a well-ordered society, where the two principles of justice are adopted. He first defines general envy as "the envy experienced by the least advantaged towards those better situated",

where such envy is meant “in the sense that [the least advantaged] envy the more favoured for the kinds of goods and for the particular objects they possess” (Rawls 1971: 531). He then goes on to define excusable envy as the “reaction to the loss of self-respect in circumstances where it would be unreasonable to expect someone to feel differently” (Rawls 1971: 534). Such circumstances may arise under three conditions, one psychological and two social (Rawls 1971: 535-6). The psychological condition concerns people’s lack of self-confidence in their worth and their ability to pursue worthwhile life plans. The first social condition concerns those circumstances that may make it the case that a person’s lack of self-confidence mentioned just above is “experienced as painful and humiliating” (Rawls 1971: 535), where the basic structure allows for great disparities between those less and more advantaged.¹ Finally, the second social condition concerns the fact that those less advantaged “see their social position as allowing no constructive alternative to opposing the favoured circumstances of the more advantaged” (Rawls 1971: 535).

So, social egalitarians who embrace Anderson’s objection about envy should explain whether the principles of justice that equality of resources prescribes are the expression of envy or can possibly generate excusable general envy. Rawls examines whether his two principles of justice can possibly generate (excusable) general envy in a well-ordered society, but not whether they are expressive of envy. This is so, since people behind the veil of ignorance have no knowledge of their psychological propensities, including envy (Rawls 1971: 142-150). The absence of such knowledge is, according to Rawls, necessary, for “the choice of a conception of justice should not be affected by accidental

¹ As Rawls notes “in theory the difference principle permits indefinitely large inequalities in return for small gains to the less favoured” (1971: 536).

contingencies”, and in so far as envy is disadvantageous for all parties, “it seems desirable that, if possible, the choice of principles should not be influenced by that trait” (1971: 530). So, the two principles of justice chosen in the original position are not ones expressing envy.

Anderson, on the other hand, accuses equality of resources not of (possible) envy resulting from the adoption and application of its prescribed principle of justice, but of it actually expressing envy or being motivated by envy. However, she does not persuasively explain why it is the case that equality of resources is expressive of or motivated by envy. She merely says that (psychological) envy’s thought is “I want what you have”, that the envy test on which equality of resources rests is satisfied when no one would want what others have, thus equality of resources rests on (psychological) envy. Now, as I have argued, saying that “I want what you have” is insufficient for making it the case that “I envy you”. Not every instance of wanting what others have can qualify as being an instance of envy, at least the kind of envy that should be the concern of a theory of justice. However, it might be worth examining whether equality of resources does actually take the form of “I want what you have”.

Before proceeding, I should make clear that my aim is not to suggest some definition of psychological envy, nor to explore what an appropriate definition of it would be, given existing ones,² so as to then argue that Anderson has not proved that equality of resources is motivated by envy properly understood. My aim rather is to show that equality of resources does not even take the form of “I want what you have”, which, as I have noted above, is in any case insufficient for saying that such a statement is the expression of feelings of envy. However, I think it would be useful to undertake

² See, for example, Nozick (1974: 239-246).

this task for the following reason. If we take the statement “I want what you have” as a necessary condition/basis for psychological envy, in the sense that there are those who envy and thus would want to have what the envied have, then if we are able to show that people under equality of resources do not base their claims on what others have even in this sense, we would have shown that the principle of equality of resources is not motivated by envy properly understood. Such a task is, to my mind, worth pursuing, not only because Anderson’s criticism of luck egalitarianism has been greatly influential, and thus we need to subject her judgements to scrutiny, but because psychological envy is indeed a crucial problem for theories of justice to confront, and especially egalitarian theories.

Equality of resources: expressive of envy?

Having said that, I shall turn to Dworkinian equality of resources and, in the light of the Rawlsian argument, see whether it expresses envy. Note that, in Dworkin’s theory, people are not behind a veil of ignorance when they bid for resources in the auction, while they are put behind a thinner veil of ignorance than Rawls’ veil when they make their insurance decisions in the hypothetical insurance market. According to Dworkin, it is necessary that people have knowledge of their conception of the good in order to know what external resources, from the available stock of the world’s resources, will be useful in fulfilment of their life plan so as to bid for them in the auction by paying the opportunity costs others forgo, as these are formed by the envy test, which takes place against a background of equal liberties, as these are specified by the liberty/constraint system. He then goes on to examine how equality of resources would deal with inequalities stemming from differential talents and abilities by devising the hypothetical insurance market for talents and disabilities, on the outcome of which his compensatory scheme relies. So as a first step to the examination of the place of (psychological) envy in equality of resources, we should

see whether people in the auction express envy. I think the answer is negative.

People in the auction have knowledge of their life plans and try to secure their favoured resources. Envy has no place at this stage, not even in the primitive sense stated by Anderson, namely that “I want what you have”. This is so, first because the immigrants have no prior rights over the island’s resources nor do they have any other possessions with them, so it cannot be the case that some may “want what others have”. Also, they cannot feel envy for others, for they do not yet know how things will turn out for them when they will engage in production and trade, thus they do not know what their place in the economic system will be and whether they will be among those worse-off. At this stage, people have equal resources and nobody can reasonably be said to envy what others have. Moreover, people in the auction cannot express feelings of envy, for the social conditions that would generate such feelings are for the moment absent. This is so, because if, following Rawls, “the main psychological root of the liability to envy is a lack of self-confidence in our own worth combined with a sense of impotence” (1971: 535), that is, if envy’s psychological root is lack of self-respect, and if the social bases of self-respect are the formation of a worthwhile (as judged by the person) plan of life, income and wealth, liberties, and respect of one’s life plan from others, then at the auction stage, we cannot say that there exist those conditions that would make it possible for envious feelings to arise. Examining this more closely, we can say first that people do have their conception of the good that they think worthwhile pursuing and they all have the fullest possible liberty to act as they wish (as liberty is specified by the liberty/constraint system). No one has more opportunities than others to pursue her life plan. The auction is meant to secure on equal terms the resources necessary for the fulfilment of people’s life plans, which after the auction have been divided equally. So

again, no one can be said to be disadvantaged. Thus, so far it seems that the social bases of psychological envy are absent.

What about respect from others for one's life plan? This case is somewhat more complicated. Rawls maintains that it is important for people's self-respect to know that other people appreciate their person and plan of life, for this is partly what makes them think that their life plan is worthwhile (1971: 440-1). At the stage of the auction, people know their life plan, but Dworkin is not clear about whether they know others' life plans. There are places in his theory, however, that suggest both possibilities.^{3,4} So, given that it is unclear whether people know the conception of the good of others, which is necessary for evaluating and giving esteem or not to each other, we can examine both possibilities.

Apparently, if people have no knowledge of other people's conceptions of the good, then there is no basis (at the stage of the auction) for any loss in their self-respect, which could be caused by the disfavour others might show to one's life plan. However, let's suppose that people have knowledge of each other's life plans and thus they can affirm some of them while disvalue others. There is a possibility then that psychological envy may arise on the part of those who will be disadvantaged due to prejudice. But, the principle

³ For example, when Dworkin discusses the principle of correction, that is aimed at correcting externalities and transactional costs, he supposes that a person A may buy a lot of land in order to build a glass box, but he also states that "A's intentions might not be transparent" or that if his intentions were known to the other members of the auction, the latter could decide to cooperate and outbid him in the auction (2000: 156); but his intentions may not be known. On the other hand, the principle of independence is aimed at protecting some people from ending up with lesser resources because they are the objects of prejudice (Dworkin 2000: 161). But for one to be prejudiced, others need to know his conception of the good.

⁴ Note that if people do not know or partly know other people's life plans, then it seems that they would be behind a thin veil of ignorance.

of independence is there to ensure that no such disadvantage is generated (as far as possible). And we cannot possibly say that the principle of independence is expressive of envy on the part of those prejudiced. Prejudice is itself unjust and victims of prejudice are expressing resentment when disadvantaged rather than envy.⁵ However, it might be objected that what is most crucial for self-respect is not the resources people can secure for the fulfilment of their life plan, that the principle of independence tries to secure, although it is certainly important that people have the requisite resources available, but recognition of one's life plan from others. And victims of prejudice, although they are secured against the possibility of ending up with fewer resources than they would otherwise have had, had they not been prejudiced, do not get the recognition that is due to them. This certainly may raise problems of envy. But we should ask whether it is the principle of justice that expresses envy or whether the envy is a consequence of it. I tend to think that neither is the case. As we have seen, the principle of independence cannot possibly be said to be the expression of envy. But nor does it seem plausible that those prejudiced would become envious as a consequence of the principle of independence. Besides, no principle of justice, no theory indeed, can rule out the possibility that there may exist ill-conceived conceptions of the good, such as racism for example. What a theory of justice tries to do is to rule out, as far as possible, such conceptions having any bearing on the victims' life, by mitigating or eliminating, where this is possible, the distributive effects of such views and by trying to suggest policies that would undermine the rise or reproduction of such norms or reforms of the structural background that produce or reproduce them. I have

⁵ See Rawls on the distinction between envy and resentment (1971: 533-4).

explained why equality of resources would be sensitive to this in chapter 2.⁶

Yet, even if equality of resources may not be expressive of envious feelings at the auction stage, it may be argued that the hypothetical insurance market for disabilities and talents is. This is so, for compensation for lack of abilities or talents is due when one would prefer another person's (circumstantial) advantages stemming from his abilities and marketable talents to her own. But as we have seen in chapter 1, this is what the common interpretation of equality of resources suggests. I argued, however, that this is not the best interpretation.

As I maintained, with respect to the hypothetical insurance market, compensation is owed to those who have made the choice to insure themselves against a disability or lack of talent. In the case of disabilities, the level of coverage offered to those who actually develop a disability (and which will be collected through taxation) is fixed by the level of coverage the average person of the community would buy against a range of disabilities, if all people faced at the appropriate age equal chances of developing such a range of disabilities in the future, with this range being fixed (Dworkin 2000: 77-8). In the case of talents, the level of coverage offered to those less talented is fixed by the level of coverage each person would, on

⁶ One possible objection to my argument here is that the principle of independence implies that people can act out of envy when they make choices over the resources they bid for in the auction, since people do have the relevant knowledge of their conception of the good and thus of character traits (assuming that one's character traits partly affect what life plan one chooses to pursue), thus of their possible envious feelings, that they lack under the Rawlsian veil of ignorance. But such an objection fails to recognize that feelings of envy arise when there are the social conditions that would generate them, and no such conditions are in place yet. Moreover, envy is not itself a conception of the good, according to which people decide what resources they bid for, but it arises due to lack of self-confidence and impotence, that is, lack of faith in one's life plan.

average, buy at a specified level of income and cost, if all had knowledge of their talents, skills, preferences, attitudes towards risk, the available resources and the income structure that will result after the auction—that is, when immigrants engage in production and trade—but with no knowledge of what the economic rent of their talents and skills will be and assuming that they all faced equal possibilities of ending up in any particular level of the economic structure (Dworkin 2000: 93-4).

Interestingly, claims of compensation are not based on people pointing to each other's good brute luck, which we might have reason to say that they envy, nor do they have to say "I want what you have". People, being fairly positioned, make decisions on the insurance coverage they would want to buy against the possibility of ending up in a situation they themselves would judge as disadvantageous for their life prospects. So, one who ends up at a lower level of the income structure, or develops a disability, doesn't need to say that "I claim compensation because I lack a talent or ability that others have and I think it valuable for my life". As I said in chapter 1, if that were the case, then in the event all people were suffering from a disability against which all have insured themselves, then no one could ask for compensation, for no one could say that he lacks an ability that others have, since others are similarly situated with respect to the specific ability. Suppose, for example, that all people within a community decide to buy insurance coverage against developing a certain disability, which although not very serious would restrict their mobility, and can be fairly easily cured. In a case in which all actually develop this disability, would they then not be entitled to medical treatment, because no one can say that she is worse-off than others? No. All one needs to say is that "I have chosen to buy insurance against suffering from a disability or lacking marketable talents, and since I do actually suffer from a disability or I

have actually ended up at a lower socioeconomic level, compensation is due to me”.

So far I have argued that equality of resources is not expressive of feelings of envy nor is it motivated by envy. I have taken psychological envy to mean that “I want what you have”, as has been suggested by Anderson, although such a definition would be insufficient to describe what psychological envy is. However, I have argued that if we are able to show that it is not even the case that under equality of resources people need to show that they want what others have, then we will have reason to maintain that it is not motivated by envy properly defined.⁷ For, we would have shown that

⁷ Note that my argument against the envy objection does not imply that the common interpretation of equality of resources would *necessarily* be vulnerable to it. As I said “wanting what others have” is not sufficient to make it the case that “I envy you”. In this sense, it is not necessarily problematic from the point of view of egalitarian justice if, to claim compensation, one did say “I’d prefer to have the brute luck that you have”, as the common interpretation suggests. Of course, whether it would be problematic or not, it would depend on the reasons one might have for preferring another’s good brute luck. One reason for preferring to have the brute good luck of another person is *because* he has it. This points to feelings of envy. Another reason for preferring another’s brute good luck is not because he has it but because I think that I would be better-off had I the brute good luck that he has. But the fact that *he* has it is irrelevant in this case; it just happens that he has it. Even if he didn’t have it, I would still prefer it to mine. Whether I am entitled to compensation for not having the good luck I would prefer to have is a different issue. Proponents of the common interpretation say that I would be entitled to compensation only if someone else had the good luck I would prefer, because only then I could legitimately claim that I am worse-off than another. I say that I would be entitled to compensation if I had insured myself against brute bad luck and depending on the insurance decisions of all. Neither of the two justifications for compensating bad brute luck are problematic with respect to the envy objection. If there is a difference, there is because, under the common interpretation, there is the *possibility* that someone may claim and receive compensation because he has envious feelings, since we cannot possibly

equality of resources does not even share the specific form/pattern that envy has, namely the two parts and that thing possessed by one part which the other part wants or envies. If my analysis above is successful, then the envy objection fails.

Equality of resources: generating envy?

There is a second strategy, though, that social egalitarians might be interested in, which they nevertheless have not pursued, at least as far as I am aware. As I argued, they can either argue that the principles of justice that equality of resources prescribes are expressive of envy, which I examined just above, or they can examine—following Rawls—whether applying equality of resources arouses excusable general envy to an extent that such envy would “undermine the arrangements it counts to be just” (1971: 531), in which case its principle of justice “should be reconsidered” (1971: 534). Recall that such envy may arise under three conditions, one psychological and two social (Rawls 1971: 535-6).

There are three cases where general excusable envy may be said to arise if equality of resources were adopted as a principle of justice:

Case 1: victims of bad option luck. Negligent victims by being denied any help for their destitute situation may experience envious feelings, for it is highly possible that they will lack self-confidence in their own worth and their ability to pursue worthwhile life plans. This is so for mainly two reasons. First, by feeling responsible for their destitute situation, they lose faith in themselves and in their ability to lead their lives successfully and meaningfully. Second, they lack the wherewithal necessary for them to pursue their conception of the good. Moreover, such people may experience their condition as humiliating and painful, since they experience great inequality

know what each person’s intentions are when he claims that he is worse-off than another. However, under my interpretation such a possibility is blocked.

between themselves and the rest of their society. Finally, they are not able to find “constructive alternatives to opposing the favoured circumstances of the more advantaged” and this is especially true, when those worst-off through their imprudent choices belong to groups that are dominated and oppressed.⁸ Homeless people who have become homeless through their choices can be a paradigm case that satisfies all the three conditions.

Case 2: unemployed people unable to find a job during a period where there are plenty of jobs available (Wolff 1998: 113-4, cf. 2015: 222-4). In order to qualify for welfare benefits those people are subject to “shameful revelation”. Such people may be said to be vulnerable to the conditions of envy. First, they may lack self-confidence in themselves and their ability to make something valuable out of their lives, since they have to admit that their talents are worthless and thus they cannot contribute to the social product. Moreover, since they lack productive talents, their confidence in their ability to pursue a worthwhile plan of life is certainly reduced. Secondly, although their relative situation with respect to others may not be so bad, given that they have access to welfare benefits so as to be able to attain a decent standard of life, such access is conditional on them being able to prove that they are not responsible for their inability to find a job, thus making them vulnerable to the psychological condition. Such people may refuse to claim benefits in order not to put themselves into the position of admitting their lack of talents and their inability to find a job when there are plenty of job opportunities and despite their effort to do so (Wolff 1998: 114), thus they become vulnerable to the first social

⁸ This is not to say that there is a statistical significance pointing to the fact that those worse-off through their fault are people from certain oppressed and dominated groups, for that would mean that probably there has been no background equality of opportunity. I am just saying that it may happen that a negligent victim also belongs to such a group.

condition of envy. Finally, joblessness can make people see themselves as unable to find constructive alternatives to opposing the favoured circumstances of those who are better-off. It seems to be a paradigm case of this second social condition, for it is mainly through one's job that a person able to work can lead a decent life, even one that is not as attractive as other people's lives, but at least he has reasons to think that he can make something valuable out of his life and thus not be willing to impose a loss on those better-off even at a cost to himself.

Case 3: dependent caretakers. Dependent caretakers (and especially mothers) may be less vulnerable to the psychological condition than people in the above cases, since they usually think of themselves as pursuing a valuable life plan, one that as well contributes to the social product. However, it may be the case that some dependent caretakers would prefer not to take care of dependents or that the responsibilities of looking after dependent people are split fairly between family members, so that they can as well pursue their career, say, but social norms are so pressurising that the burden falls entirely on them. In this case, dependent caretakers may see their lives more as a burden than as fulfilling, and although they may not feel they lack the ability to pursue a valuable life plan, they may think, because of their caretaking responsibilities, that their opportunities to do so are lost. This thought that their life remains unfulfilled may be damaging to their self-confidence. Another aspect we might consider is the recognition that dependent caretakers take from others for what they do. If self-respect depends, among other things, on how others value one and her life plan, then we can easily think that dependent caretakers may lose faith in themselves, if dependent caretaking is a low-valued activity. And recognition of the value of dependent caretaking has to also (but not only) take the form of externalising at least some of its burdens. This is related both to the psychological

condition and the first social condition. Since dependent caretakers are not paid for their services, they at best become themselves dependent on wage earners. This certainly cannot be said to encourage their self-confidence. Worse though is the situation of those who do not have a supportive family environment, even when that would put them in a dependent position. Poor single mothers are such an example, since they are usually dependent on very low state subsidies. Such people are vulnerable to the first social condition, that is, they experience their situation as painful and humiliating, for they are usually considered to be responsible for their destitute situation, while at the same time their position relative to others is usually greatly unequal. Finally, such people (especially poor single mothers and people facing similar circumstances) are usually not able to find any constructive alternative to opposing the more advantageous circumstances of the better-off. This is so, since their situation is so destitute exactly because of the lack of any reasonable alternative open to them; poor single mothers can neither abandon their children, at least not without an excessive psychological cost to them and their children, nor can they provide for their and their children's basic needs.

I have argued in chapter 2 why people considered to be vulnerable in cases 1 and 3 would be protected under equality of resources. So, the generation-of-excusable-general-envy objection fails with respect to these cases. Case 2 poses a problem for equality of resources with respect to the objection under consideration, to the extent that unemployment relief is conditional upon proving that one is not responsible for her plight, which may be experienced as shameful. Yet, it is not obvious that people under equality of resources will have to prove that they are not responsible for their inability to find a job by reporting their lack of talents, thus admitting that their qualities are inferior. This depends on the insurance coverage that it would be reasonable for people to buy against

facing unemployment and insurance policies vary depending on several factors. Dworkin, in discussing what insurance policies would be reasonable for people to buy against unemployment, argues for what he calls the mandatory-interventionist policy (2000: 336-8). The mandatory-interventionist policy “provides that the insurer must provide training and use its best efforts to find jobs”, while insurance is paid until the unemployed person gets actually employed and on the condition that he does not refuse a “stipulated number of such offers” of jobs provided by the insurer (Dworkin 2000: 336). I should add that offers of jobs should be reasonable. Such a policy does not require that people should reveal information about their personal qualities. Personal responsibility is identified through the person’s refusal of offered jobs and/or her refusal to receive training. No one needs to declare herself untalented to qualify for subsidies.

Summing up, I have argued that social egalitarians can seek to defend their view that principles of justice prescribed by equality of resources are either expressive of psychological envy or can generate excusable general envy. In the first case, they can try to show that equality of resources is based on the thought that “I want what you have”. This will only be a necessary condition though. But it would be worth taking up the task of showing that equality of resources satisfies this condition as a first step to persuasively make their case. However, I argued that such an attempt fails. In the second case, social egalitarians can, following Rawls, examine whether principles of justice prescribed by equality of resources can arouse psychological envy and I suggested that there are three main cases where the latter might be thought to do so, namely with respect to the negligent victims, those jobless through no fault of their own, and dependent caretakers. However, I argued that equality of resources is not vulnerable to the excusable-general-envy objection.

b. The role of pity in equality of resources

Let me now turn to the case of pity. Anderson argues that luck egalitarian principles of justice are expressive of pity, a morally objectionable attitude since it treats those pitied as inferior, which in turn may generate humiliation of those pitied and social stigma (though, these latter can be generated by other morally objectionable attitudes as well). So, the social egalitarian objection with respect to pity can take the following form: a) luck egalitarian principles of justice are expressive of pity, which is objectionable since pity requires feelings of superiority on the part of those who pity others who are respectively regarded as inferior; b) luck egalitarian principles of justice, because of (a) can generate humiliation of those pitied and social stigma. Note also, that (a) can be true even absent (b), since being pitied does not necessarily mean that one feels humiliated. Yet, social egalitarians could argue that when one is pitied he is necessarily humiliated regardless of what he himself feels and thinks. It is in itself humiliating to be pitied, since pity rests on feelings of superiority and this is so irrespective of whether the object of pity feels humiliated or not.

Now, there are several questions arising: 1) is it the case that pity necessarily rests on feelings of superiority? And if not, is pity a morally objectionable attitude regardless of whether it is related to feelings of superiority or only when it is so related? In other words, would it be morally objectionable if I felt pity for you without at the same time feeling that I am superior to you and you are inferior to me? Call this second kind of pity good-will pity. 2) Is good-will pity a morally objectionable attitude when in acting on principles of justice we are expressing good-will pity? 3) Are luck egalitarian principles *necessarily* expressive of (good- or ill-will) pity or are they *possibly* expressive of (good- or ill-will) pity? 4) Does the fact that a principle of justice is possibly expressive of (good- or ill-will) pity—and suppose we assume it is morally objectionable to act from reasons

other than justice reasons—make it the case that the principle of justice is itself morally objectionable?

Having these questions in mind, social egalitarians can make the following moderate claims: a) Pity is a morally objectionable attitude when it is related to feelings of superiority.⁹ b) It is morally objectionable when in acting on principles of justice we are motivated by pity rather than by a sense of justice. By this I mean that pity is not the right attitude when acting on principles of justice, because it is not a proper reason of justice. So, it would be morally objectionable even if we were motivated by good-will pity. Moreover, good- or ill-will pity may cause harm to one's self-respect. c) If a principle of justice can be possibly expressive of (ill- or good-will) pity, then it is a morally objectionable principle. Because luck egalitarian principles can be *possibly* expressive of (ill- or good-will) pity, they are morally objectionable.

Yet, social egalitarians have further to explain why luck egalitarian principles can be expressive of (good- or ill-will) pity. According to Anderson, people under luck egalitarian principles are categorized as fortunate or unfortunate by reference to their innate abilities and skills. Note, however, that Anderson seems to be making a stronger claim against luck egalitarianism instead of the moderate one I suggest social egalitarians should make. I say “seems” since her argument is not very clear, but one way we can faithfully interpret it is as suggesting the claim that pity *necessarily* rests on feelings of superiority and that luck egalitarian principles of justice are *necessarily* expressive of pity. I think this stronger view is mistaken.¹⁰ Yet, her view can consistently take the more moderate

⁹ This leaves the possibility open that pity is not necessarily related with feelings of superiority.

¹⁰ Anderson thinks that pity, unlike compassion, “is aroused by a comparison of the observer's condition with the condition of the object of pity. Its characteristic judgment is not “she is badly off” but “she is worse off than me”. When the

form. So, social egalitarians can say that judgements of brute bad luck can be *possibly* regarded as inferiority conferring (Lippert-Rasmussen 2012: 125) while judgements of brute good luck can *possibly* be regarded as superiority conferring. Secondly, those regarded as superior because of their brute good luck may *possibly* be motivated by pity to give to the inferior unfortunates. This is certainly morally objectionable. On the other hand, it may be the case that judgements of brute bad and good luck are not inferiority and superiority conferring respectively, but luck egalitarian principles of justice are expressive of good-will pity felt by the fortunate for the unfortunate. This is not a permissible reason to act if we are to act on principles of justice. Moreover, in both cases, there may be morally objectionable consequences for those labeled as unfortunate, since pity (in either form) may result in the pitied people's loss of self-respect.

Yet, assuming that it is morally objectionable to act from reasons other than justice reasons, one may object that the fact that a principle of justice is possibly expressive of (good- or ill-will) pity does not make it the case that the principle of justice is itself morally

conditions being compared are internal states in which people take pride, pity's thought is "she is sadly inferior to me". Compassion and pity can both move a person to act benevolently, but only pity is condescending" (Anderson 1999: 306-7). Although she tries to make her case about pity being *necessarily* based on feelings of superiority, her argument is unpersuasive in that she wrongly regards that feelings of pity are motivated by comparisons between people's internal states, where the ones with "superior" innate capacity *take pride in them*. This is unjustified. For one thing one need not take pride in her internal state in order to say that another is worse-off than her. Moreover, and more importantly, luck egalitarianism's motivating thought is that there is nothing we should take pride in our *undeserved* innate skills and abilities. It is just a matter of luck how we have born and thus it is unjust if some people have less good lives due to undeserved misfortune or due to facts for which they cannot be reasonably held responsible. So, Anderson's strong formulation of the objection seems misplaced.

objectionable (see question 4). Social egalitarians may respond as follows. Even if we assume that this is true, to the extent this is a possibility, then if we can find an egalitarian principle that avoids this possibility, we should opt for the latter. So, even if we assume that luck egalitarian principles of justice are not themselves objectionable, it is nevertheless possible that people in acting on them may express pity. To the extent social egalitarianism avoids this possibility, it is a better alternative to luck egalitarianism.¹¹ Social egalitarianism avoids this possibility because it does not need to cite people's innate abilities and talents for justice-claims to be generated. Instead, people under social equality make justice-claims on each other in virtue of their equal social and political standing.¹²

Moreover, luck egalitarianism cannot be so modified so as to avoid this possibility, because to do so, luck egalitarians would have to either abandon the responsibility element of their theory by securing unconditional access to certain goods, so as to indirectly address luck inequalities; or, to abandon the luck element with respect to innate talents and abilities by equalizing external resources at the start of

¹¹ Of course, social egalitarians would have further to argue that their preferred conception of justice is better all things considered. But I leave this complication aside here, since it does not affect my argument.

¹² See, however, Lippert-Rasmussen who maintains that Anderson's democratic equality is as well vulnerable to the humiliation objection (2012: 126-7) that the latter raises against luck egalitarianism and which according to Lippert-Rasmussen "focuses in part on the morally objectionable attitude of *pity* expressed by someone who, acting on luck egalitarian principles, compensates another for bad brute luck" (2012: 126, cf. Wolff 2010: 348). Yet, it is possible for a social egalitarian to claim that in a society of equals, people should have unconditional access to basic capabilities or genuine opportunities etc., thus public policies do not have to aim at identifying individuals that are in some sense disadvantaged, thus possibly causing harm to their respect standing (Wolff 1998; 2010; Wolff and de-Shalit 2007; Carter 2011).

people's lives, leaving people to end up unequal by the use of their internal skills (Carter 2011: 569).

My concern here is whether the pity objection can successfully stand against equality of resources. I argue that it cannot. As in the case of envy, it would be useful to examine whether pity is the motivating emotion in each of the three stages of distribution, namely the auction and the hypothetical insurance market for disabilities and talents. With respect to the auction, we cannot plausibly say that the more fortunate pity those unfortunate, since considerations relating to how luck affects people's lives are out of place at this stage of distribution. People are assumed to be equally positioned when they bid for resources. With respect to the hypothetical insurance market for disabilities and talents, people, being fairly positioned, make decisions on the insurance coverage they would want to buy against the possibility of ending up in a situation they themselves would judge as disadvantageous for their life prospects. It is difficult to see why pity would be the motivating reason for those fortunate to give to the unfortunate, since when insurance decisions are made no one knows whether he will end up in a lower level of the income structure or whether he will develop a disability.

Summing up, I have argued that social egalitarians can object to luck egalitarianism for being expressive of either ill- or good-will pity, because it bases claims of justice on people's innate abilities and talents. Ill- or good-will pity is a morally objectionable attitude when acting on principles of justice. However, I argued that equality of resources is not vulnerable to the pity objection, since pity is not the motivating reason in either of the three stages of the distribution. If that is so, then social egalitarians cannot hold that their account of equality is a better alternative than equality of resources on account of what the right attitudes are within a society of equals.

c. Is equality of resources humiliating of people's dignity?

As I said above, pity may generate feelings of humiliation and social stigma on the part of those pitied, which may harm their respect standing. Yet, such objectionable consequences may occur independently of whether the pity objection stands. So, we can examine the humiliation objection independently of the pity objection. Considering, for example, Wolff's shameful revelation objection to means tested welfare policies, it can be humiliating for people to be singled out as internally inferior in order to qualify for subsidy (Anderson 1999: 305). Luck equalitarianism "*disparages the internally disadvantaged and raises private disdain to the status of officially recognized truth*" (Anderson 1999: 306). It is hard to see how such treatment respects people's dignity or personhood. But what does "internally inferior" here mean?

On the one hand, it could mean that one is not as skilful as another, or that he lacks a certain ability that others have and so on. This in itself does not suffice to make it the case that someone may feel shame for this kind of "inferiority". On the other hand, it could mean that judgements of brute bad luck are *moral* inferiority-conferring.¹³ Certainly, luck egalitarian principles cannot be assumed to rest on any such implausible assumption. So, what is the problem with luck egalitarianism and the specific concern about humiliation? There are two things that seem to be problematic. On the one hand, in non-ideal circumstances, adopting luck egalitarian principles of justice may result in the less talented or the disabled being considered as morally inferior. This can be due to prevailing prejudicial social norms. Because there may be such harmful

¹³ Note, however, that only third-person judgements of bad brute luck could be said that they could possibly be moral inferiority conferring. See chapter 1 on the distinction between first and third person judgements of bad brute luck.

consequences, we should seek other ways to remedy the relevant differences in people's innate endowments, such as unconditional basic income. I take the point of the specific concern, but I think that the specific argument is unpersuasive. Policies that call for unconditional basic income in order to protect people from losing their self-respect are insufficient. The problem of prejudicial social norms and the harmful effects these have on certain people is not solved by ensuring that all people have a guaranteed basic income. More importantly the problem of disabilities cannot be sufficiently tackled through the provision of basic income. People with disabilities have special needs that cannot be fulfilled by basic income, nor, on the other hand, can basic income be of so high a level to cover the needs of those with severe disabilities. Moreover, it seems to me that the present objection disregards the fact that by turning a blind eye to disabilities and lack of productive talents, the state preserves rather than eliminates prejudicial social norms that relate differences in people's endowments to people's moral value. This is so, for the harmful consequences we are considering are experienced because of the existence of prejudicial social norms. So, even if the state adopted unconditional basic income, it would not do away with prejudice. My claim though here is stronger. Not only would it not do away with it, but—to use Anderson's claim in a reverse sense—it would “[raise] *private disdain to the status of officially recognized truth*”.

On the other hand, the humiliation objection can be interpreted to suggest that it is in itself disrespectful of people's dignity to evaluate their internal endowments and this is so independently of whether there are any prejudicial social norms or whether people would consider such evaluation humiliating and shameful. This is so, for dignity requires that we abstain from such evaluations if we are to respect people as equals. I think this is the best way of making sense of the humiliation objection.

Carter advances the thought that what we owe to people if we are to respect them as equals is opacity respect (2011). Opacity respect requires that to respect people's dignity we should abstain from evaluating people's agential capacities on which moral agency supervenes. He maintains that although "looking inside" people is inappropriate if we are to respect people's dignity, it is necessary to do so, so as to test whether individuals satisfy a certain minimum standard of agential capacities to qualify as moral agents (Carter 2011: 552-3).¹⁴ Once we see that individuals satisfy this minimum, we should then abstain from further evaluations of people's agential capacities (Carter 2011: 553), we should treat them as opaque. Carter argues that the kinds of dignity people possess as moral agents are "dignity as agential capacity" and "outward dignity" (2011: 555). People possess the first kind of dignity in virtue of their agential capacities, which they keep even if treated in humiliating ways (Carter 2011: 554-5). People possess "outward dignity" in virtue of their "character, behavior, or situation" (Carter 2011: 555). Outward dignity requires that people are invulnerable to exposure, that is, to evaluation of their agential capacities by others (Carter 2011: 555-7). If this is so, then a person may lose her outward dignity if she is exposed to treatment that presupposes such kind of

¹⁴ Let me note that, according to my view, it is not sufficiently justified why "looking inside" people so as to test whether they satisfy a certain minimum standard of agential capacities to qualify as moral agents is not disrespectful, even more disrespectful than doing so after people have satisfied that minimum. It seems more plausible to me if people thought that their dignity is disrespected when they are asked to prove that they can qualify as moral agents than when they are asked to prove that they are not responsible for not being able to find a job, for example. If moral agency is fundamental for constituting personhood, then it seems that the kind of evaluation that Carter thinks necessary for testing moral agency is even more demeaning. However, I shall not pursue this thought any further here.

evaluation of her agential capacities.¹⁵ Opacity respect, Carter argues, constrains the currency of egalitarian justice (2011: 560-4). Any egalitarian principle should in its application satisfy the “opacity test”, namely it should not fail to respect people as opaque (Carter 2011: 561). An egalitarian principle fails to respect people as opaque, if, in applying it, we are required to evaluate people’s agential capacities.

If this is right then luck egalitarian theories of justice fail the opacity test, since they require evaluation of people’s agential capacities or “internal endowments” (Carter 2011: 565-6,).¹⁶ To pass the opacity test, as it was said above, they would have to either abandon the responsibility element of their theory by securing unconditional access to certain goods or provide for the least advantaged, so as to indirectly address luck inequalities; or to

¹⁵ I think Carter’s argument in favour of opacity respect is problematic with respect to people facing mental disabilities. If opacity respect is owed to people only if they satisfy the certain minimum standard of agential capacities to qualify as moral agents, then it follows that people who do not satisfy that minimum standard are not owed opacity respect. Opacity respect of people’s outward dignity requires a degree of concealment. “In the case of the human body, outward dignity involves a literal covering up with clothing or veils or paint; in the case of persons considered as bundles of agential capacities, it involves the maintenance of what Kolnai calls a certain “distance,” of a certain “intangibility” and “inaccessibility” — features that imply the kind of metaphorical opacity of the agent” (Carter 2011: 556). If that is so, it is hard to see why people that do not satisfy that minimum are not owed respect of their outward dignity in terms of their body being covered up and in terms of not being forced to reveal their innate capacities, especially when doing so is humiliating for them. But if this is so, then opacity respect is independent of moral agency and it cannot function as the basis of equality, if equal treatment or respect is owed to those who qualify as moral agents.

¹⁶ Note that according to Carter the capability approach as used by Anderson also fails the opacity test, since it requires that individuals with inferior capability sets are identified so inequality along these lines to be removed (2011: 565-7). See also, fn. 12 above.

abandon the luck element with respect to innate talents and abilities by equalizing external resources at the start of people's lives, leaving people to end up unequal by the use of their internal skills (Carter 2011: 569). In the first case, assuming that there is a correlation between being least advantaged in terms of external resources and having low earning power, an indirect way to mitigate inequalities in people's agential capacities is to provide for the least advantaged (Carter 2011: 569; ch. Wolff and De-Shalit 2007). However, such a policy would not be responsibility-sensitive, for it doesn't aim to identify first who the least advantaged is and second whether she is responsible for being disadvantaged. In the second case, responsibility-sensitivity does not fail the opacity test to the extent all people are considered equally responsible, once they have satisfied the minimum standard for qualifying as moral agents, and inequalities in their external endowments are considered just, despite above-the-minimum-standard differences in their agential capacities or internal endowments (Carter 2011: 569).

Carter in examining whether luck egalitarianism passes the opacity test objects to Cohen's, Arneson's and Roemer's versions of it (2011: 567, fn. 64). He is silent though on Dworkin's view. I think, however, that it is worth examining whether Dworkin's theory fails the opacity test for two reasons. First, as we have seen, in comparing luck egalitarian principles of justice with unconditional access to certain goods or the difference principle, Carter says that the latter would indirectly address luck inequalities assuming that there is a correlation between being least advantaged in terms of external resources and having low earning power. Modifying luck egalitarian principles in this way—Carter maintains—the latter would not fail the opacity test, since people's differences in their productive talents would be mitigated indirectly through provision of unconditional access to certain goods or application of the difference principle, thus we would not have to evaluate people's earning power that are

part of their innate endowments. In maintaining this, Carter seems to imply that people's earning power belongs to their agential capacities; that's why he suggests that they should be modified so as not to violate the requirement of opacity respect. To the extent then, Carter implies that people's earning power belongs to their agential capacities from which we should abstain looking into if we are to treat people as opaque, equality of resources would seem to be as well vulnerable to his objection, namely that it is not a properly egalitarian theory since it fails the opacity test. This is so, for equality of resources introduces the hypothetical insurance market for disabilities and talents, that partly constitute people's earning power, for identifying compensation to those who lack certain abilities and productive talents. In other words, equality of resources seems to require to look into people's innate abilities and skills, which Carter thinks unacceptable from the point of view of opacity respect.

However, I think Carter's view is mistaken. If what is important in regard to opacity respect is not evaluating those agential capacities *that are related to moral agency*—such as, for example, the capacity for a sense of justice and the capacity to form a rational plan of life—then it is not clear why looking into the sort of capacities that are of concern to equality of resources—that is, people's productive talents and abilities—would be problematic for an egalitarian theory; that is, why it would constitute a violation of opacity respect. For equality of resources to fail the opacity test, it would have to be shown that the sort of capacities which are of concern to the latter are properties on which moral personality supervenes. However, the capacities on which moral personality supervenes are *certain agential capacities* in particular. In this sense, it has to be shown that talents and disabilities are such kinds of capacities, so that opacity respect rules out evaluating them and so for equality of resources not to be appropriately egalitarian. In other

words, it is not clear why people's earning power—or, in Dworkin's terms, talents and abilities—is part of those specific agential capacities on which moral personality supervenes.

Moreover, it seems to me, that any attempt to relate people's talents and abilities to the sort of agential capacities on which moral personality supervenes is both epistemically and morally wrong. Carter maintains that although people differ with respect to their agential capacities, we should nevertheless treat them as opaque, that is, turn a blind eye to these differences, once they have qualified as moral agents. Yet, these differences exist. Now, if talents and abilities are considered to be among those agential capacities that qualify someone for moral personality, then we would have to consider that people differ in their capacity for moral agency depending on the kind of talents and abilities one possesses as well as the degree to which they possess them. The fact that we should turn a blind eye to these differences once a certain minimum threshold is satisfied does not mean that the theory does not assume that there is such a correlation between moral powers and the specific capacities. This, however, is unacceptable.

Now, one can object that the reason Carter maintains that luck egalitarian principles fail the opacity test is not because they, strictly speaking, require us to evaluate people's earning power, that is, their abilities and productive talents, but because in doing so they aim to track responsibility. In other words, luck egalitarian principles of justice are concerned with whether a person *is responsible* for being disadvantaged or not. And the exercise of responsibility certainly depends on the specific agential capacities on which moral personality supervenes. To answer this objection, we have to distinguish between what, in chapter 1, I called the control-based account of luck egalitarianism and Dworkin's equality of resources. The objection under examination here would be more plausible

against the former, but only with respect to a restricted range of cases. The control based account identifies disadvantage (whether or not it is one for which the individual is responsible) from a third person perspective, that is, independently of how the person herself judges it. If that is so, then this conception of luck egalitarianism in its application would not require evaluations of responsibility at least in certain cases, such as when people are born disabled. We have also seen that Cohen thinks that equality of welfare is appropriate with respect to people's judgemental preferences. Equality of welfare, however, is insensitive to responsibility considerations.¹⁷

Generally, given Cohen's revised view on consequential responsibility, it seems that the range of cases over which evaluations of responsibility are required is quite restricted. In any case, even if the objection we are examining here has some force against the control-based account of luck egalitarianism, it fails with respect to Dworkin's account. As I maintained in chapter 1, according to my interpretation of equality of resources, people are not required to prove that they have not been causally responsible for their preferences or for their disabilities and unmarketable talents, nor do they need to report that they disidentify with them, in order to qualify for compensation. Compensation is due depending on the insurance decisions that all people make, given they have been fairly positioned before their decisions. In applying equality of resources, the redistributive scheme will be modelled on those hypothetical insurance assumptions. That said, it is not clear why Carter thinks that only unconditional access to certain goods or providing for the least advantaged as the difference principle requires can satisfy the opacity test.

¹⁷ As such it seems that equality of welfare would qualify as a properly egalitarian principle according to Carter for it does not require evaluation of people's agential capacities on which moral agency supervenes.

As I said above, there are two reasons why it is worth examining whether Dworkin's theory fails the opacity test. So, let me now come to the second reason which relates to the objection that equality of resources fails to acknowledge that certain agential capacities required for decision-making are at least partly influenced by people's innate abilities to deliberate, choose and act prudently. Such skills, however, belong to our circumstances, while people possess those decision-making agential capacities to differing degrees. If this is so, then people cannot be reasonably held (fully) responsible for what they identify with, since what they identify with depends on those decision-making capacities for which they are not responsible. Thus, if Dworkin's theory is to be consistent, it should account for such differences in people's agential capacities by properly proportioning consequential responsibility. If this objection stands, then equality of resources would fail the opacity test, since for equality of resources to be consistent it would have to evaluate those capacities properly considered as agential capacities on which moral personality supervenes, that is, people's capacity for a sense of justice and their capacity to form a conception of the good. Yet, the objection supposes that under equality of resources identification is a sufficient condition for holding people consequentially responsible for what they identify with, something which, as I have argued in chapter 1, is wrong. In chapter 6, I discuss what are necessary and sufficient conditions for a person's choices or preferences to be consequential responsibility conferring. Secondly, Dworkin does not need to hold the proportioning-of-consequential-responsibility view in order for his theory to be consistent. As I will argue in chapter 6, we can consistently interpret Dworkin's account of consequential responsibility as requiring that people have a certain minimum level of certain agential capacities and that evaluation of people's above-the-threshold capacities is unacceptable from a liberal egalitarian point of view. If my argument

is persuasive, then Dworkin's responsibility-sensitive theory of justice does not fail the opacity test, thus it qualifies as a properly egalitarian theory.

Summing up, I have argued that social egalitarians can raise the humiliation objection against luck egalitarians by referring either to the fact that in non-ideal circumstances people would be vulnerable to humiliation and shame by being required to reveal their "inferior" capacities to qualify for social subsidy or to the idea of opacity respect advanced by Carter. I argued that it is the second form of the objection that seems to be more forceful. Yet, I argued that Dworkin's theory of equality of resources would be invulnerable to it.

As I said in the introduction, one of my two fundamental aims in this dissertation is to challenge the social egalitarian view that responsibility is incompatible with or only of secondary moral importance to the demand of non-domination and instead to argue that responsibility is constitutive of non-domination. In order to defend this thesis, I said that I shall argue that Dworkin's theory of equality properly understood is not only attentive to the social egalitarian demand that people should relate to each other as social and political equals, but provides a better understanding of non-domination than the proposed social egalitarian accounts precisely because it builds upon a conception of personal and consequential responsibility that is constitutive of equal social and political relationships. That said, my argument proceeds from a weaker to a stronger claim.

So far, I tried to defend the weaker claim, namely that Dworkin's theory of equality is attentive to the social egalitarian demand that people should relate to each other as social and political equals. In chapter 1, I argued that Dworkin's theory of equality shares the two basic social egalitarian commitments,

namely that equality concerns how we should relate to each other as equals and that strong egalitarian duties are generated in virtue of morally significant forms of interaction or relationships. In the light of this, I argued that the most plausible objections social egalitarians can raise against Dworkin's theory so understood are the objection from the point of view of power equality and objection from the point of view of egalitarian motives/incentives/attitudes. In this and the previous chapter, I tried to examine each objection by formulating them in their best form and then argued why equality of resources is not vulnerable to them. Having done that, I hope I have persuasively argued in favour of the modest claim that equality of resources does not violate the social egalitarian demand of non-domination.

However, there is stronger claim that I want to defend, namely that equality of resources, by making responsibility (properly understood) constitutive of non-domination, provides a better conception of non-domination than influential social egalitarian accounts. In order to defend this stronger claim, I need first to examine what I think the most prominent social egalitarian accounts of what it means to relate to each other as equals are and argue why each fails to give an attractive conception of non-domination. This will be the focus of the next two chapters.

Chapter 4

The Social Egalitarian Interpretation of Equality I: The Attitudinal Conception

In this and the following chapter, I shall examine how social egalitarians interpret what it means to relate to each other as equals. As Miller asserts “[i]t is possible to elucidate the ideal of social egalitarianism in various ways, but difficult to give it a sharp definition” (1999: 239). Social egalitarians maintain that people are owed equal respect, but this is quite vague as to what it means. Besides, luck egalitarians as well take equal respect of moral agents to be their starting position, but, as we have seen, social egalitarians claim that they differ with respect to how they interpret equal respect.

According to Anderson and social egalitarians more generally, social and political equality has its root in universal moral equality (1999: 313). That all people have an equal moral standing means that when it comes to how people relate to each other in the social and political sphere they should do so on a footing of equality. This is so, since if we treat some people as social or political inferiors we deny them their equal moral standing. So, it is in this way that moral equality demands social and political equality. People relate to each other as equals when each has an equal standing and thus what we owe to each other is respect of our equal moral, social and political standing.

This provides a first step to unpack the social egalitarian aim. As Anderson states “[t]he proper negative aim of egalitarian justice is...to end oppression, which by definition is socially imposed. Its proper positive aim is...to create a community in which people stand in relations of equality to others” (1999: 288-9). This general statement is one endorsed by almost all social egalitarians. The proper

egalitarian aim is twofold: to end oppression and domination and to establish equal social and political relationships. Yet, we need to identify what oppression and domination consist in and relatedly what equal social relations are. This is a complex task and there have been several proposals as to what the best interpretation of such concepts is.

In what follows, my main objective is to study and critically evaluate the main proposals that have appeared and are more influential in the relevant field. I have classified the different suggestions in basically two categories: the attitudinal interpretation of social equality, which I examine in this chapter, and the democratic participatory interpretation of social equality, which I examine in the next chapter. Within these two categories, I study the proposals of different social egalitarian thinkers. More specifically, within the first category I list and study the proposals of Miller, Fourie, Schemmel and Scheffler, while in the second, Young's ideal of "city life" and Anderson's "democratic equality". This is not to say that these social egalitarian thinkers do not share common ground. They certainly do. They all think that democratic participation is constitutive of a society of equals and that people within such a society should have egalitarian attitudes, dispositions and so on. Their classification, however, into two distinct categories is helpful for reasons of analysing and evaluating what I think the most powerful social egalitarian arguments are. In this sense, I think that Miller, Fourie, Schemmel and Scheffler have been more attentive to the proper egalitarian attitudes of a society of equals, while Young and Anderson have more powerfully stressed the constitutive role of democratic participation in a society of equals.

My main objection is that none of the proposed interpretations of social equality have provided us with an adequate account of non-domination spelled out in non-distributive terms, given the fact that social egalitarians maintain that social equality is

distinct from distributive equality. This is especially true of the attitudinal interpretation and more specifically of how Miller, Fourie and Scheffler spell out the ideal of social equality (sections a and b). The latter insist that social equality properly understood is concerned with the right egalitarian attitudes we should have towards each other and that distributive issues (widely understood) are not part of the interpretation of social equality, but are rather determined by it.

While, I agree that a society of equals is one where people regard each other as equals and feel they are treated as equals, as the attitudinal interpretation requires, I shall argue that we cannot properly account for what the right egalitarian attitudes are, if we have not explained what a society of equals requires with respect to the distribution of political power, resources and so on. If this is so, then contrary to what social egalitarians maintain distributive arrangements are constitutive of non-domination and thus we cannot account for what a society of equals looks like independently of the former.

Schemmel's argument is concerned with how state institutions bring about certain outcomes (section c). His main point is that from the point of view of social equality what ultimately matters is not simply that an outcome is just, but that the process of bringing about a certain outcome is just. The latter concerns the kind of attitudes that state institutions should have if they are to respect people's equal social and political standing. According to Schemmel, luck egalitarianism cannot account for the kind of injustices that may be involved in how certain outcomes are brought about, for it concerns itself with the pattern of distribution thus it neglects the relationships within which these goods are produced and distributed or the justice of the processes through which they have been brought about. I argue, however, that Dworkin's theory of equality is not vulnerable to Schemmel's objection, for, properly understood, equality of resources judges certain distributive outcomes as just or unjust depending on

how such outcomes have been produced, and more specifically on whether people have been prevented from exercising their responsible agency with respect to how they want to lead their lives on equal terms with others. Given this, I argue that Schemmel's concern that the state should show equal concern and respect to people does not differ from at least one form of luck egalitarianism, that is Dworkin's account. However, I also argue that Schemmel has not been successful in defending his argument that "how institutions treat people has relevance to social justice that is independent of, or at least not reducible to, the distributive effects of such treatment" (2011: 125).

a. Social equality as distinct from justice: Miller's and Fourie's case

Miller distinguishes between two kinds of equality, both of which, he says, are valuable: distributive equality, which is related to justice and is individualistic and social equality that is independent of justice concerns and is holistic (1999: 231-2). He identifies the ideal of social equality as a "form of life in which people in a very important sense treat one another as equals. In their social intercourse, they act on the assumption that each person has an equal standing that transcends particular inequalities" (Miller 1999: 240). By this Miller means that equal status is different from other inequalities such as inequalities in power, prestige, wealth and natural endowments, which fall within the purview of distributive justice. People may indeed differ along these dimensions, but what matters from the point of view of social equality is "how such differences are regarded, and in particular whether they serve to construct a social hierarchy in which A can unequivocally be ranked as B's superior" (Miller 1999: 239). In order for social equality to obtain then people within a community should feel that they enjoy an equal standing with all the rest irrespective of how they score with respect to the

aforementioned dimensions. Moreover, “[t]his is expressed in the way people interact” (Miller 1999: 239). So, there seem to be two important features that characterize a society of equals: first, that people regard each other as having an equal standing irrespective of their differences in wealth, power, natural abilities and so on. And second they express this belief in the way they interact with each other in their everyday lives.¹

Yet, by simply saying that equal standing means the absence of social hierarchies, it is unclear what is distinctive about social equality. For, we now have to ask how we are to define a social hierarchy. Answering that people are hierarchically ranked when they do not enjoy an equal standing would make our argument circular. Note that such circularity cannot be resolved by saying that people have an equal standing when they are equal in their power, wealth and so on, for this would render the ideal of social equality indistinguishable from distributive justice broadly understood.

A possible objection to my circularity objection is that social equality is identified in terms of what people believe and feel. In this sense, social hierarchy is such when A regards B as her inferior and B feels he is inferior to her. Social rank, according to this view, is what it is because people believe it to be so. If, on the other hand, people do not regard their differences in abilities, power, wealth etc. as a basis of superiority or inferiority, then they feel that they enjoy an equal standing. To quote a famous passage:

“social equality is how people regard one another and how they conduct their social relations. It does not require that people be equal in power, prestige, or wealth, nor, absurdly, that they score the same on natural dimensions such as

¹ Such a view shares some similarities with the idea of opacity respect advanced by Carter (2011). On Carter’s opacity respect see chapter 3.

strength or intelligence. What matters is how such differences are *regarded*, and in particular whether they serve to construct a social hierarchy in which A can unequivocally be ranked as B's superior. Wherever there is social equality, people *feel* that each member of the community enjoys an equal standing with all the rest that overrides member's unequal ratings along particular dimensions. This is expressed in the way people interact: they use common modes of address...they shake hands rather than bow, they choose their friends according to their common tastes and interests rather than according to social rank, and so forth" (Miller 1999: 239, my emphasis).

I shall put aside certain problems with this view and instead focus on what I consider to be a major drawback of it. As we have seen, Miller maintains that social equality does not require that people are equal along certain dimensions such as wealth, power, prestige and so on, but that they do not regard these differences as superiority conferring.² I think he is wrong. This is especially true of power. If what matters is that people do not treat each other as inferiors independently of their inequalities in power, then such an account could be compatible with a society where domination is in place. Recall that domination is not only actual interference, but the capacity to arbitrarily interfere with one's actions. If social equality concerns, as Miller insists, how we feel or how we interact with each other independently of inequalities in our wealth or power, then it seems that such a society is compatible with some having the capacity to exercise their power over others arbitrarily even if they do not

² See also Miller (1993: 302) where he states that a society of equals is "a community in which people's dealings with and emotional attachment to others are not inhibited by the barriers of class", that is, a society of equals is not a classless society.

actually do so, because they believe they should not in the name of social equality. This is something most social egalitarians rightly reject. Miller could reply that the case of inequality of power I am describing above falls under the purview of distributive justice and so his definition of social equality as distinct from justice is unproblematic. But if this is so, then we would have to say that an unjust society (due to inequality of power) is nevertheless a society where social equality exists (due to people not regarding inequality of power as superiority and inferiority conferring). This would, however, sound absurd especially among egalitarians.

To be sure, Miller maintains that unless people are treated as equals in distribution, where distribution is used in the wider sense of political and welfare rights distribution, then they cannot be said to enjoy social equality (1999: 241). But then it is not obvious how social equality is distinct from distributive equality and in what sense social egalitarianism offers a distinct understanding of equality from the one offered by at least some forms of luck egalitarianism, such as Dworkin's theory, according to which we accord each equal concern and respect when we treat each other as equals in distribution and political power.

Miller could object to my argument saying that although social equality is not defined in distributive terms, it entails distributive equality or has distributive implications that are informed by the value of social equality (1999: 241). In a society where people regard each other as equals, they would treat each other accordingly with respect to distribution (widely understood). But such an answer leaves the problem of how social equality differs from distributive equality unsolved. Moreover, his claim that social equality "does not require that people be equal in power, prestige, or wealth" etc. would not make much sense, if it were the case that social equality requires that people be equal with respect to distribution.

More generally, the problem with Miller's view can be summarized as follows. If social equality is how people regard one another independently of how they fare in distribution (widely understood), then social equality would be compatible with domination, which many social egalitarians would find objectionable. If, on the other hand, we judge whether social equality obtains depending on how people fare in distribution, then it seems that distributive justice provides the background against which we judge whether people treat each other as equals. This is not meant to undermine the importance of how people feel or regard themselves or what kind of attitudes they have towards each other. A society of equals is one where people feel they are treated as equals and regard each other as equals. But for the right reasons. This requires us to be able to judge whether people's feelings, attitudes, beliefs etc. are reasonable or not. And we cannot plausibly do so, unless we have a theory against which we test their reasonableness. For example, we may judge someone's complaint that he does not consider he is treated as an equal because he cannot satisfy his taste for expensive champagne to the same extent as someone who prefers cheap beer as unreasonable if we adopt equality of resources or basic capabilities.

On the other hand, we may judge as reasonable someone's complaint that he is not treated as an equal if we deprive him of part of his fair share of resources, because he thinks himself superior to others or he does not shake hands with them.³ Or, we may not think it unreasonable if someone complains because he has less wealth through no fault of his own than others who are wealthier because they have been born within a wealthy family, even if others treat him in a decent way.

A more recent attempt to identify the ideal of social equality as distinct from distributive justice concerns has been made by Fourie

³ See Stemplowska (2011: 133).

(2012). Fourie as well maintains that social equality is distinct from other justice-based inequalities, such as power, political or distributive inequalities (2012: 108, fn. 3, 111, fn. 9). She defines social equality as an opposition to social hierarchies, where social hierarchies are described “as expressions of inferiority and superiority, indicated by both an evaluation and an expression of that evaluation” (Fourie 2012: 111), both of which are necessary for describing inequalities in social status (Fourie 2012: 113). Evaluation takes the form of someone being valued higher than another in terms of his worth as a person (Fourie 2012: 113). When one is considered to be an inferior she is regarded as such because she is thought to be a lesser person in her moral worth. She points out that status inequality obtains not merely because there are social differences, but because of the way these differences are evaluated. But evaluation is insufficient to make it the case that there is a hierarchical social relationship, if such an evaluation were not expressed in individual behaviour and social policy (Fourie 2012: 113).

So, Fourie seems to relate certain evaluations to moral worth. In other words, certain characteristics confer more moral value on the person that has these characteristics *and* this is morally objectionable. However, saying that people relate to each other as social equals when they respect (where respect takes the form of both an evaluation and expression of that evaluation) each other’s equal moral standing irrespective of their social differences is still a vague understanding of the social egalitarian ideal as distinct from egalitarian justice, where the primary concern is equal distribution widely understood. Besides all egalitarian theories, luck egalitarianism included, accept that human beings should be treated or respected as moral equals. So, respect of people’s equal moral standing would not suffice to establish that social equality is distinct from distributive justice. Egalitarian justice would condemn as unjust unequal distribution of wealth, power, political rights, opportunities and so on.

In this sense, they would condemn the unequal institutional distribution of such goods as unjust.

However, “[w]ith an emphasis on the justice of institutions, distributive justice is often silent about informal inequalities in civic life, the workplace, individual behaviour within the family, associations and so on” (Fourie 2012: 116). Yet, this is still insufficient for establishing the distinctiveness of social equality as distinct from justice concerns. If there are certain background informal injustices that disturb egalitarian justice, then a theory of distributive justice should take these into account if genuine distributive equality is to be achieved.

So, Fourie would have to show what makes social equality distinct from justice by showing how it goes beyond justice demands. In other words, she would have to show that there is something morally bad if people fail to treat each other as social equals even if they do not treat each other unjustly. Fourie in discussing why social equality is valuable points to the harmful effects of social inequality maintaining that “[s]omeone who is treated as inferior could suffer damage to her self-respect, or her ability to form her conception of the good could be compromised” (2012: 118-9). Note, however, that modes of interaction, for the purposes of the argument advanced here, should not include kinds of conduct that may be said to cause harm to the self-respect of the victims. That would be a justice violation and can be accounted for by an egalitarian theory of justice. Moreover, it is not always the case that those treated as inferior experience a harm to their self-respect. For example, Mr. Collins, in *Pride and Prejudice*, may keep his self-respect even if he regards himself inferior to his patron, Lady Catherine de Burgh. He may even be proud of successfully fulfilling his duties in his role as a clergyman and of keeping up with the expectations of his patron, who recognizes and respects him for responding successfully to the requirements of his role. But we could hardly call their relationship a relationship of

equals. As Miller has pointed out each social form “carries its own moral vocabulary” (1999: 240), so that self-respect can be compatible with hierarchical social forms if self-respect is based on values differing from one value system to another or on differing meanings of the same term within different value systems (1999: 241).

However, a possible objection to my argument that Fourie’s account of social equality fails to provide a definition of it as distinct from justice considerations, is that the various injustices that I have recognised either are caused by or are the cause of social inequality (Fourie 2012: 114-5). “[T]hus a notion of social equality could provide a foundation for evaluating other inequalities and, more specifically, for example, for evaluating principles for the distribution of social goods” (Fourie 2012: 115). In this sense, “[u]nequal distributions of certain social goods could create hierarchies of social status” (Fourie 2012: 114) or hierarchies of social status could create unequal distributions of certain social goods. However, such a reply still leaves the ideal of social equality unspecified, while it begs the question. What we are asking is what makes social equality distinct from distributive justice concerns. Answering that social hierarchies can create or can be created by other inequalities, thus implying that social equality is distinct from distributive justice concerns, simply begs the question. Moreover, as it was said just above, if social equality is defined in terms of respect of people’s equal moral standing which then functions as a foundation for evaluating other inequalities and principles for the distribution of social goods, then it is not clear how social equality differs from the commitment of luck egalitarianism that people have equal moral standing which then informs us of what distributive justice requires.

More generally, we can say that both Miller’s and Fourie’s accounts of social equality as distinct from distributive justice considerations are unpersuasive. This is so, for they define social equality in terms of how we regard each other irrespective of our

inequalities along certain dimensions that the distributive paradigm theorises. This makes social equality at best an empty ideal. We cannot plausibly make sense of what it means to treat each other as social and political equals independently of how we fare in distribution broadly understood. On the contrary, it is in virtue of achieving distributive equality (broadly understood) that we show respect for people's equal social and political standing.

b. The practice of equality: Scheffler's case

Scheffler has recently provided an account of social equality that he concedes is distinct from the distributive paradigm, but has distributive implications. He presents his ideal of equality as one that focuses on the practice of equality (2015). He says that a society of equals should satisfy mainly two criteria. First, each person has a disposition to treat others as of equal moral importance. Second, this disposition is reflected in people's deliberations over decisions of common interest, that is, interests that fall within the ambit of the relationship in question. They do so by each accepting that "the other person's equally important interests—understood broadly to include the person's needs, values, and preferences—should play an equally significant role in influencing decisions made within the context of the relationship". Thus, "each of our equally important interests constrains our joint decisions to the same extent" (Scheffler 2015: 25). Scheffler calls this *the egalitarian deliberative constraint* (EDC). This seems to be a more promising approach than Miller's and Fourie's in that it claims that it gives "determinate content to the otherwise vague thought that the members of such a society regard one another as equals. It means that the equally important interests of each of them constrain social decisions to the same extent" (2015: 36).

Three important things need to be noted here. First, on the one hand, EDC can be interpreted to be akin to a procedural right; namely, each person has an equal right to influence the outcome of a

deliberative process, that is, our “*joint decisions*” (EDC1). On the other hand, EDC may be understood to require only that people’s important interests should play “an equally significant role in influencing decisions” (EDC2). This does not necessarily imply a right to participate, which is how the former is often understood. For example, in a deliberative process we may be required to give equal consideration to a third party’s important interests. Scheffler is not very clear as to how we should make sense of EDC. Interestingly, EDC2 would be closer to Dworkin’s theory, according to which people’s interests should be given equal consideration, which is not necessarily satisfied by people being given equal procedural rights and is independent of equal political power. If it is EDC2 that Scheffler has in mind, then it is unclear how his account differs from the Dworkinian account of equality and in this respect how his theory is spelled out in non-distributive terms. More interestingly though, if we take EDC to imply an equal procedural right, then it is unclear why distributive theories cannot account for the specific demand. In any case, given that EDC2 is close to Dworkin’s theory and given that Scheffler objects to the latter, in what follows, I shall consider the EDC1 interpretation of what social equality requires and examine whether it indeed can provide a distinct and more adequate to distributive egalitarianism reading of equality. Before that, let me note that EDC (in either form) does not imply that the outcome should be such that all parties end up equally well-off or that their interests are equally satisfied (Scheffler 2015: 28-30, 33).

Secondly, the dispositions, attitudes, and motives people should have within an egalitarian society are not to be thought of as distributed equally between people. Although all people should display such attitudes, it is not the case that, where they all have such attitudes to an equal but low degree, the relationship is characterized as one between equals. Instead, “the egalitarian aim is not to equalize the relevant attitudes and dispositions but to maximize them: to

ensure that both parties exhibit them to the fullest” (Scheffler 2015: 31).

Thirdly, a society of equals will make distributive decisions, but such decisions are not to be informed by a distributive pattern of the sort suggested by distributive egalitarianism. Although EDC is meant to rule out certain distributive accounts as incompatible with the social egalitarian ideal, such as utilitarianism or luck egalitarianism (Scheffler 2015: 40-1, 42-3), the ideal of equality so understood is not meant to “yield any fully determinate principle for regulating the distribution of resources, not even a presumptive or prima facie one” (Scheffler 2015: 42). This is so, since the principles of distributive justice are to be informed by a range of values, of which equality is just one (Scheffler 2015: 43). Reciprocity and respect are important values that also figure in the complex ideal of equality and in principles of distributive justice (Scheffler 2015: 41).

So, according to Scheffler the ideal of the practice of equality is not distributive. “It is not the view that there is something that should be distributed equally among the members of society” (Scheffler 2015: 37). People in a society of equals have the requisite dispositions and attitudes to the fullest possible extent to treat other people’s comparably important interests as of equal importance when making common decisions.

I think Scheffler’s attempt to specify the ideal of social equality and point to its distinctively non-distributive character is unsuccessful. First, although Scheffler thinks that EDC gives determinate content to the vague requirement that we should regard one another as equals, more clarification is required as to what this means. What EDC says is that the equally important interests of each should have an equal influence in social decisions. Yet, as noted above, it is unclear how are we to judge that a social decision has been equally influenced by the important interests of all, namely, whether it is EDC1 or EDC2 that Scheffler has in mind. Given that EDC2 can be satisfied by Dworkin’s

distributive theory of equality of resources, I shall study the implications of EDC1.

Consider, for example, Scheffler's claim that EDC1 has considerable critical force when applied to cases of racial or ethnic or gender hierarchy or, for example, when considering gays' claim on an equal marriage right that can be justified on account of their interest in getting married being as strong as heterosexuals' interest in getting married (2015: 36). If what Scheffler says is sound, then it seems that, independently of the input test, and despite Scheffler's view to the contrary (2015: 33-5), there should be an output test as well. This is so, since a fair decision-making procedure is not necessarily bound to bring about the right outcome and gays' claim for an equal marriage right concerns the outcome of such a procedure. In the light of this, EDC1 is insufficient to satisfy the social egalitarian requirement that people's interests should be given equal consideration, where this requires us to look at the outputs of a joint decision.⁴

Scheffler may respond that in a society of equals, unjust outcomes would be unlikely, since people do have the requisite dispositions. However, that a certain unjust outcome would be unlikely in a society of well-disposed individuals does not refute my claim that to judge whether an outcome is just or unjust, we need an outcome test that has procedure independent criteria of what counts as right or wrong, just or unjust. So, a society of equals is one that satisfies both an input and an outcome test. Secondly, it is not clear why we should think that in a diverse society, where people have different and opposing values, interests and needs, they would necessarily reach the right decisions even if they are well-disposed by simply applying Scheffler's EDC1. There is a question of how

⁴ On the other hand, EDC2 can provide an output test, but Scheffler seems to deny that the EDC should be so interpreted (2015: 33-5).

conflicting interests are to be resolved in such a society and it is not clear how adopting EDC1 would help us deal with it.

To see why, let us see how Scheffler deals with situations of conflicting interests. I shall give two quotes:

a) In discussing how EDC1 is to be applied in personal relationships, Scheffler examines the possibility that people may have diametrically opposing values, in which case it may be impossible to arrive at a joint decision. He thus concludes that “[t]his gives people who want their relationships to be conducted on a footing of equality a (defeasible) reason to seek out others who share their most important values, at least for their most comprehensive personal relationships” (Scheffler 2015: 27).

b) When he examines the application of EDC1 within the political context, he says that given the anonymity of the relationships and the impossibility of individualised knowledge of the interests of our co-citizens, EDC1 is to be satisfied by relying “heavily on normalized assumptions about the characteristic needs and interests that members can be assumed to have” (Scheffler 2015: 36).

Given the above quotes, it is not clear how Scheffler would deal with conflicting interests within political society. He seems to suggest that in our personal relationships we usually seek people with whom we share common values. Although this may be what people usually do when choosing friends or partners,⁵ and although people can end their relationship⁶ in cases where their values change in a way that they become conflicting, this is not an available option when it

⁵ Note, however, that fairness considerations may be raised with respect to our capabilities to choose friends and partners. See, for example, Williams (2002b).

⁶ Certain issues of justice may arise when we decide to end a personal relationship, such as a marriage, but I am not going to discuss them here. The parents-children relationship presents a more complicated case with respect to our right to end a personal relationship.

comes to our political relationships. We cannot simply say that because we disagree with each other with respect to our comprehensive values we may end our political relationship. If a society of equals is to have any value, it has it because each person can live according to her own conception of the good even if her conception differs sharply from her co-members'.

The second quote suggests that at the level of political decisions, EDC1 is satisfied by heavily basing our judgements about other people's needs, preferences and values "on *normalized* assumptions about the characteristic needs and interests that members can be *assumed* to have" (my emphasis). However, it is not clear how we should make sense of the process of arriving at political decisions: is it a self-deliberative process or a collective deliberative process? If it is the second, then it is not clear why we have to base our judgements about people's interests on normalised assumptions about the characteristic needs and interests they can be assumed to have. If anything, a collective deliberative process is meant to track people's needs and interests, through giving them the public space along with certain opportunities to articulate and explain their needs and interests and make reasonable claims about their satisfaction upon each other. On the other hand, if it is a self-deliberative procedure, then Scheffler's claim about normalised assumptions compromises much of the force his argument may otherwise have. One problem is that there is going to be wide dispute over what "normalised" means. More importantly though, and relatedly, making normalized assumptions about people's needs and interests may lead to stereotyping and social stigma, as well as failure to address the real needs and interests especially of those who are least advantaged (broadly understood).

A possible reply could be that normalised assumptions should not be understood in the way I have presented above. Instead, people should choose principles that secure those goods necessary for each

to be able to live according to her conception of the good. This is the familiar Rawlsian idea of basic liberties, in which people have a fundamental interest in securing, whatever else they may want. In the same sense, Scheffler could mean that normalised assumptions about people's interests refer to those basic conditions necessary for each to be able to live according to her own conception of the good. Yet, this doesn't show that social egalitarianism is a distinctively non-distributive ideal, namely distinct from equality of power, opportunities, wealth and so on, which is the focus of the distributive paradigm. In Scheffler's understanding of a society of equals, people's comparably important interests should have an equal influence on collective decisions. This requires equal liberties, equal political power, equal opportunities related to the deliberative process, along with an outcome test. Equal respect for people's moral standing requires that people are equal along certain social and political dimensions.

In sum, I have argued that Scheffler's recent attempt to specify the ideal of social equality as distinct from distributive justice is unsuccessful. This is so, since his requirement that people's comparably important interests should play an equally significant role in influencing decisions cannot be satisfied unless we have an input and outcome test that is spelled out in distributive terms. In a society of equals, all people should have equal political rights, freedom of expression and association, freedom of thought and conscience, equal access to public fora and to information, alongside adequate resources and education. These are some criteria of fairness that the deliberative process should satisfy, so that each person has a fair opportunity to influence the outcome. Yet, they do not suffice to make sure that the outcome will indeed be fair or just, as we have seen in the case of homosexual people's claim to an equal marriage right. Scheffler's claim that what makes the ideal of social equality distinct from distributive justice is its special focus on people's

dispositions, attitudes, etc. towards each other is unsatisfactory. As I have already stated, we cannot account for what the right attitude is unless we have a theory of justice against which we judge what the right attitude is and it is unclear how such a theory can be spelled out in non-distributive terms, when we ask how the abstract requirement that we should treat each other as equals should be interpreted. Scheffler has not been successful in giving determinate content to this requirement that can be distinct from distributive concerns and that a theory of distributive justice cannot account for.

c. State attitudes: Schemmel's case

According to Schemmel, what fundamentally matters, from the point of view of social justice, is not that institutions aim at bringing about a certain distributive pattern, but how they do it, what attitudes they express (Schemmel 2011), which may mean that bringing about a certain distributive pattern may conflict with the proper egalitarian attitudes. Schemmel points to the fact that focusing on the attitudes expressed by institutions, we can evaluate some ways of bringing about a certain outcome as more or less just depending on the attitude in question and independently of the outcome brought about. The distributive paradigm, however, does not have the resources to do so (Schemmel 2011: 125). Schemmel presents a case where there are several ways in which a particular distribution might be produced. But the different ways in which this particular distribution is produced are morally relevant from the point of view of equality, something that luck egalitarianism does not have the resources to point out.⁷ The case he presents (Schemmel 2011: 127)

⁷ For a similar point, namely that recipient-oriented theories are blind to how a specific distributive result has come about, namely whether it is the outcome of natural luck or more importantly of domination or more generally social and political

consists of a group of people being worse-off than others due to lack of access to a vital nutrient V essential for good health. This may be so for the following five reasons: the state: 1) legally prohibits people of this group from having access to V; 2) legally authorises private subjects to refuse selling V to those people; 3) “foreseeably and avoidably engender[s] (but do[es] not specifically require[s] or authorize[s]) the shortfall” by not mitigating the position of those so poorly-off that they cannot afford to buy V; 4) does not effectively deter those who illegally refuse to sell V to the disadvantaged group; 5) fails to mitigate the disadvantaged group’s bad luck in not being able to metabolize V due to a genetic defect by offering the required treatment. In all five scenarios, the outcome is the same distributively speaking, but since the causes of this outcome have different moral importance, each scenario is overall morally more or less bad or more or less just as a result. According to Schemmel, going from scenario (1) to (5) the moral badness or injustice reduces. Schemmel’s example of the distribution of V nutrient seems to be posing a problem of unequal power. In one or other way those who are more powerful control the distribution of V and are able to cause a disadvantage to the deprived group. Schemmel’s basic focus, however, concerns not the injustice found in the distribution of V or of the power to control the distribution, but how to evaluate the injustice found in these cases with respect to who causes it and how. This is related to the message that is communicated by action or inaction. Different ways of behaving may end up with the same outcome but communicate different messages. His objection to the distributive paradigm is that the latter can only judge the outcome as just or unjust, but not the way it has come about. In this sense, luck egalitarians would judge the state’s failure to mitigate the group’s

injustices, see Forst (2013: 14-7, 22). Note, however, that Forst raises this point against Sen’s capabilities approach.

brute bad luck in the last scenario as equally unjust as the state's direct exclusion of the group from having access to V. He concedes that the first scenarios (1-4) are instances of exclusively social injustice while the latter is not (Schemmel 2011: 132). As such Schemmel's objection states that causing harm is more objectionable than not preventing it (2011: 130). Moreover, the examples he gives, point to the doctrine of double effect that can account for the intentions of certain institutional actions in bringing about certain outcomes (Schemmel 2011: 138). In this respect, it does matter how harm has been caused and whether it is intended or not in our considerations of justice. This further points to the distinctiveness of the social egalitarian position that injustice is socially created by the way people interact with each other, either interpersonally or through the institutions, and is not the upshot of natural distribution.

Yet, it is not clear that the distributive paradigm cannot account for the injustice or moral badness in conduct that exists in the V-scenarios that a social egalitarian would diagnose. It is evident to me that Dworkin's theory of equality can account for the sort of injustices or moral badness that Schemmel maintains only social egalitarianism can account for. In all scenarios of the V-example someone is causing harm, except for scenario 5, according to Schemmel. In scenarios 1 and 2 the agents intentionally wrong some people, while in scenarios 3 and 4 the state doesn't act on the direct intention to cause harm, but it "knows" about the harm and can prevent it, although it does not. Note, however, that the same holds true of scenario 5 that, according to Schemmel, doesn't count as an instance of social injustice. In the first two cases, it is straightforward discrimination against the disadvantaged, since the state denies the right to V to some people, thus it treats them as of lesser moral worth, since their interest or stakes in V is not taken into account. In scenario 3, people are not considered as of lesser moral worth, but wealth inequalities are such that make it impossible for those who are

disadvantaged to afford to buy V. Finally, in scenario 4, the disadvantaged are victims of discrimination other than state discrimination, but the state knowingly fails to stop such discrimination. In this case, there are two different wrongs taking place. First, some individuals straightforwardly discriminate against other individuals, that is, they treat them as of lesser moral worth. Secondly, the state doesn't treat the discriminated as of lesser moral worth, but it doesn't prevent the discriminators from doing so. Can Dworkin's theory account for the badness or injustice of the way inequality of access to V has been brought about in each case? Certainly, the outcome is equally unjust. But has Dworkin's distributive model anything to say with respect to how this outcome is brought about? Yes.

Dworkin's distributive model is straightforwardly against not giving equal consideration to each person's interests with respect to rights to use certain resources or to exercise liberties. His theory of liberty is explicit on this (Dworkin 2000: ch. 3).⁸ This is certainly morally worse or more unjust, as judged from the point of view of Dworkinian resourcism, than the state's conduct in scenario 3, where it fails to mitigate people's poor economic condition. The latter is not as bad as the former in that the state recognises the equal moral

⁸ Note here that Dworkin's theory is better suited to account for the kind of injustice that is of social egalitarian concern than Schemmel's account is. According to Schemmel harm is partly identified by the fact that a group of people is disadvantaged by not having access to V. In other words, Schemmel would judge it as unjust if some people were disadvantaged, that is, had a poor health, by not being given an equal right to access V. On the other hand, according to Dworkin's theory of equality, people are treated unjustly if they are not given an equal right to access V even if they do not have any interest in using V and thus would not be disadvantaged by prohibiting them from using V. This does not, nevertheless, preclude that we constrain certain people's liberties, if this is required to preserve true opportunity costs.

worth of persons, but has a defective conception of what this means and so employs a defective conception of distributive equality. This is supported by Dworkin's view of the relation between justice and legitimacy (2011: 321-2), according to which the state is legitimate to the extent "it strives for its citizen's full dignity even if it follows a defective conception of what that requires" (2011: 322).⁹

Scenario 4 is more complex. On the one hand, there is non-institutional discrimination against the disadvantaged and on the other hand there is no state protection against non-institutional discrimination. Dworkin's theory of distributive equality would certainly condemn the state's failure to protect people from discrimination and it would evaluate this as not as bad as scenario 3 to the extent that the state both recognises the equal moral worth of persons and has the proper account of distributive equality. Yet, distributive equality is upset by private discrimination. Dworkin insists that we have reason to condemn and take measures to prevent it for that reason. His theory of true opportunity costs and how these may be affected by discriminative attitudes and treatment, as well as the inclusion of the principle of independence in his theory of liberty/constraint system as a constraint on such attitudes do support my argument.¹⁰ Moreover, judging from the Dworkinian viewpoint, we may even regard the injustice in scenario 4 as worse than the injustice in scenario 3. Suppose a black disabled person cannot walk through the street either due to having not been provided with a wheelchair because the state hasn't properly identified him as a rightful recipient of welfare provisions or because a group of white

⁹ Similarly, Dworkin distinguishes between human and political right in that the former is a more abstract and thus fundamental right "to be treated *as* a human being whose dignity fundamentally matters" (2011: 335) that every government must respect "even if it fails to achieve a correct understanding of more concrete political rights" (2011: 335).

¹⁰ On the principles of the liberty/constraint system, see chapter 1.

people don't let him do so and the state does nothing to stop this. A Dworkinian distributivist would find the second case morally worse than the first. This is so, because in the second case there's a constraint on a person's liberty to act as he wishes, it is an arbitrary imposition on his liberty, while in the first no such constraint is involved, but lack of a means to make effective use of his liberty.

If my analysis so far is right, then it seems that Schemmel's concern that the state should show equal concern and respect for people does not differ from Dworkin's commitment. Even so, Schemmel could respond that the distributive paradigm regards it as morally bad or unjust that people are treated in certain ways only to the extent such treatment figures in the distributive outcome (2011: 125). One way to understand this is to think of examples where the outcome is equally fair in distributive terms, yet the way it is achieved differs with respect to how institutions bring about the desired outcome. So, for example, in one case A divides the resources in what he thinks a fair way without asking B and the outcome is X (Schemmel 2011: 128), while in another case both A and B divide the resources and the outcome is the same, X. According to social egalitarians, the second case is more just than the first, since both individuals had a say over the distribution of resources, while in the first case A has treated B unjustly in that he has ignored his equal right to express his view over how he thinks distribution should be made. The distributivist, however, cannot evaluate the first case differently from the second. So long as the outcome is fair, it doesn't matter how it has been brought about. Yet, this is not necessarily true.

First, we should notice that the problem posed here seems to be spelled out in distributive terms: B's complaint in the first case concerns the distribution of political power over distributive decisions. So, it is not clear how the alleged social egalitarian complaint here has a non-distributive character. Secondly, according to Dworkin's theory of equality, people are entitled to equal

procedural rights in political¹¹ and distributive procedures. If people are denied an equal say, then they are not treated as equals. A society that treats each member with equal concern and respect cannot be one that denies each member equal political rights, for that would diminish their equal moral standing. Moreover, as we've seen in chapter 1, Dworkin's theory of equality is based on a first person perspective on the responsibility/luck distinction. This requires that distribution is sensitive to people's judgements over what constitutes a disadvantage for their life, which further requires that people have an equal say over distributive arrangements as well as the fullest possible liberty compatible with the liberty of others. Institutions that fail to respect this requirement do not treat people as equals. So, it is constitutive of equality of resources that people both have an equal say over how distribution is to be made and the fullest possible liberty compatible with the liberty of others, otherwise the distribution cannot satisfy the two conditions of fairness, that is, envy-freeness and non-arbitrariness. In other words, according to Dworkin, we cannot plausibly determine what a fair distribution is, independently of considerations of what constitutes a fair background institutional arrangement. In this sense, Schemmel's objection that luck egalitarianism cannot account for the injustice of "institutional attitudes" fails with respect to Dworkin's theory.

On the other hand, Schemmel's objection could be said to be similar to Scheffler's objection that Dworkin's equality of resources is an administrative conception of justice (2003: 34-9). The objection would have it that if state institutions are to show the right attitude—namely, respect—to people, they must be so arranged that questions over what distribution should obtain should be decided by people themselves. Dworkin's theory presupposes what a just distribution is and admits that democratic processes may not arrive at the right

¹¹ See Dworkin's theory of political equality (2000: ch.4, 2011: ch. 18).

result. In this sense, there seems to be a tension within Dworkin's theory between what he takes equal treatment to be within the economic and political sphere. On the other hand, Schemmel could maintain that a social egalitarian theory can avoid this tension, because distributive arrangements are arrived at through giving each person an equal say with respect to how these should be settled, so that distributive decisions, being the outcome of a procedure that shows the right attitude, themselves reflect equal treatment. Two replies are available here. First, as it stands it is not an objection against Dworkin's theory failing to account for what attitude state institutions should show. Secondly, social egalitarians ought to be concerned not simply with each person having an equal procedural right but with decisions arrived at through fair processes being themselves just or fair or show equal concern for the interests of each. This requires that we have independent criteria for assessing the justice or fairness of a certain outcome, even if this outcome has been produced by a fair procedure.¹² If the social egalitarian concern is that people do not live under relations of domination, it matters fundamentally not only that people have equal procedural rights, but that outcomes of political procedures are themselves just. If that is so, then Schemmel has not been successful in defending his argument that "how institutions treat people has relevance to social justice that is *independent of*, or at least not reducible to, the distributive effects of such treatment" (2011: 125, my emphasis).

To sum up, according to Schemmel the ideal of social equality demands that state institutions show the right attitude towards people, that is, show equal respect by affirming their equal social and political standing. This is independent of the distributive

¹² Anderson's claim, for example, that "[w]e need *range-constraining* rules in a system of pure procedural justice" (2008: 262) speaks to this direction.

consequences of political decisions. Luck egalitarian theories focus on what the right distributive outcome is, neglecting that what matters ultimately from the point of view of social equality is how a certain outcome has been brought about and more specifically whether a certain outcome is the result of the state having acted unjustly by not having shown the right attitude towards each member. This cannot be spelled out in distributive terms. Against this, I have argued that Dworkin's theory of equality can properly account for the kind of injustices that are of concern to social egalitarians. This is so, for, according to Dworkin, the fairness of a distributive outcome depends on how this distributive outcome has been produced. One obvious reason why this is so, is that people should be equally positioned to be able to exercise their responsible agency with respect to how they want to lead their lives. In the scenarios presented by Schemmel, people are in many ways prevented by so doing and this is what is of ultimate importance. So, it does not simply matter that some people are worse-off than others, but we should be able to see how and why this inequality has been produced, in order to then judge whether it is unjust or unfair.

Let me note, however, that we should avoid the following misunderstanding. I said that a fair political procedure does not necessarily lead to just or right outcomes with respect to distribution that we are here discussing. But I also said that Dworkin's equality of resources judges an outcome as just or unjust based on how this has been produced. This may seem to contradict the former claim. But it does not. For we are talking about two different things. To understand this, we can think that in a political procedure we are faced with the question of what principles of distributive justice should be adopted. There may be several answers to this. One of them, and according to Dworkin the right one, is that it is equality of resources that should be adopted, namely that in order for distribution to be fair we should adopt a procedure that tracks people's exercise of responsibility and

in order for this to be so people should be equally positioned to exercise their responsible agency. So, equality of resources, itself being a procedural distributive theory, may be the outcome of a fair political procedure.

In this chapter, I examined what I call the attitudinal account of equality. More generally, it seems that the latter supposes that egalitarian dispositions, attitudes and so on are a sufficient condition for bringing about the right outcome. I am unpersuaded by this, however. I certainly do agree that an egalitarian ethos is necessary, but as such it is insufficient to inform us about what we should do if we are to respect each other as social and political equals. Moreover, such an argument over the sufficiency of an egalitarian ethos to bring about the right outcome does not refute the claim that the rightness/fairness/justice of an outcome is such not because people with egalitarian motives produce it, but because people who aim at it are acting in an egalitarian manner. In this sense, Dworkin's thought is that people show equal respect and concern to each other, if in their economic arrangements, for example, they strive for equality of resources. But according to Dworkin, equality of resources is not just because well-disposed people strive for it. Instead people should strive for it if they are to show equal respect to each other. Finally, it is interesting to note an important difference between Rawls, from whom social egalitarians take inspiration, and advocates of the attitudinal conception of equality. According to Rawls, people develop a sense of justice when they live under a well-ordered society, that is, under social arrangements that are just (1971: ch. VIII). This is to say that people who follow the principles of justice will, over time, develop a sense of justice and will be bound by them. On the other hand, attitudinal social egalitarians seem to hold that people with an

egalitarian ethos will establish just social arrangements. According to my opinion, Rawls' view is far more plausible.

Chapter 5

The Social Egalitarian Interpretation of Equality II: The Democratic Participatory Conception

In the present chapter, I shall focus on what I call the democratic participatory conception of equality, in which I have classified Young's ideal of "city life" and Anderson's "democratic equality". Both accounts have largely influenced social egalitarian thinking. However, as I said in chapter 4, they fail in giving an attractive interpretation of non-domination. Or, so I shall argue.

More specifically, in section (a), I study Young's criticism to the distributive paradigm as well as her account of social equality. As is known, Young meant to develop her account of social equality as an alternative to what she calls the liberal distributive paradigm (in which she also includes Rawls' theory, on which many social egalitarians draw), not specifically to luck egalitarianism. Her criticism thus is advanced against liberal egalitarian theories more generally.

However, Young's analysis of domination and oppression, as well as her argument that the distributive paradigm ignores the institutional structure that determines distributive arrangements and it wrongly theorises in distributive terms non-material goods, such as decision-making power, rights, opportunities and self-respect, has strongly influenced social egalitarians, who usually situate themselves within the liberal tradition that Young criticises. Social egalitarians share her criticism with respect to the distributive paradigm, although they advance it against luck egalitarianism specifically, not generally against all liberal egalitarian theories. So, it is worth examining whether Young's arguments provide a successful account of non-domination. I argue that from a liberal point of view they do not and they do not because Young rejects the basic liberal theoretical tenets,

especially as these have been developed by liberal egalitarians and more specifically by Rawls. Moreover, I argue that her criticism of the distributive paradigm rests on her having misconceived how liberal egalitarians make sense of distributive justice. From a liberal egalitarian point of view, distributive justice concerns how institutions are organised and what people can do in relation to one another if they are to respect each other as equals. As such, I argue that Dworkin's theory is attentive to this demand, while it does not face the kind of problems that Young's theory of domination faces.

In section (b), I argue that Anderson's ideal of "democratic equality" is more promising in that, unlike her fellow social egalitarians, it seems to give determinate content to the demand that people should relate to each other in a non-dominating way. However, I maintain that she is ambivalent with respect to the role of responsibility within her democratic equality. This is so, for she seems to be oscillating between two different strategies each of which has unfortunate implications given her overall commitments to the ideal of social equality and given this, her "democratic equality" fails to be an attractive account of non-domination. More specifically, the first strategy makes access to basic capabilities conditional upon responsible conduct. Adopting this strategy would make "democratic equality" susceptible to the moralising and intrusive judgements objections as well as to the abandonment of the imprudent victim objection. The second strategy suggests unconditional access to basic capabilities and as such cannot account for certain dominating forms of conduct because it is not responsibility-sensitive.

a. The ideal of “city life”

Young raises two main objections against the distributive paradigm.¹ According to her, on the one hand, the latter ignores the institutional structure that determines distributive arrangements. As such it ignores the fact that economic inequality is primarily rooted in relationships of domination and oppression.² “Domination consists in institutional conditions which inhibit or prevent people from participating in determining their actions or the conditions of their actions. Persons live within structures of domination if other persons or groups can determine without reciprocation the conditions of their action, either directly or by virtue of the structural consequences of their actions. Thorough social and political democracy is the opposite of domination”. “Oppression consists in systematic institutional processes which prevent some people from learning and using satisfying and expansive skills in socially recognised settings, or institutionalized social processes which inhibit people’s ability to play and communicate with others or to express their feelings and perspective on social life in contexts where others can listen” (Young, 1990: 38).³

On the other hand, Young accuses the distributive paradigm of theorizing non-material goods such as decision-making power, rights, opportunities and self-respect in distributive terms (1990: 15-38), thus it fails to appreciate that the latter are “a function of social

¹ Young includes also Miller in the distributive paradigm, who is usually categorised as a social egalitarian (1999: 16-7). For Miller’s answer to Young’s critique see (1999: 14-17).

² For the view that luck egalitarianism can, however, be sensitive to Young’s five faces of oppression (1990: 48-63), see Barry N. (2006).

³ See also Young (2000: 31-2), where she identifies the opposite of domination as self-determination and the opposite of oppression as self-development, which she interprets “along lines similar to the values Amartya Sen calls equality as capabilities” (2000: 31).

relations and processes” (1990: 16, cf. 2001: 8). Instead, rights should be better understood not as something that is distributed, but as “institutionally defined rules specifying what people can do in relation to one another” (Young 1990: 25). In the same sense, opportunities are not things to be distributed. When we talk of opportunities, we rather refer to a “condition of enablement, which usually involves a configuration of social rules and social relations, as well as an individual’s self-conception and skills” (Young 1990: 26). Thus, “a person has opportunities if he or she is not constrained from doing things, and lives under the enabling conditions for doing them” (Young 1990: 26). This means that a person, besides needing material resources for “doing things”, also needs the structural background for doing so. Finally, for people to have self-respect, the possession of material goods, though important, is not enough. Self-respect has to do also with how one regards himself, how others regard him, whether he is autonomous or whether he has power in decision-making processes and so on (Young 1990: 26-7).

According to Young, the ideal of a society of equals takes the situated self as its central focus which contrasts with the liberal conception of “the authentic self [as] autonomous, unified, free, and self-made, standing apart from history and affiliations, choosing its life plan entirely for itself” (1990: 45). People experience and understand themselves through their identities that determine their life plans, preferences, desires, needs, ambitions and so on. In this sense, group identities matter fundamentally to people. A society of equals then should respect first and foremost people’s different group identities. In doing so, it should aim not at autonomy but at empowerment.

According to Young, the two concepts differ in that the first is “a closed concept, which emphasizes primarily exclusion”, while the second is “an open concept, a concept of publicity, rather than privacy” (1990: 251). Autonomy is an exclusionary concept, in the sense that it understands “an agent, whether individual or collective,

[to be] autonomous to the degree it has sole and final authority to decide on specific issues and actions, and no other agent has the right to interfere” (Young 1990: 249). On the other hand, empowerment requires “participation of an agent in decisionmaking through an effective voice and vote. Justice requires that each person should have the institutionalized means to participate effectively in the decisions that affect her or his action and the conditions of that action” (Young 1990: 251). Decision-making power should be decentralised if it is to be democratised. Moreover, since empowerment requires decision-making power over the issues that affect one’s life, such power should be as well exercised over activities taking place within what we call civic society, and more primarily in the workplace. In this sense, “[t]horough social and political democracy is the opposite of domination”.

Her normative ideal of “city life” is the unrealised possibility of the actual, our “given experience of cities” (Young 1990: 238).⁴ “[S]ocial justice in the city requires the realization of a politics of difference” through giving political representation to social groups (Young 1990: 240).⁵ Yet, this politics, unlike liberalism, does not rest on the faulty assumption that there is a universal moral point of view, to which public reason appeals and through which individuals can reach common principles of justice. Rather, the public, according to her ideal, makes differences visible; social groups can affirm their difference by being empowered through political participation in decision-making, which should be radically decentralised, so that individuals are able to have an effective voice and vote over the issues

⁴ See also Rawls’ similar thought that one of political philosophy’s roles is realistically utopian and a theory of justice should be a realistic utopia (1999: 11, 2001: 4, 13).

⁵ See also Young’s *Inclusion and Democracy* (2000), where she advances her conception of inclusive deliberative democracy, where political institutions are arranged so as “the particular perspectives of relatively marginalized or disadvantaged social groups to receive specific expression” (2000: 8).

that affect their life. People within cities live together and are bound to one another in a single polity, having common problems and interests, “but they do not create a community of shared final ends, of mutual identification and reciprocity” (Young 1990: 238). On the contrary, people’s differences in the public life of the ideal city “remain unassimilated, but each participating group acknowledges and is open to listening to the others. The public is...a place where people witness and appreciate diverse cultural expressions that they do not share and do not fully understand” (Young 1990: 241).

Young’s analysis, especially of domination and oppression, has been very influential. Yet, the normative aspect of her theory seems to face serious problems. A first thing to note regards the kind of group identities that should be respected. Is it the case that all such identities should be respected? What about groups whose identity is formed by morally defective beliefs, such as Nazis or religious fundamentalists? It is true that their identities are of fundamental importance to their life as other kinds of identity are for people, such as sexual, gender, cultural identity, etc. The fact that we rightly consider Nazis and fundamentalists as immoral does not make their identities of lesser importance to their life. If that is so, would prohibition of certain actions related to such kinds of group identification count as oppression or domination? If we should “promote reproduction of and respect for group differences without oppression” (Young 1990: 47), how are such conflicts between certain identities to be resolved? The problem is not that Young would not condemn such kinds of identity, but that her normative framework cannot provide us with successful solutions. Why?

In her post-modern reading of the individual,⁶ people as subjects are different or basically asymmetric in a way that they

⁶ Young, however, does not identify herself as post-modernist. Rather, she draws on several theoretical approaches (1990: 7-8).

cannot fully understand each other. More importantly, the self is the locus of many identities, sometimes even incompatible or contradictory ones. The person experiences this difference and basic asymmetry within herself, thus she does not fully comprehend herself (Young 1990: 232). If that were true, it would have considerable political consequences. Young criticises liberal theories for relying on the universality of the principle of impartiality as a condition of public reason (1990: 102-107, cf. ch. 4), since it excludes particular groups especially the less powerful. She also disputes the traditional dichotomy between private and public, which corresponds to the dichotomy between particularity and universality (Young 1990: 116-121). This is related to her post-modern reading of the individual. If the post-modern self is not united as the liberal tradition understands it, then there is considerable discontinuity between people that identify themselves with a diversity of different identities, sometimes incompatible and contradictory. Impartiality presents a common moral point of view that is illusive in the face of difference and more importantly it is oppressive, since what we take to be a universal point of view is in practice nothing more than the point of view of the powerful. Given that people with diverse and often contradictory identities have to live together in a non-dominating and non-oppressive way, it is unclear how this is to be achieved if individuals in the post-modern era cannot find principles of justice that are acceptable to all.

Rawls and post-Rawlsian liberal theory in one or another way point to the need for public justification of principles of justice. This requires that we reach a common moral point of view, if principles are to be acceptable to all. But for the post-modern individual this is nearly impossible. Although Young maintains that the "mutual intersubjective transcendence...makes sharing between us possible...The sharing, however, is never complete mutual understanding and reciprocity. Sharing, moreover, is fragile" (1990:

231). So, it seems that the post-modern condition makes full emancipation impossible. Domination would seem fatal after all. Following Young's definition of domination, we can say that non-domination exists, when people participate in determining with reciprocity the conditions of their actions. Yet, note that the fact of participation cannot by itself ensure that people do actually determine the conditions of their actions. Moreover, and relatedly, to the extent that the post-modern self cannot reach a universal point of view, as Young maintains, and to the extent that non-domination requires that people live according to principles that they affirm, then it is unclear how non-domination can ever be achieved in the face of difference, as this is understood by Young.

Moreover, post-modernism celebrates individualism in a more radical way than liberalism. As we have seen, Young criticises liberalism for regarding "the authentic self [as] autonomous, unified, free, and self-made, standing apart from history and affiliations, choosing its life plan entirely for itself" (1990: 45). But, if the authentic self of the liberal tradition unifies individuals through the common moral point of view, the post-modern self being situated, with diverse, incompatible and contradictory identities, disconnects itself from others in a more radical way. There is no common moral point of view, but only the point of view of the situated individual. True, Young thinks that it is possible to some extent to occupy the point of view of others through our shared group memberships, but this does not refute my claim at the beginning of the paragraph. Because the individual can only have a partial point of view, it can never achieve complete mutual understanding; "sharing is fragile". This is a different vision from the liberal one, according to which the individual as a moral agent can reach a common moral point of view by abstracting from her (historical) self.

It is interesting to note that what makes impartiality impossible, according to Young, makes it possible within the Rawlsian

social union: difference. As we will see in chapter 7, Rawls' ideal of social union requires diversity and difference, since it is "through the social union founded upon the needs and potentialities of its members that each person can participate in the total sum of the realized natural assets of the others" (1971: 523). Within political society people can advance more complex lives by adjusting their plans to the plans of others through principles of justice that all affirm and act upon (Rawls 1971: 528). Complex lives cannot be realised without letting diversity flourish. Young criticises Rawls' theory because, as she maintains, the kind of impartiality to which it aspires is impossible. Yet, it seems that in the Rawlsian social union impartiality is possible exactly because of the differentiation and diversity through which people come to realise their political nature and further their moral nature, that is, their nature as free and equal moral persons. In the social union people express their moral nature when they act from principles of justice that they collectively choose and publicly affirm.

Young's criticism of the impartiality to which Rawlsian and more generally egalitarian liberalism aspires is based on an unfortunate reading of the latter. This is partly due to the fact that she misinterprets the principle of equal treatment that liberal conceptions of justice invoke. She says that the Enlightenment promoted equality in a way that tried to transcend difference. Differences in sex, race, ethnicity, and so on were not anymore treated as justifying unequal liberties and political rights. All people came to be regarded as equals in their moral capacity and "equal social status for all persons requires treating everyone according to the same principles, rules and standards" (Young 1990: 158). On the contrary, the politics of difference that understands "equality as the participation and inclusion of all groups sometimes requires different treatment for oppressed or disadvantaged groups" (Young 1990: 158). However, keeping in mind Dworkin's distinction between treating people

equally and treating them as equals (2000: 11), Young's criticism of the liberal tradition seems misplaced. Treating people as equals implies that we should treat people by applying the same abstract egalitarian principle; it does not require that we treat people equally, that is, in the same way. The abstract egalitarian principle may require us to treat people differently if we are to treat them as equals. So, although historically her diagnosis may have some plausibility, it is not the case that a liberal theory cannot accommodate the demands of the politics of difference. This is not to deny that liberal theories may have ignored the importance of difference. This has indeed been the case and it is true that social movements have helped draw our attention to it. But, it is not true that a liberal theory doesn't have the theoretical resources to deal with the demands posed by these social movements. On the other hand, respect for difference does not require us to respect every identity. Racists, neo-Nazis, religious fundamentalists, even if they may be oppressed and dominated in the sense meant by Young, are unreasonable. And although liberal democracy would not deny them an effective voice and vote, it would not recognise their identity as equally valuable and it would not provide them the means for its reproduction. Liberal democracy regards actions related with such kinds of social identity as objectionable, since such actions fail to treat others as equals. So, if Young objects to such practices on what ground does she object to them?

Certainly, Young would object to such group identities. My point, however, is that it is not clear that her theory provides us with the resources to explain why we are not required to respect identities of this kind. Probably her claim would be that such groups are involved in oppressive structures so we are not required to respect their identities. However, her account of domination and oppression cannot provide sufficient justification for not respecting their identities.

For this to be so, Young's definition of oppression and domination needs to incorporate a criterion of objectionability, in order to be plausible.⁷ Domination cannot simply be the institutional inhibition or prevention from co-determining the conditions of one's action. It must refer to *objectionable* inhibition or prevention. Similarly, oppression should be understood as the *objectionable* institutional prevention from learning and using satisfying and expansive skills in socially recognised settings or the *objectionable* institutionalized inhibition of people's ability to play and communicate with others or to express their feelings and perspective on social life in contexts where others can listen. Yet, I am unsure what criterion of objectionability can be invoked that is not in some sense universal.⁸ Moreover, I am unsure in what sense the demand for

⁷ Young identifies five "faces" of oppression: exploitation, marginalization, powerlessness, cultural imperialism, violence (1990: 48-63). Yet, she needs to incorporate a criterion of objectionability to these too. For example, she defines marginalization as the exclusion of a group of people from "useful participation in social life" (Young 1990: 53), which is related with some group identity. Yet, it is not clear that it would be objectionable if a neo-Nazi were marginalized *as a neo-Nazi*. Similarly, it would not seem objectionable if the particular perspective of say ISIS supporters were rendered invisible. Note that we may have other strategic reasons for not rendering such identities invisible or marginalized. But we have these reasons with the aim to stop their reproduction, not because we have to respect them and provide the conditions of their reproduction.

⁸ Young would probably object that it's impossible to identify general criteria for saying that a practice or an institution is dominating or oppressive and that what counts as domination or oppression is, in part, context dependent (1990: 257-60). However, we should distinguish between abstract general accounts of oppression and domination and the different forms of domination and oppression we may encounter in different cultural and historical contexts. As Young says "[t]he criteria I have developed by thinking through the experience of oppressed groups in the United States have no reference, for example, to the specific experience of peasants, a major and usually oppressed social group in the Southern Hemisphere" (1990: 258). Nevertheless, there is an abstract account of oppression that applies in

empowerment, for the abolition of oppression and domination, the demand for equality in other words, has any value if equality is not a universal moral value.

Perhaps I am uncharitable to Young, for it could be said that Young does not deny that people have equal moral standing, but instead she insists that if we are to respect people's equal moral capacity, then they should be given equal decision-making power to determine themselves the principles of justice that are to govern their common life. Theories of justice that arrive at principles by abstracting from real people are ignoring their differences, their unique way of reasoning that is determined by their social identities.⁹ In doing so, such theories neglect the fact that the principles they recommend may have as a result that people end up being dominated. The problem though is that if we hold that people should have equal decision-making power over the terms of their common living, in virtue of their equal moral standing, something that liberal theories

identifying the specific circumstances and conditions of oppression with respect to the different social groups to which she refers and the same holds true of domination. It is in this sense, that I claim that I find it hard to see how such an account of what counts as oppression and domination does not invoke universal criteria.

⁹ See Rawls' reply to the objection that certain theories, his included, make use of abstract conceptions and thus "withdraw from society and the world" (1993: 43-6). He claims that "[i]n political philosophy the work of abstraction is set in motion by deep political conflicts...We turn to political philosophy when our shared political understandings, as Walzer might say, break down, and equally when we are torn within ourselves" (1993: 44). So, abstraction "is a way of continuing public discussion when shared understandings of lesser generality have broken down. We should be prepared to find that the deeper the conflict, the higher the level of abstraction to which we must ascent to get a clear and uncluttered view of its roots" (Rawls 1993: 46). Young's view of the post-modern situation as one where the individual finds herself within diverse and sometimes contradictory and incompatible identities demands, contrary to Young's view, that our practical method reaches greater abstraction the greater the diversity of identities is.

do as well assert, does not suffice to erase the injustices Young diagnoses. For, it may be the case that oppressed groups' interests are ignored even if heard.

Within the Rawlsian society that Young criticises, people should be able to justify their claims upon each other according to principles and standards that are acceptable to all, that is, principles that people can affirm from their different personal points of view. Equal liberties and political rights, equal opportunities for equally motivated and equally talented people, equal access to resources to make the use of their liberties meaningful, are principles that people arrive at from the original position. They are principles that people from every situated position can affirm and no one can reasonably reject and that can help us test the justice or injustice of real politics. But, note that people enter the original position not as some abstract entity but by putting to one side facts about themselves and not employing these facts as premises in arguments for principles of justice.¹⁰

In a participatory democracy of the sort supported by Young, people, having equal decision-making power, should arrive at collective principles of justice through their deliberative process. But how are we to judge their decisions as right or wrong, as just or unjust, if we do not have an outcome test? How are we to say that certain groups are treated justly by the collective decision? We cannot simply assume that participatory democracy, even in the radical form envisioned by Young, would result in unoppressive decisions. Young maintains that "[b]road democratic planning is more likely to result in rational and just distributive decisions...than hundreds of autonomous

¹⁰ Rawls does not deny that individuals' identities may be fragmented, but he contrasts this with the political conception of the person, where the person is understood to have a political or institutional identity that remains the same, even if her more concrete identity changes or is fragmented (1993: 29-35, cf. also 27-8).

public and private units attempting to maximize their perceived interest” (1990: 254). However, by saying this Young implicitly recognises that there is a certain just or right decision that is independent of the rightness of the decision-making procedure itself.¹¹ People are more likely through deliberation to arrive at just decisions, but just decisions are not just in virtue of them being the outcome of democratic deliberation. So, although Young’s analysis offers some useful insights with respect to the diagnosis of oppressive and dominating relationships, her normative framework is inadequate in giving satisfying answers to the problem of justice.

Having said that, let me turn to Young’s second objection against the distributive paradigm, namely that the latter theorises non-material goods, such as rights, respect, opportunities and decision-making power in distributive terms, thus failing to appreciate their distinctively relational nature. However, we should note that not all theories concerning distribution are concerned strictly speaking with the “comparison of the amounts of goods [people] possess” (Young 1990: 18). This is especially true of Dworkin’s theory with which I am concerned in this dissertation. Such an understanding would highly misinterpret its essence. Young’s reading of distributive justice as a comparison of the amount of goods people possess fails to appreciate Dworkin’s distinction between treating people equally and treating them as equals (2000: 11), that I mentioned above. In the first case, treating people equally with respect to the distribution of material goods or resources would require that people have as equal an amount of these goods or resources as possible. Saying that distributive theories compare the amount of resources people have

¹¹ For a criticism that the account of inclusive deliberative democracy, that Young develops in her *Inclusion and Democracy* (2000), appeals to two contradictory views of justice, namely pure procedural justice and imperfect procedural justice, see Eggleston (2004).

falls under this conception of equality. Equality of resources, however, is not concerned with comparing the amount of goods people possess. Rather, its focus is on whether background opportunities for people to form and live according to their own conception of the good have been fair. This doesn't mean that opportunities are *distributed* equally, if this means that we take some opportunities from one and give it to another, such as saying, for example, that A has three opportunities to go to the university, while B has one and so we need to take one opportunity from A to give it to B. That is just silly. Yet, there is a sense in which we should be able to compare the set of opportunities people have to lead their lives according to their conception of the good. And this concern does not contrast with Young's understanding of opportunities.

Young defines opportunities as a "condition of enablement, which usually involves a configuration of social rules and social relations, as well as an individual's self-conception and skills" (1990: 26). Equality of resources properly understood compares whether these conditions of enablement are fair among people. So, what matters is not whether one enjoys certain conditions of enablement, but whether he enjoys fair conditions of enablement. Certainly, such conditions are defined by social rules and there is a question of what constitutes conditions of enablement, such as resources, social relationships, development of talents and skills, self-respect and respect from others, and so on. But a theory of equality concerned with people being treated as equals, will be concerned with comparing whether the conditions of enablement have been equal (where equal does not necessarily mean the same), not simply whether one has the required conditions of enablement.

Considering Young's definition of rights as "institutionally defined rules specifying what people can do in relation to one another" (1990: 25), it is not clear why Dworkin would think otherwise. Equality of resources is concerned with what rights people

have to act as they wish in a way that all are respected as equals. But more importantly, according to equality of resources, rights as rules should not only specify what people can do in relation to one another, but what is fair or just to do in relation to one another. To do this, a kind of comparison is necessary to judge whether rights are equal and whether rules that specify our liberties and freedoms are just. For, example, if I have a right to vote and you don't, all else being equal, then there is a sense that I have something that you lack, namely decisive political power over issues that both affect us. Or, consider Dworkin's baseline liberty/constraint system that describes what "rights to certain designated freedoms" (2000: 127) people have in relation to one another. Dworkin's theory of liberty is concerned with what rights people have to act as they wish in a way that is fair or just. It requires that the auction takes place against the liberty/constraint system that ascribes maximum freedom of choice to all (on the condition that the principles of correction, security, independence and authenticity are not violated). This means that people have equal liberty to form their conception of the good and bid for the resources they think necessary for their life plan, when freedom is maximized. If it were the case that some activities were prohibited (not ones that conflict with the principles noted above), then all people would be equal in their freedom, but they would not have equal liberty.

Decision-making power is another relational good that, according to Young, the distributive paradigm inappropriately theorizes in distributive terms. According to Young, decision-making power should be effective. As she says, empowerment requires "participation of an agent in decisionmaking through an effective voice and vote" (Young 1990: 251). Distributive justice theories are concerned with the participation of agents in decision-making power through an *equally* effective voice and vote. This requires not only some kind of comparison of the opportunities people have to have an effective voice but an outcome test as well so as to judge to what

extent the outcome of collective decision-making has actually been influenced by their interests (broadly understood).

Finally, with respect to self-respect, as Young notes, the possession of material goods, though important, is not all that matters. Self-respect has to do also with how one regards himself, how others regard him, whether he is autonomous or whether he has power in decision making processes and so on (Young 1990: 26-7). Certainly, this is right. Nevertheless, what distributive justice theories are concerned with is not that people do have self-respect, but whether there are those conditions available to all on equal terms to be able to develop respect for themselves. Rawls, for example, talks of the social bases of self-respect. This points more to the social dimension of self-respect than to the psychological dimension. Psychologically people have the need to respect themselves, they need to have a sense of themselves as worthwhile. This requires that society provides them with the conditions that enable them to develop a self-conception with which the individuals can feel satisfied. But a just society provides to all the conditions, insofar as these are under its control, to be *equally* able to develop their self-respect. A liberal theory would consider it regrettable, if a person can have self-respect only by dominating others, such as when a gay-averse person thinks that a liberal society that ascribes equal liberty to all and gives the liberty and opportunity to homosexuals to reveal their identity in public is one that does not provide him with the social bases of self-respect by respecting his gay aversion and what this entails. But it would not consider that such a person is treated unjustly. A liberal egalitarian theory holds that self-respect is of fundamental importance to people, but it is not concerned with whether all people have equal self-respect. In this sense, liberal egalitarian theories don't hold that self-respect should be distributed equally. That is certainly a meaningless thought. Rather, they are concerned with whether all people have equal opportunity to develop self-respect. This however

requires a kind of comparison, namely whether people equally have the necessary social conditions of self-respect.

A possible response is that self-respect is based among other things on how other people regard us and on being able to develop certain meaningful relationships with one another, such as loving relationships or friendships. The distributive paradigm cannot satisfactorily account for such kind of goods. Once again, distributive justice theories are concerned with the social conditions of self-respect. This means that if one is not able to develop meaningful relationships due to his social conditions, then liberal egalitarians have every reason to attend to his situation. Suppose, for example, that a person cannot form loving relationships due to him being ugly, as ugliness is defined by the prevailing social norms. The distributive paradigm would suggest that social norms should change, on account of them being objectionable.

So, although Young's analysis of oppressive and dominating relationships is thought provoking, her normative enterprise with respect to justice and equality is less satisfying than it might first appear. Her ideal of "city life" depends on radically decentralising decision-making power mainly through giving political representation to social groups. This is supposed to remedy the ills of oppression and domination. I argued that this would be insufficient for egalitarian justice. Democratic participation is one aspect of what it means to treat each other as equals. Yet, it does not ensure that decisions arrived at through democratic procedures are just. Moreover, and relatedly, the demand that people live undominated lives requires that people live according to principles of justice that are acceptable to all. But this kind of acceptability requires that people can reach a common moral point of view, something that Young denies. It seems then that her ideal of non-domination and non-oppression runs counter to her post-modern reading of the individual and consequently to the determinative role of difference in the

impossibility of reaching a common moral point of view. However, arguing that people with different comprehensive values can reach common principles of justice does not entail ignoring the importance of people's identities. But, given reasonable pluralism there should be a way in which we are able to reach common principles of justice, that is, principles that are acceptable to all, against which we can test the justice or injustice of participatory democracy's outcomes. Certain forms of the distributive paradigm aim at providing the background against which claims upon each other can be made according to principles acceptable to all. Young's critique of the distributive paradigm, namely, that it ignores the institutional structure that determines distributive arrangements and that it inappropriately theorizes non-material goods in distributive terms, is based on serious misunderstandings. First, theories belonging to what Young calls the distributive paradigm, such as Rawls' and Dworkin's, concern themselves with how state institutions are to be arranged in a way that social relations are conducted on a footing of equality. Secondly, as we have seen, such theories are concerned not with the distribution of non-material goods, but with fair access of all to non-material goods.

b. Democratic equality

Anderson, perhaps the most well-known figure in the contemporary social egalitarian tradition, although she espouses Young's conception of social equality as absence of oppression and domination, doesn't criticise the liberal tradition. Indeed, her democratic ideal is properly situated within it. As she says, "[t]o live in an egalitarian community...is to be free from oppression to participate in and enjoy the goods of society, and to participate in democratic self-government" (Anderson 1999: 315). So, like Young, Anderson maintains that in a society of equals people should have access to a set of enablements—she names them capabilities—and an effective

voice and vote in decision-making procedures. A community of equals is democratic, where democracy should be understood “as collective self-determination by means of open discussion among equals, in accordance with rules acceptable to all. To stand as an equal before others in discussion means that one is entitled to participate, that others recognize an obligation to listen respectfully and respond to one's arguments, that no one need bow and scrape before others or represent themselves as inferior to others as a condition of having their claim heard” (Anderson 1999: 313). Thus, unlike Young, Anderson recognises the need for common public rules against which interpersonal justification takes place (cf. also Anderson 2010). Anderson's democratic equality then requires procedural rights in a participatory democratic regime, namely equal voting rights as well as a right to public deliberation. On the other hand, procedural rights are insufficient in securing freedom from oppression and domination. In this sense, Anderson proposes that basic capabilities to act as a human being, as a participant in a system of co-operative production and as a citizen of a democratic state are necessary as well (1999: 317). Capabilities are sets of functionings that a person doesn't actually achieve but is free to achieve (Anderson 1999: 318). A society of equals should guarantee to all people those conditions that will make them equally capable of functioning as citizens. But in order for one to be able to function as a citizen, she should be able to function as a human being by being provided “effective access to the means of sustaining one's biological existence... and access to the basic conditions of human agency” (Anderson 1999: 317), as well as an equal in civil society, where this requires being able to participate in civil society's activities as well as in society's system of co-operative production (Anderson 1999: 317 -8).

Given her ideal of democratic equality, Anderson maintains that the fundamental difference between luck egalitarians and advocates of social egalitarianism lies in the kind of justification given

for attending to people's inequalities along the lines of equal power, opportunities, capabilities and so on (Anderson 2010). Based on this, she accuses luck egalitarians of justifying equality on an inappropriate ground. Luck egalitarians justify equality along certain dimensions on account of the fact that luck should not affect how well we are doing in our life compared to others and accordingly inequalities are justified if traced to people's responsible choices. Anderson disputes this. We cannot plausibly base our egalitarian duties to each other on the fact that luck has been somehow uncharitable to us. When we are addressing claims of equal treatment to others, we do so not because we are less lucky than them, but because we legitimately want to be able to govern the conditions of our life on equal terms with others. Because what ultimately matters to people is that they do not live under oppressive and dominating conditions, which means that they should be free to form the terms of their life without being interfered with by the arbitrary wills of others, responsibility for one's bad condition should not figure in our account of equal treatment when a person's unfortunate condition translates into him being under relations of oppression and domination. In this sense, responsibility for one's bad choices cannot plausibly justify inequalities, when such inequalities result in dominating and oppressive relationships.

In the light of this, Anderson proposes that in a society of equals compulsory insurance would be adopted and would be justified not on paternalistic grounds, as would probably be the case under luck egalitarianism.¹² In a society of equals people are required

¹² I take Anderson to propose compulsory insurance or general taxation judging from the following extract: "Democratic equality passes no judgment on whether it would be prudent or imprudent for any given individual to purchase health insurance. It tells the person who would not purchase insurance for himself: "You have a moral worth that no one can disregard. We recognize this worth in your inalienable right to our aid in an emergency. You are free to refuse this aid once we offer it. But this

freedom does not absolve you of the obligation to come to the aid of others when their health needs are urgent. Since this is an obligation we all owe to our fellow citizens, *everyone shall be taxed for this good, which we shall provide to everyone*. This is part of your rightful claim as an equal citizen” (1999: 330-1, my emphasis). See also her claim a few pages before that the approach of democratic equality “is to *insure* only against the losses of certain types of goods: to distinguish between *guaranteed* and *unguaranteed* types of goods within the space of egalitarian concern, and to *insure individuals only against the loss of the former* (Anderson 1999: 327, my emphasis). Williams, though, seems to criticize Anderson for not addressing the question over how universal access to certain goods guaranteeing basic capabilities is to be achieved. According to Williams, those rejecting pure forms of luck egalitarianism, that is, forms that permit the imprudent to suffer certain forms of absolute deprivation, can appeal to two versions of the sufficiency view, internalizing sufficientarianism and externalizing sufficientarianism. Based on this distinction, he maintains that Anderson “fails to recognize that there is a price to be paid for maintaining individuals’ access to those goods since doing so requires a more restrictive conception of economic liberty or a less restrictive conception of our liability to bear the costs of others’ exercising their liberty” (Williams 2006: 503). I think Williams is only partly justified in offering this criticism to Anderson, since she is not very clear with respect to the issue in question. Contrast, for example, Anderson’s above quote with her claim that if a certain activity is risky, “then justice permits a tax on that activity to cover the extra costs of medical care for those injured by engaging in it” (1999: 328). The first quote seems to appeal to externalising sufficientarianism, while the second to internalising sufficientarianism. Yet, to my view, Anderson is not offering an incoherent view. As I understand her, what she seems to maintain that under democratic equality we are all required to pay compulsory insurance or general taxation for medical care and where people are engaged in risky activities (but not ones related to people’s capacity as participants in the productive system, 1999: 329), then special taxes or compulsory insurance (or outright prohibition) should apply on these specific activities “to cover *the extra costs* for those injured by engaging in it” (my emphasis). The problem, yet, lies elsewhere. While general taxation or compulsory insurance for certain goods is justified on account of them being our obligation to guarantee them to all our fellow citizens, special taxation or compulsory insurance for specific risky activities, that is to be paid by those engaging in those activities, seems to be justified on paternalistic grounds, although Anderson herself does not admit it. She says that “[b]y making smokers pay for the costs of their behavior *ex ante*, democratic equality preserves

to pay insurance to provide to all the necessary conditions of their freedom as non-domination. Scheffler's earlier criticism of the luck egalitarian paradigm shares Anderson's worry over the proper justification of justice-based duties and, in the light of this, he maintains that the distributive paradigm regards equality in some currency as in itself valuable and it doesn't try to anchor it in a broader conception of equality as a moral value (2003, 2015). Distributive justice has value, according to social egalitarians, because of how it affects people's relationships. So, what is of moral value is not that people are equal with respect to their distributive shares, but that they have equal moral, social, and political standing. These are two distinct ways of understanding the ideal of equality.

Having said that, there are two objections I want to raise against Anderson's view. The first regards her objection to the justificatory basis of luck egalitarianism. The second concerns her view of what non-domination consists in. With respect to the justification

their freedom and equality over the course of their whole lives" (Anderson 1999: 329). If a person is made to pay for the costs of her behavior *ex ante*, so as her freedom and equality to be preserved, although she might have wanted to spend this extra money otherwise, how else can we characterize state's imposition of this taxation or insurance if not as paternalistic? Anderson, though, says that such kind of policy is not paternalistic, but is justified on account of our obligation to provide to each other what is necessary to be related as social and political equals. Her argumentation, however, is problematic. If that were our obligation, then why should only smokers pay this tax? Such a tax is paid by smokers for medical care to be provided to them not to others. In this sense, it is not an obligation we owe to each other and thus it is imposed on smokers on paternalistic grounds. Of course, Anderson could reply that we have an obligation to ourselves as well to preserve our liberty and equality, but then on what ground would she justify her claim that we are free to refuse medical care or other goods necessary for acting as equal citizens? Answering that one has an obligation to herself to provide those necessary conditions to herself to act as an equal citizen, even if she does not make use of these conditions would seem absurd, but even if not absurd, it still is paternalistic if the state so intervenes to make us fulfill our obligations to ourselves.

requirement, Anderson holds that for principles of justice to be acceptable to all, interpersonal justification is required (2010). Luck egalitarian principles of justice cannot be interpersonally justified. The main reason why this is so, is that luck inequality cannot be a plausible basis for duties of justice to arise, since duties require that the duty bearer is substantively responsible for bringing about or preventing from obtaining, or mitigating and so on, the injustice in question. Since how luck is cast on us is beyond people's power, then luck inequality cannot generate any justice-based duties. No-one is responsible for luck inequality.

Yet, not all forms of luck egalitarianism need to consider it as unjust that people are born with natural differences. As we have seen in chapter 1, equality of resources certainly does not hold that view. True, in discussing the problem of differential justification, Anderson (2010) contrasts the social egalitarian view with what she calls desert-catering luck egalitarianism,¹³ the main proponents of which—she claims—are Cohen, Arneson and Roemer, while she just mentions in a footnote that Dworkin's theory "occupies an ambiguous position between these camps" (2010: 1, fn. 2), without giving any further explanation as to what this means. To the extent, however, Anderson wishes to demonstrate not only that desert-catering luck egalitarianism is not the proper basis for justice-based duties, but also that it is only social egalitarianism that can ground such duties, she has to reject as a plausible basis for grounding such duties all forms of luck egalitarianism, Dworkin's included. As I will argue in the next chapter, Dworkin's theory of equality of resources does not only offer a plausible basis for grounding justice-based duties to each other, but his theory better accounts for the social egalitarian demand of non-domination.

¹³ For the distinction between desert-catering and responsibility-catering luck egalitarianism, see Anderson (2008).

Let me turn to the second objection against Anderson's view. As I have argued throughout this and the previous chapter, the social egalitarian positive project of showing what arbitrary interference consists in has not been successful in giving a determinate content to what the ideal of non-domination. However, it is fair to say that this is not true of Anderson's project. As we have seen above, in her view basic capabilities guarantee people's social freedom, that is, their freedom as non-domination. Arbitrary interference occurs when people are denied the social guarantees of their freedom. This view of what a society of social and political equals requires contrasts with the luck egalitarian ideal which, according to Anderson, by incorporating responsibility into its principles of justice, doesn't guarantee the social bases of freedom as non-domination. On the contrary, people are vulnerable to domination and subordination in the light of their imprudent or poor choices. However, Anderson's use of basic capabilities to account for what constitutes arbitrary interference suffers from certain drawbacks that make it unattractive.

Anderson is somewhat ambivalent with respect to the role of responsibility within her democratic equality. She maintains that all people should be guaranteed *unconditional* access to certain types of goods (Anderson 1999: 327) necessary for functioning as a social and political equal, that are "prerequisites to exercising responsible agency" (Anderson 1999: 328). By offering "equality in the space of capabilities, which is to say opportunities or freedoms[,] [i]ndividuals still have to exercise responsible agency to achieve most of the functionings effective access to which society guarantees" (Anderson 1999: 328). So, according to Anderson, people should have unconditional access to certain goods necessary for functioning as social and political equals, such as, say, health care and basic income enough to guarantee a decent life, while they are responsible for how they lead their lives.

On the other hand, however, she maintains that an able-bodied adult would have access to a decent income *on the condition* that he responsibly performs his job duties, assuming that there is a job available (Anderson 1999: 328). These are two conflicting strategies. People should either have or have not unconditional access to basic capabilities. In defence of Anderson, one could argue that what she means by a “decent income” is an income that is above what is necessary to secure basic capabilities. In this respect, all people should have unconditional access to basic capabilities and decent income is conditional upon responsibly performing one’s job duties. If that is so, then Anderson’s position is not ambivalent as I claim. I accept the plausibility of this way of understanding her claim. However, when she criticises Van Parijs’ proposal of unconditional basic income, she objects to it, for, among other reasons, providing insurance coverage to lazy, able-bodied people, that is, people who can work but choose not to (Anderson 1999: 299). This implies that basic income should be conditional upon responsible conduct. In any case, since Anderson is not clear about whether responsibility should play any role in the provision of basic capabilities, it is worth examining both strategies. As I shall argue, however, both strategies are susceptible to certain problems. This is to say that she is not only ambivalent with respect to the role of responsibility within a society of equals, but she would probably be disappointed to find out that each of the two strategies, between which she oscillates, have serious unfortunate consequences given her overall commitment to the social egalitarian ideal.

If one opts for the second strategy, then it is not obvious how she can avoid making justice principles responsibility tracking. Moreover, such a strategy would be vulnerable to certain objections that Anderson as well as other social egalitarians have raised against luck egalitarianism, to which, however, equality of resources is not susceptible. More specifically, it would be vulnerable to the objection

that responsibility tracking theories of justice make moralising judgements about the use of people's freedoms and are calling for intrusive policies from the part of the state in order to judge who has acted in a responsible way and who has not, as well as to the harshness objection. To see this, consider the case, where basic health care provision is conditional upon responsible conduct. Suppose that a person is at least partly responsible for having developed cancer due to her not living according to certain health standards.¹⁴ Or, consider that a monthly stipend is due to a person on the condition that she acts in a responsible way, such as not spending her stipend to organise beach parties. It is obvious—it seems to me—that such a strategy would make social egalitarianism vulnerable to the three objections mentioned above. First, it demands that people make use of their freedom in what it considers to be responsible conduct, thus it is vulnerable to the moralising judgements objection. Second, it requires that we should judge how far responsible a person is for her situation, thus it is vulnerable to the intrusive judgements objection. Third, once we have identified a person as responsible for her plight, this strategy does not regard it as objectionable if that person is left unhelped, thus it is vulnerable to the harshness or the abandonment of the imprudent victim objection.

It is worth noticing that although making basic capabilities depend upon responsible conduct results in democratic equality being susceptible to the objections discussed above, equality of resources,

¹⁴ One could object here that this is not Anderson's view, considering the following example that she uses to illustrate what democratic equality looks like. She gives the example of the smoker who develops lung cancer and maintains that under democratic equality she would be provided with wealth care provision, but she would still be burdened with certain welfare costs of her imprudent conduct (1999: 327). I accept this. But we should notice that this kind of policy falls under the second strategy I shall shortly describe. Given her ambiguousness about which of the two strategies she favours, it is necessary to examine the *implications* of both strategies.

although it is responsibility tracking, escapes the specific objections. As I will argue in chapter 6, according to equality of resources insurance provision is conditioned only upon the insurance decisions people make, not upon how responsibly they lead their lives. This is to say that health care provision, for example, depends upon what the individual has insured herself against and not on whether she is (partly) responsible for bringing it about that she has developed cancer. I have also argued why equality of resources is not vulnerable to the harshness or abandonment of the imprudent victim objection in chapter 2. However, notice that even if it were true that equality of resources is vulnerable to the abandonment objection, there is a sense in which abandonment would be less objectionable given the reasons equality of resources (in its crude version) provides for justifying it than it would be if we were to adopt the point of view of democratic equality and more specifically its second strategy. To see why consider the different reasons each of the two conceptions of equality would provide with respect to the imprudent car driver. Under equality of resources, the latter would be refused medical care in case he had decided not to purchase the requisite insurance coverage. Under democratic equality, he would be refused medical care for bringing it about that he had a car accident through his careless car-driving, even if it were the case that he paid insurance under the compulsory insurance scheme that democratic equality requires. This is certainly even more objectionable than refusing one medical care on account of her antecedent insurance decisions given as well what the available redress for avoiding such consequences would be.

Coming to the first strategy, namely that of unconditional access to basic capabilities, the latter seems to suffer from not being able to properly account for certain aspects of dominating conduct and this is so for not being properly responsibility sensitive. To see this let us study the following example.

Suppose Anna and Bella are equal in their abilities, talents and opportunities. Anna chooses to work and earn money, while Bella prefers to be a surfer. As a result, she lacks the necessary conditions for functioning as a social and political equal. Anna can subsidise Bella without she herself becoming unable to function as a social and political equal. She earns enough money to provide for both herself and Bella access to basic capabilities. If responsibility should not figure in our principles of justice, as Anderson claims, and access to basic capabilities should be unconditional, then Anna should subsidize Bella, despite Bella being in a disadvantageous position through her responsible choice, for, unless Anna subsidises her, she will be vulnerable to domination and oppression. The question now is if we object to Bella's attitude, on what ground do we object to it?¹⁵ Surely, we don't object to it on the ground that her conduct makes Anna less able to function as an equal citizen, for Anna can still function as a social and political equal. However, there is a sense in which Anna is dominated and exploited by Bella that cannot be explained through basic capabilities. Anna has to subsidize Bella's plan of life at the

¹⁵ Alternatively, one can say that this is not objectionable and go on to justify what I here call a dominating relationship by adopting Van Parijs-like justification of basic income (1992, 1995, 2004, 2013), but this is not Anderson's option, since she is quite emphatic in rejecting "real freedom for all" in favour of which Van Parijs argues, mainly on account of the fact that the level of basic income guaranteed unconditionally to all by the latter's proposal is objectionably inattentive of people's special needs, such as disabilities or pregnancy, that would require a much higher level of secured income (1999: 298-9, 312, fn. 69), and of the fact as well that providing insurance coverage to lazy, able-bodied people, that is people who can work but choose not to (1999: 299). Yet, Anderson gives, I think, a wrong picture of Van Parijs' proposal. The latter suggests that such basic income should be available to all individuals unconditionally, whatever else they may be entitled to and whatever additional provisions adjusted to one's specific needs, such as disabilities or pregnancy, one should receive. Rather Van Parijs' proposal suffers from other drawbacks that would require more space to address.

expense of her plan of life. This contrasts with Anderson's view of justice-based duties.

As Anderson says, people in a society of equals have a "fundamental obligation...to secure the social conditions of everyone's freedom" (1999: 314), but they are not obliged to support each other's life plans. People having been guaranteed the social conditions of their freedom are then responsible for forming the kind of life they wish and for the consequences that their chosen kind of life may have (Anderson 1999: 328).

Nevertheless, Anna ends up subsidizing Bella's life style. This consequence is due to Anderson's concern that under responsibility-sensitive accounts of justice people are in danger of losing access to their equal opportunities to certain goods necessary for functioning as social and political equals. The redress for this is unconditional provision of basic capabilities. But, first, not all forms of luck egalitarianism support the view that opportunities are available on the condition that people act responsibly. Under Dworkinian equality of resources, for example, people are responsible for making use of their equal opportunities. And secondly, she should acknowledge that people should themselves be responsible as well for being able to act as social and political equals. This means that it is not only the case that we should treat each other as social and political equals, but that we also have personal responsibility with respect to how we make use of the social conditions of our freedom provided publicly, so that we do not end up being in a dominated and oppressed position. This is important, since if personal responsibility is not a justice requirement, then we may end up dealing with the following implausible situation.

Suppose that we do eventually adopt an unconditional-provision-of-basic-capabilities policy. Suppose now that Bella makes very bad use of her monthly stipend, say she spends the largest part of her income to organise beach parties once a month, and as a result she ends up starving for the rest of the month, she's homeless due to

her being unable to pay her rent and her health becomes poor. She thus ends up in a position of being at the mercy of others. Social egalitarians, by stressing the importance of non-domination and non-oppression, have to continue to make transfers to Bella until she so acts so as not to be in a vulnerable position. This is a similar problem to the expensive tastes one. It seems that Bella's functioning as a social and political equal is very expensive. This outcome is due to social egalitarians not being clear with respect to what they mean by saying that a society of equals is one where domination and oppression have been erased or mitigated. Let me explain.

There is a distinction that should be drawn between realised non-domination and the conditions required for a society to realise non-domination. Non-domination occurs when people do not *actually* live under dominating and oppressive relationships. However, making the social conditions of non-domination available to all, does not necessarily entail that we do actually live in a society where domination and oppression does not exist. So, social egalitarians need to clarify their claim that the social egalitarian ideal is a society of social and political equals. More precisely, they should be clear what the aims of the social egalitarian ideal should be. On the one hand, they can say that a society of equals should aim at making people equal in their opportunities to function as equal citizens. On the other hand, they can say that a society of equals should make people equal in their functioning as equal citizens. Although the second would be a highly desirable state of affairs, it would be a highly undesirable aim for a society to pursue. This is so, for, it would require either unfair treatment of some individuals, combined with problems of unsustainability, or paternalistic treatment of Bella-like people, who would have to be forced to be free, to use a famous statement. So, although a society of actual non-domination is highly desirable, it is so when it is people themselves that succeed in actually functioning as

social and political equals through using the social conditions of their freedom in a responsible way.

Given this distinction, the question addressed to social egalitarians would be whether being vulnerable to the wills of others, through irresponsible conduct, is objectionable or not. Social egalitarians have to bite the bullet and say either that it is not objectionable, in which case they have to reconsider their aversion to responsibility-sensitive principles of justice; or, that it is objectionable at the cost of publicly subsidizing expensive life-styles or adopting paternalistic policies.^{16, 17}

Summing up, I have argued that Anderson has criticised the luck egalitarian paradigm on the ground that the principles of justice the latter supports fail the justification requirement essential to a society of social and political equals. According to her view, certain distributive considerations should be justified in virtue of equal social and political relationships, not on account of the fact that luck has

¹⁶ Note that in case we take Anderson's view that those able to work but choose not to are not to be subsidised seriously, then it is questionable how she can escape the harshness objection (see chapter 2), as well as the objection from the point of view of egalitarian motives/incentives/attitudes (see chapter 3) that she raises against luck egalitarianism.

¹⁷ There is a third approach that social egalitarians could adopt, suggested by Williams (2006), according to which, in order to protect people from being vulnerable to absolute deprivation, we can make them bear the cost of some of their risky choices themselves or tax them if they do. Williams calls this internalizing sufficientarianism, which he contrasts with externalizing sufficientarianism—the view studied here—where the costs of people's imprudent choices are shared by all through general taxation or compulsory insurance. To the extent, though, social egalitarians reject (even weak) paternalism, and to the extent such an approach is based on paternalistic grounds (see fn. 12 above), such an approach cannot be available to social egalitarians without compromising their view. Moreover, if they welcome such an approach, then they seem to share much ground with Dworkin, who proposes compulsory insurance on paternalistic grounds and whom especially Anderson has criticized for that reason.

been uncharitable to some compared to others. Against this I claimed that this is not true of Dworkin's theory, a claim for which I shall provide support in the next chapter. I also maintained that Anderson, unlike most of her fellow social egalitarians, has tried to give a determinate content to the vague idea of what it means to treat each other in a non-dominating way. However, I argued that she is ambivalent with respect to the role of responsibility within her democratic equality. In fact, she seems to be oscillating between two different strategies each of which has unfortunate implications given her overall commitments to the ideal of social equality. The first strategy makes access to basic capabilities conditional upon responsible conduct. Adopting this strategy would make "democratic equality" susceptible to the moralising and intrusive judgements objections as well as to the abandonment of the imprudent victim objection. The second strategy, which suggests that people should have unconditional access to basic capabilities, cannot account for certain dominating conducts, because it is not responsibility-sensitive, a problem that Dworkin's theory properly understood does not face.

In this and the previous chapter, I argued that there are two ways of interpreting what social equality is: the attitudinal interpretation and the democratic participatory interpretation of social equality. Yet each fails to properly account for the social egalitarian demand that people's relationships should not be characterised by domination. By this I do not mean to suggest that social egalitarians do not offer valuable insights with respect to how we should understand the value of equality. As I have several times maintained throughout my thesis, I share most of the social egalitarian concerns. My objection, though, lies in the fact that, first, social egalitarians have been uncharitable to Dworkin's theory, which properly understood is attentive to the social egalitarian demand of non-domination and, secondly, that they are wrong in ignoring the responsibility-sensitivity requirement. In the

next chapter, I will argue that responsibility properly understood is constitutive of non-domination, not an enemy to it, and that to the extent Dworkin's theory is responsibility-sensitive, it can better account for the basic social egalitarian commitment to non-domination.

Chapter 6

Responsibility and Non-Domination

As mentioned several times throughout this thesis, according to social egalitarians, the proper egalitarian aim is to respect people's equal social and political status. In order for this to be so, people should be free from arbitrary interference, that is, from domination. Given the non-domination requirement, I argued that social egalitarians can object against Dworkin's theory on the ground that, although it aims to interpret what it means to relate to each other as equals, his overall theory—and his equality of resources specifically—violates, rather than gives substance to, the social egalitarian demand of non-domination, since the principle of responsibility that is central to equality of resources is morally implausible. There are two reasons why this may be so. First, because it permits objectionable power inequalities and, secondly, because it is expressive of or generates morally objectionable attitudes, motives or incentives.

As I said in the introduction, my aim in this dissertation is twofold. The first has a negative character and is meant to reject the claim that equality of resources is susceptible to the two objections. The second is positive and is meant to provide argumentation about why responsibility, properly understood, is constitutive of a society of equals. In chapters 2 and 3, I explained why equality of resources is not susceptible to the objection that it is a morally implausible doctrine. In this chapter, my aim is to provide a positive case in favour of the view that responsibility is constitutive of the requirement of non-domination. As such, I think that Dworkin's account is not only attentive to the social egalitarian demand that people should relate to each other

as social and political equals, but it provides a better understanding of non-domination than the proposed social egalitarian accounts, exactly because it builds upon a conception of personal responsibility that is constitutive of equal social and political relationships. This is to say, personal responsibility and non-domination are two sides of the same coin, something that social egalitarians fail to see, since they reject the ethical and political importance of the former. On the one hand, I cannot be personally responsible for how I lead my life unless certain conditions are available that make the exercise of my personal responsibility possible on equal terms with others. On the other hand, I cannot live under conditions of non-domination, if I am not personally responsible for how I lead my life. It is people themselves that should form a conception of the good and live accordingly on equal terms with others. Equality of resources provides the structure against which people can determine the conditions of their life on equal terms with others.

Moreover, Dworkin's account properly understood gives a determinate content to the otherwise vague idea that people should relate to each other in a non-dominating way, something that certain social egalitarian accounts have failed to substantiate. Non-domination has been traditionally understood as freedom from arbitrary interference in one's actions by the will of others and the state. But as such it is an abstract idea and has to be explained. Dworkin's account, unlike social egalitarian ones, provides such an explanation, by fleshing out what a fair choice structure is, which can be used as our yardstick against which we can judge what arbitrary interference consists in. In this way arbitrary interference takes a determinate form. This is to say, we cannot account for what arbitrary interference is, unless we have an account of what a fair choice structure is. Equality of resources provides a principled account of the determinate content of this choice structure.

Having said that, in section (a), I shall argue that the basic commitment of Dworkin's theory is to specify under what conditions people can be thought to live in a non-dominating way. In this respect, personal responsibility, of which consequential responsibility is constitutive, is an essential part of non-domination, not an enemy to it, as social egalitarians maintain. I thus examine how we should make sense of consequential responsibility, that is, under what conditions we should hold people consequentially responsible for their preferences, choices and so on. I argue that there are justice-relative and agent-relative conditions that are jointly necessary and sufficient for ascribing consequential responsibility. I then, in section (b), proceed to examine more closely what justice-relative conditions require and also argue that making sense of consequential responsibility in the way I suggest we should do within the Dworkinian context does not engage us in the metaphysical question over free will and determinism, an objection that social egalitarians have raised against luck egalitarianism. Finally, in section (c), I examine what agent-relative conditions require, while I also consider and reject certain objections regarding the relation between capacities and consequential responsibility.

a. Personal responsibility and equality of resources

According to Dworkin, what we owe to others is based on the ethical idea of living in dignity (2011: ch. 9). The conception of dignity should be interpreted to include the principle of self-respect, namely that each person should treat the success of his life as having objective importance, and the principle of authenticity, namely, that each person has a special, personal responsibility to create a life that he endorses (Dworkin 2011: 203-18). These two principles of dignity are integrated into morality. The principle of self-respect points to how we should treat others. It says that I cannot rationally regard my life as having objective importance, if I do not, at the same time, recognise

that other people's lives are of equal objective importance (Dworkin 2011: 254, 260). This has implications for the second principle as well. I cannot, in the name of leading my life as I see fit, diminish other people's dignity and their special responsibility for leading an authentic life. If they are to lead an authentic life, as I am—which is entailed by the principle of self-respect—and if self-respect requires equal respect for the lives of others, then it follows that I should respect other people's personal responsibility for leading an authentic life by not unjustifiably usurping options otherwise available to them.

Consequential responsibility is responsibility for the consequences of a person's choices—as these are informed by her preferences, tastes, ambitions, ideological convictions and so on. Understood this way, consequential responsibility, which is the focus of this chapter, is constitutive of people's dignity. Why? As it was said just above, living authentically, as the second principle of dignity prescribes, ultimately requires that a person lives according to a way of life that she endorses. For a person to live a life that she endorses, she should be responsible for creating that life. She should be the ultimate judge of what constitutes a good life for her and she should strive to live accordingly. But a person cannot be held responsible for how her life goes, that is, a person cannot satisfy the second principle of dignity, if she does not determine the terms of her life.¹ At the same time, she should respect other people's personal responsibility to live according to their own way of life, as the first principle of dignity requires. This entails that she should respect their equal right to determine the terms of their life. Now, as we have seen, non-domination requires that people are equally able to determine the terms of their life. Given what it was said just above, an authentic life is a life of non-domination. Personal responsibility has a central role with respect to the demand that we determine the terms of our living,

¹ This is one reason why Dworkin is hostile to equality of welfare (2011: 355).

since being responsible for one's life requires that one determines the terms of her life. Responsibility and non-domination seem to be two sides of the same coin. But to respect each other's equal dignity, we are required to provide to all people those conditions necessary for being able to exercise their personal responsibility on equal terms. Consequential responsibility is a necessary aspect of personal responsibility and as such of non-domination. Unless people are responsible for the costs of their choices, they violate the second principle of dignity, namely other people's personal responsibility to make something valuable out of their lives. By doing so, they arbitrarily interfere in their life by unjustifiably usurping choices otherwise open to them. This still is quite abstract, however. For what is said here is that consequential responsibility is required if people are to live in a non-dominating way, that is, in a way that others do not have the capacity to arbitrarily interfere in their life, but it does not say when it is appropriate to hold people consequentially responsible for their choices; thus it does not specify what a fair choice structure is, the violation of which would consist in arbitrary interference. This is what I shall try to examine in what follows.

Given the two principles of dignity as these are integrated into morality, living authentically is not just living as one would wish. Living authentically means seeking "a way to live that grips you as right for you and your circumstances" (Dworkin 2011: 209). So, leading an authentic life is not living independently of one's circumstances, but in response to one's circumstances: "we all live in an ethical culture that provides, at any time, the palette of recognisable ethical values from which possibilities can be drawn...[I]t is not possible to live a life of medieval chivalry in Brooklyn now: that life required a social and even political background of which no sufficient vestiges remain" (Dworkin 2011: 211).

This is the essential background against which we can make better sense of consequential responsibility. Let me explain. Dworkin

makes a distinction between living a good life and living well, where “living well means striving to create a good life, but only subject to certain constraints essential to human dignity” (2011: 195). So, creating a good life is constrained by the requirements of the principles of self-respect and of authenticity as these are integrated into morality. This partly determines what the circumstances are to which we should respond. We should strive to create a good life under circumstances of justice. Thus, living authentically means living according to one’s conception of the good on equal terms with others. I can live well when I live under circumstances of justice and it is appropriate to be consequentially responsible for my choices when these choices are made under circumstances of justice.

Having said that, I shall make the distinction between genuinely endorsed (GE) preferences and justice-relative-authentic (JRA) preferences. Although Dworkin seems to use endorsed and authentic preferences interchangeably—that is, he claims that people should be held consequentially responsible for their choices flowing from their genuinely endorsed or authentic preferences—I think it is better to keep them distinct. A person’s GE preferences are not necessarily JRA preferences. A person is consequentially responsible for her choices when the latter flow from her JRA preferences, that is, when made under the conditions I shall shortly describe. So, JRA preferences can be properly considered as consequential or liability responsibility conferring.² A person may make choices flowing from her GE preferences even when not all the conditions obtain and especially the justice-relative conditions. For example, a woman’s GE desire to become a mother and raise her child by herself is not necessarily consequential responsibility conferring, if certain

² In chapter 6 of *Justice for Hedgehogs*, Dworkin distinguishes between different kinds of personal responsibility (2011: 102-4). Consequential responsibility here refers to what in *Justice for Hedgehogs* Dworkin calls liability responsibility.

conditions of justice are not satisfied. On the other hand, a person's JRA preferences are not necessarily GE preferences. For example, a person may really endorse a life of medieval chivalry, but to the extent this is not available in our times, he has to revise his preferences. His revised preferences, though, given that the necessary and sufficient conditions obtain, can be JRA. So, under what necessary and sufficient conditions are our preferences/choices justice-relevant-authentic, that is, consequential responsibility conferring?

I take it that a person is not (fully) consequentially responsible for her preferences or choices, with which she identifies, if:

a) She lacks the epistemic capacity, that is, "some minimal ability to form true beliefs about the world, about the mental states of other people, and about the likely consequences of what [she does]" (Dworkin 2011: 226).

b) She lacks the normal degree of the regulative capacity, that is "the ability to make decisions that fit what we might call [her] normative personality: [her] desires, preferences, convictions, attachments, loyalties, and self-image" (Dworkin 2011: 226).

c) She has not developed to a sufficient degree her epistemic and regulative capacities.

d) She did not have the fullest possible opportunity compatible with the opportunities of others to form and reflect on her convictions, attachments and projects, an opportunity to influence the corresponding opinions of others. This requires that the legal system should guarantee the fullest possible set of liberties to all people necessary for them to deliberate upon their convictions, values, beliefs, preferences and so on (Dworkin 2000: 160).

e) Her choices/preferences are (partly) the outcome of or influenced by historical or present institutional and non-institutional injustices, such as racism or sexism etc., that is, when the principle of ethical independence (Dworkin 2011: 212) has been violated.

f) She has not been provided with the fullest possible opportunity set compatible with the opportunity set of others to be able to insure herself against certain unwelcome consequences of her preferences/choices.

Conditions (a)-(b) are ones that are agent-relative, while conditions (c)-(f) are justice-relative, and taken together they are necessary and sufficient for ascribing consequential responsibility to people.

b. Justice-relative conditions

I shall discuss only briefly justice-relative conditions, since most of them have already been discussed throughout this thesis. Condition (d) is uncontroversial. People cannot be said to have the fullest possible opportunity compatible with the opportunities of others to form and reflect on their convictions, attachments and projects, or an opportunity to influence the corresponding opinions of others, under a non-liberal regime that forbids freedom of expression (and non-expression), of association, of religious or other ideological commitments and access to the widest available literature and other forms of art (Dworkin 2000: 160).³ Moreover, people should have access to the public educational system of one's society,⁴ which, I

³ Although I maintain that condition (d) is pretty much uncontroversial, the liberties it prescribes are not themselves uncontroversial. This is especially true of the freedom of speech. For example, there is controversy over whether hate speech should be prohibited or be free and exposed to critical assessment.

⁴ This does not rule out that private schools and generally private educational institutions can exist. Besides a public educational system is not the same as public educational institutions. By public educational system I mean education offered to people on public reasons. In this sense, there may be private schools whose curriculum should respond to public educational criteria. On the other hand, there may exist private schools whose educational purpose and focus is different from the purpose set by public standards of education, such as religious schools. Children can be free to attend such schools, but they should receive public education as well.

maintain, should be neutral with respect to reasonable doctrines of what constitutes a good life.⁵ Access to public education is necessary for people to be able to form authentic choices. Note that by access to the public educational system, I don't mean merely that one should have had the opportunity to get an education, but one should have actually been educated. This is also required by condition (c). Having the epistemic and regulative capacities (which I discuss below) cannot itself be sufficient for one to be able to form JRA preferences, unless one has developed to a normal degree these capacities through education.

Condition (e) requires that people should be able to form their preferences in an ethically independent manner. That people's choices should not be influenced by past or present unjust institutional and non-institutional practices is widely accepted. That

Note also that private schools should be free to offer religious or other non-public education but only under certain conditions. For example, teaching that encourages religious intolerance, violence, racial hatred, enmity against certain groups and so on should be prohibited.

⁵ Although the right to access to a public educational system is also pretty much uncontroversial, it is true that certain controversial issues arise with respect to what *neutral* public education is, as well as with respect to the right of some often religious groups (such as the Amish) to refuse sending their children to public schools. Although I do not have the space to develop my arguments here, my view is that schools should give the opportunity to children to develop so far as possible their capacities for (self) understanding, critical assessment, deliberation, co-operation and problem solving, as well as their athletic abilities. This would require (except, of course, literacy) access to the fullest possible degree to a wide range of fields of knowledge, such as mathematics, physics, philosophy, politics, economics, (world) history, modern technology, health issues (sex education included) and art. Moreover, I think that parents belonging to certain religious or other groups do not have the right to prohibit their children from attending public education. Although parents have the right to raise their children according to their own values, this right is not unconditional. But as I said, space restricts me to a simple statement of my view.

the legal system should form just institutions and protect us from unjust non-institutional practices is as well widely supported. This requires first that a system of liberty should ensure the widest possible freedom for people to realise their conception of the good compatible with the relevant freedom of others. This entails that people should be free to choose and act as they see fit on the condition that they do not restrict other people's equal freedom. Such liberties are required by the principle of abstraction in Dworkin's liberty/constraint system (constrained by the principle of security). These freedoms (as well as those required by condition (d)) form what we may call the institutional guarantees of ethical independence.

On the other hand, there may be non-institutional arbitrary constraints to preference formation, that is, people's preferences may be the outcome of oppressive social norms that affect people's socialisation. Such norms may prevail in a society despite the fact that its legal system is appropriately just. For example, women may be raised to think of themselves as most suitable for housekeeping and childrearing and may form their aspirations to conform to what is socially considered to be their appropriate role within society. Moreover, women who do not conform to social norms may find it much harder for their ambitions to be fulfilled, such as, for example, an ambition to become a politician, because people do not trust their abilities in the specific field. Or, think of people who have been the victims of prejudice, such as racial discrimination. Such people may, on the one hand, be disadvantaged by other people's prejudiced preferences towards them, but they may also be disadvantaged due to their preferences being the outcome of oppressive socialisation. Such unjust social norms usually are the outcome of past (institutional and non-institutional) injustices. In any case, we have seen that equality of resources calls for different forms of remedial measures.

Finally, condition (f) requires that people have equal opportunities to insure themselves against unwelcome consequences

of their preferences/choices. This makes it safer for people to form and act on preferences they would not otherwise have or which they would be required to revise. Suppose, for example, that a person has a preference both for making a career and becoming a parent. Her choice will certainly be influenced by the set of options available to her through the insurance market. As we have seen in chapter 1, an objection against Dworkin's equality of resources is that to the extent one identifies with some of her circumstances, then she is consequentially responsible for them. For example, a disabled person who identifies with his disability would not be entitled to the wherewithal necessary to overcome some of the disadvantages of his disability, just because he identifies with it. This, however, rests on the common interpretation of equality of resources. As I said in chapter 1, according to my interpretation, the insurance market is meant to give people equal opportunities to guard themselves against the risks of living in the way they want. For example, parents are entitled to subsidies, not because they have to show that they regret their decision to have children, but because they have insured themselves against the risk of not being able to meet the costs of raising a child. A blind person is entitled to social benefits not because he has to show that he regrets being blind, but because he has insured himself against not being able, due to his blindness, to meet certain of his needs and satisfy some of his preferences. For example, a blind person may identify with his blindness and may also have a strong desire to study. The fact that he welcomes his blindness is not itself a reason for not being provided with the wherewithal to study, say, having access to the Braille system, so long as his insurance decisions support this.⁶ So, the insurance scheme is meant to provide to all people equal opportunities to guard themselves against not being able to live according to what they value more in their life.

⁶ See also fn. 29 of Chapter 1.

The fact that identification is not a sufficient condition for consequential responsibility also gives us an answer to a distinct objection against equality of resources that I have not so far examined. The objection says that holding people consequentially responsible for what they identify with, as the common interpretation of equality of resources suggests, is not always fair, for what people identify with is not (or is not always) within their control, that is, they do not (always) choose to identify with their preferences, and thus asking people to bear the costs of what they have not chosen to identify with is unfair.⁷ This naturally leads to the free will problem. However, as I said in chapter 1, this way of reading equality of

⁷ This is indeed one of the reasons why Cohen criticises Dworkin's cut between the person and her circumstances and for his suggestion that his cut between control and luck better captures Dworkin's underlying concern (1989). See also Matravers (2002a, 2002b) who argues something like the following. If the crucial thing for personal responsibility is that one is satisfied with his preference X, then he should be responsible for his second order desire to want X. Matravers' argument can be thought to point to Strawson's diagnosis with respect to moral responsibility, namely that no account of moral responsibility can meet the "regression requirement", according to which for one to be responsible for X he must also be responsible for its causes (Strawson 1986: 8, 26-30, 49-50). Similarly, the case of the identification requirement for consequential responsibility that is at issue here can be said to be vulnerable to the "regression requirement". This is so, for if one is to be responsible for his second order desire to want X, he should be so in the causal control sense. We cannot say that one is responsible for his second order desire to want X, because he identifies with this second order desire. For one thing, one must show that one is responsible for identifying with his second order desire by showing that he is responsible for its causes. Moreover, identification can more naturally be seen as an act of one's will, so that when one says that he identifies with X, he cannot plausibly mean that he identifies to identify with X, but rather that he wants to identify with X, thus pointing to his will. But if this is so, then the problem of free will persists, contrary to Dworkin's insistence that his account is a compatibilist one (2000: ch. 7).

resources, namely that people should bear the cost of those preferences with which they identify, is false. Or, at least, so I argue.

According to my view, equality of resources asks us to form a view about what it would be reasonable to insure ourselves against and at what level, given that we are all equally positioned against certain risks. In this sense, a person who truly wants to become a parent and values this as fundamental for his life to be good will be provided insurance if he has made the relevant insurance decision, not if he shows that he would prefer not to have this preference or that he has been raised to have this preference and so he had no control over what has brought it about that he has this preference. That's why considerations over free will are irrelevant. To understand this, we can assume that a person is responsible in the causal control sense for bringing it about that she has a preference for becoming an F1 pilot. The fact that it was in her control that she developed this preference is not a reason for denying her compensation in the event she has an accident and becomes disabled. If she has insured herself against the possibility of ending up disabled as a result of her choice to become an F1 pilot, then compensation should be provided to her for that reason. Moreover, the fact that she can insure herself against this possibility may have been one determinate reason in her judgement and self-deliberation to develop this preference. That's why it is crucial to see first that the insurance scheme is a condition of consequential responsibility and secondly that judgements over causal control are not central to the conception of responsibility equality of resources employs.

Consequential responsibility should be understood as a relational notion (Dworkin 2011: 103). As such it is meant to capture not the fact that I have been causally responsible for my choices, preferences and so on or not, but the fact that there are certain costs of my preferences, choices and so on that I cannot pass to others if I am to respect them as equals. The sort of costs that are of concern

here are costs that a person would not be willing to insure herself against given her fair share of resources and equal insurance opportunities. So, it does not matter whether a person has formed her preferences freely as required by the control-based account of responsibility or whether her preferences are affected by her socialisation (so long as her socialisation is not characterised by injustices) or indeed whether determinism is true. What matters is what people would choose to insure themselves against and what they would not, given that they are equally positioned against certain risks. For example, a person may choose not to insure herself against certain costs, even if she knows that she is not causally responsible for these costs. One obvious reason for doing so is because she does not regard such costs as burdensome when she takes suitable alternatives into account. Certain welfare costs are an example of this. Or, consider the possibility that I could lose the sight of one eye. I may decide not to insure myself against this possibility, because first I do not think my life would be worse if only one of my eyes were properly functioning and secondly because, even if I would not want this to happen to me, I have other more important projects to which I want to spend my fair share of resources and which are not affected by the fact that I may become half-blind. We are required to pay certain costs of our preferences not because it was in our control to have these preferences or because we identify with them, but because we would not be willing to pay insurance coverage for them given our fair share and our deliberations about what matters more in our life.

c. Agent-relative conditions

Before going on to examine the agent-relative conditions more closely, let me note that Dworkin introduces the epistemic and regulative capacities as conditions for judgemental responsibility (2011: ch. 10). According to Dworkin, “[s]omeone has judgemental responsibility for some act if it is appropriate to rank his act on some

scale of praise or criticism" (2011: 103). He advances his account of capacity control as the best answer to the free will challenge.⁸

Judgemental responsibility though is different from consequential responsibility, which is what I am concerned with here. Consequential responsibility concerns the consequences that flow from people's choices as these are informed by their preferences, convictions and so on and is not due to people for having acted in a blameworthy or praiseworthy way, but depends on the decisions people make with respect to whether and what costs of their preferences, tastes etc. they are willing to bear and what they are not, given that they have equal opportunities, as these are specified by equality of resources, to insure themselves against certain risks. In this sense, the fact that a person may decide to devote her life to saving the world's poor, which is to many a praiseworthy enterprise, is not a reason from the point of view of justice to ask for more than her fair share. On the other hand, the fact that a person has been blamelessly involved in a car accident is not a reason from the point of view of justice to refuse him

⁸ This is the familiar problem of the incompatibility between determinism and free will, namely that if determinism is true then no one can be really said to fully control what has brought it about that one has acted, decided, chosen etc. in the way he has. In other words, agent responsibility requires causal responsibility (For the distinction between causal, agent, moral and consequential responsibility see Knight and Stemplowska (2011: 11-15)) and thus moral responsibility is plausible only if free will is true. Hard determinism and libertarianism are both incompatibilistic views of free will and determinism (Lippert-Rasmussen 2005: 46). Frankfurt has argued against the incompatibilistic view that moral responsibility and free will can be compatible with determinism (1969, 1971). For a rejection of Frankfurt's compatibilist view see, for example, Wideker (1995) and Kane (1996; 2005). For a similar line of thought see also Ginet (1996) and Wyma (1997). For a reply to Wideker and Kane, see Mele and Robb (1998) who provide more refined Frankfurt-style cases to validate Frankfurt's compatibilist view. Another kind of objection to Frankfurt has been called the "Flicker of Freedom" strategy (Fischer 1999: 109-10; Kane 2005: 85-7).

medical treatment, in case he needs it, if his insurance decisions support this. In any case, the relevant capacities that are conditions for judgemental responsibility can qualify as necessary (but not sufficient) conditions for consequential responsibility as well, and that is the focus of this chapter.

That people should have the capacity to a minimum degree to form true beliefs about the world as well as the capacity to match decisions with their aims are ones that all, or almost all, would agree are required for people to be responsible for their choices and decisions.⁹ It is more controversial what the minimum threshold of

⁹ There is a distinct question concerning the basis of equality, that is, what grounds there are for treating people as having equal moral worth. Usually, answers take the form of people being treated as moral equals in virtue of possessing certain capacities at a certain minimum. This is indeed a controversial issue. The problem I discuss here, however, is somewhat different. It regards when it is appropriate to hold people consequentially responsible for their choices and this is distinct from the question of when it is appropriate to treat them as equal moral agents. One basic difference can be assumed to be that not all those qualifying as moral agents can be properly held consequentially responsible for their choices. Certainly consequential responsibility depends upon one having qualified as a moral agent, but being a moral agent does not necessarily mean that one is consequentially responsible for her choices. Of course, this depends upon what we take the basis of equality to be and different answers to this will probably produce different answers to the connection between moral agency and consequential responsibility. For example, suppose that we assume that people are equal moral agents in virtue of each possessing “a distinct subjectivity *with the kind of structure that gives rise to a sense of time, reasons-responsiveness, and the interests that rational aims generate*” (Sher 2014: 28). People with certain mental defects or children can satisfy this requirement and qualify as moral agents whose interests should be given equal moral consideration, concern, respect and so on. On the other hand, children, for example, have not developed certain capacities required for consequential responsibility, such as the “ability to form true beliefs about the world, about the mental states of other people, and about the likely consequences of what [we do]”. Moreover, it could be claimed that, given a certain account of what justifies treating people as equal moral agents, ascribing consequential responsibility to people who

these capacities should be¹⁰ and to a great degree this is up to scientific judgement. Yet, what is most controversial regarding the relation between capacity and responsibility that is of concern here relates to the following line of criticism. Different people possess these capacities to different above-the-threshold degrees. If responsibility is (at least partly) conditioned on possessing these capacities, then people's responsibility should vary depending on the degree of their possession of these capacities. If this is so, then the person/circumstance distinction cannot account for or casts doubt on the enterprise of justifying the significance of responsibility within a theory of distributive justice and thus the requirement of responsibility-sensitivity should be abandoned or be more moderate. Yet, I think this is mistaken.

To see why, it is useful to examine what those capacities refer to. Take, first, the epistemic capacity, that is, our "ability to form true beliefs about the world, about the mental states of other people, and about the likely consequences of what [we do]". Saying that this is a necessary condition for a person to be consequentially responsible, we cannot plausibly mean that Albert Einstein should have a greater degree of consequential responsibility than I do, because I cannot adequately grasp the general theory of relativity. He was much smarter than I am, but this is not a proper basis for saying that he should bear a greater degree of consequential responsibility than I do.

lack or have not developed the relevant capacities required for consequential responsibility, is to treat them as moral unequals. In any case, this issue needs further elaboration and consideration, but I do not have the space here to develop further arguments. My point is rather limited. To the extent we agree that at least some aspects of our moral personality justify consequential responsibility, then we must assume possessing certain capacities relevant to consequential responsibility at a minimum threshold as necessary. It is this claim I assume to be the least controversial.

¹⁰ See, for example, Arneson (2015) about the arbitrariness of the threshold.

Neither is it reasonable to say that Freud should bear a greater degree of consequential responsibility than I do, because he is a specialist in recognising the mental states of other people while I am not. We need to make better sense of what kind of epistemic capacity is required for consequential responsibility to be due. To do so, I shall take stock of Dworkin's distinction between the model of impact and the challenge model in his discussion of what a good life is from a liberal point of view (2000: ch. 6).

According to the model of impact, a person's life is more valuable the greater the impact her life has on the objective value of the world (Dworkin 2000: 251-3). According to the model of challenge, a person's life has value to the extent she has lived it in a way that has responded to her circumstances in an appropriate way (Dworkin 2000: 253-4).¹¹ Einstein's life is better than mine and indeed better than most people's life who have ever lived according to the first model. But, according to the second model both my life and Einstein's life may be good lives, independently of the impact we've made on the world, given that we have appropriately responded to our situation. Given this distinction we might say that the epistemic capacity necessary for consequential responsibility is the very same capacity necessary for being able to live a good life according to the challenge model. This capacity does not require that one is great at physics or psychoanalysis, but only that he has the ability to understand certain truths at a basic level about how the world is.¹²

Take next the regulative capacity, that is, our "ability to make decisions that fit what we might call [our] normative personality: [our]

¹¹ See also Dworkin (2011: 195-9).

¹² As I maintain above, it does not suffice that we have the capacity to understand certain truths about the world, but that we actually know them. A person who possesses the epistemic capacity cannot be consequentially responsible for her acts if she has not realised this capacity. Being able to understand that a gun can kill is different than actually knowing that a gun can kill.

desires, preferences, convictions, attachments, loyalties, and self-image". The regulative capacity is a more plausible basis than the epistemic one for Dworkin's critics to maintain that to the extent people possess it to different degrees, they should bear differential consequential responsibility. If we consider that the ability to fit decisions to our conception of the good depends on our innate abilities to deliberate, choose and act prudently, and given that such abilities belong to our circumstances, then to the extent people do not possess those abilities to an equal degree, it is fair that they do not bear the same degree of consequential responsibility. To meet this challenge, we need to make the following distinction between having a desire, preference, conviction, and so on and choosing the appropriate means to satisfy them or live accordingly. Dworkin's critics should be careful to make it clear where their objection applies.

On the one hand, they could maintain that people's formation of their desires, preferences, convictions etc. partly depends on their innate abilities to deliberate, choose and act prudently. So, what people identify with is affected by those abilities. But people have differential innate skills to deliberate, choose and act prudently for which they cannot be reasonably held responsible, since such skills belong to their circumstances (Arneson 1999: 496, 2002: 371; Scheffler 2005: 11, 13). If that is so, then people's choices are, at least, partly influenced by their circumstances. Thus, the identification requirement is influenced by people's circumstances. This has as a consequence that the connection between identification and responsibility is rendered problematic. For, if people are responsible for what they identify with, and if identification is partly determined by factors that belong to people's circumstances, then they are either held responsible for their circumstances, which are normally seen as outside of the sphere of personal responsibility, or they should not be

held, at least fully, responsible for what they identify with.¹³ Because some people's specific capacities are poor, it is unfair to hold them fully consequentially responsible for their desires, preferences, convictions, etc. and thus consequential responsibility should be somehow proportioned to the degree they possess these capacities.¹⁴

¹³ A distinct objection, especially with respect to control-based accounts of choice, and with respect to Dworkin's identification-based account in case the latter collapses into the former, is that the principle of responsibility so construed is impracticable, that is, it cannot be implemented in real world policies. This is so, since the necessary information [for tracking responsibility] "is technically unfeasible and physically impossible to collect" (Arneson 1989: 87, cf. Arneson 1999: 495; Cohen 1989: 934; Roemer 1995: 2). If this is so, then why should we be bothered theorising the role of responsibility in determining distribution? Related to this criticism is the view, advanced though in a different context (namely, as a reply to the harshness objection), that in the real world there is almost no case that could "pass the 'pure option luck' test" (Voigt 2007: 403; cf. Barry N. 2006). But, again if there are no pure option luck cases in the real world, why should we be bothered theorising the role of responsibility in determining distribution? Political philosophy's role is, as Rawls has famously stated, "realistically utopian: that is, as probing the limits of practicable political possibility" (2001: 4, cf. 1999: 11). So, a theory of justice should be a realistic utopia, that is, inform us of "how far in our world (given its laws and tendencies) a democratic regime can attain complete realization of its appropriate political values" (Rawls 2001: 13). In this respect, luck egalitarianism disregards or ignores this requirement. But, if luck egalitarianism fails in its role to provide for a realistically utopian conception of justice, it consequently fails in its reconciliatory role, that is, its role as a political philosophical doctrine to reconcile us with our society and its history (Rawls 2001: 3-4). This is so, since, as Rawls puts it, a realistic utopia "extends what are ordinarily thought to be the limits of practicable political possibility and, in so doing, reconciles us to our political and social condition" (1999: 11).

¹⁴ This is related to the social egalitarian objection that luck egalitarianism is morally implausible, since in order to track people's responsibility for their acts, decisions and so on, the state would have to make intrusive judgments of how they have made use of their freedoms (Anderson 1999: 289, 305, 310; Scheffler 2003: 21, Carter 2011). This is so, since people's abilities to act prudently or responsibly are partly shaped by their innate abilities, character traits and so on (that are themselves

But how are we to judge that people's specific capacities are poor? The objection implies a correlation between the specific capacities and the desires, preferences, convictions and so on that people actually have or develop. So, when they say that the specific capacities are poor, the objectors imply that had these been of a greater degree, their desires, preferences, convictions and so on would be different from what they are.¹⁵ But different in what sense?

There should be a standard against which we can judge that a person's desires, preferences, convictions, etc. are not as they would have been. This standard can be provided by what would be objectively prudent for one to want. We could then say that people who do not want what is objectively prudent for them, lack the specific capacities to the same extent as others do who want what is objectively prudent for them, and so they should not be held fully consequentially responsible for their desires, preferences and convictions. But this is not what anti-perfectionist liberals want to say and certainly this is not

influenced by people's social environment and circumstances of upbringing) and are partly due to their own effort (which is as well at least partly affected by one's genes, social and upbringing environment). So, the state would have to track people's responsibility by determining what part of, say, one's effort is due to luck and what part is due to his choice alone, or whether one's imprudent decision is owed to factors that are beyond her control and so on (Miller as well advances the similar thought (though in the space of desert considerations and how these may be affected by considerations about luck) that choices and efforts are influenced by people's circumstances (1999: 143-9)). But such a policy would be humiliating and demeaning. However, if my argument presented here that equality of resources does not need to rest on such kinds of evaluations, then the present objection would be invalid with respect to equality of resources.

¹⁵ We should be careful not to confuse this with the fact that people's desires, preferences and so on are influenced by their productive talents. Productive talents are different from the capacities under consideration here. So, I may decide not to become an astrophysicist, although I would want to, because I know I lack the specific skills required for pursuing such a career. But this does not mean that I lack the regulative capacity under discussion here.

required by equality of resources. According to the latter, people should be free to choose to live according to their own conception of the good. No such objective standard as to what a good life consists in is acceptable. Moreover, the challenge model tells in favor of this. This is not to say that there are not certain restrictions with respect to the life people can pursue. But these restrictions are put from the point of view of justice, not from the point of view of some comprehensive-philosophical, religious or ideological-doctrine. What is required is that people have the capacity to form a conception of the good. To the extent they have this capacity, we can no longer say that this capacity is possessed in degrees, for that would commit us to an objectionable objective standard of what a good life consists in.

This does not mean, however, that there aren't any unreasonable conceptions of the good. But a conception of the good being unreasonable does not necessarily mean that the person who adopts such a conception lacks the relevant capacity. It may be the case that an unreasonable conception of the good is a sign of someone lacking the capacity to form a conception of the good. One such example would be people suffering from mental or serious psychological defects. Such people may have and indeed sometimes do have strong desires, preferences, convictions, but they probably do not satisfy the first and/or the second condition. On the other hand, not all people holding unreasonable conceptions of the good are lacking the relevant capacity. Neo-Nazis, religious fundamentalists, racists, or people like the Medici prince do not lack the capacity to form a conception of the good, even though their conception of the good is unreasonable. It would not be reasonable to hold that all those involved in the atrocities during World War II were insane or that the slavery regime in the USA was due to some kind of collective insanity. Other factors may be involved in explaining such phenomena that usually characterise social groups, but they cannot be explained by the

fact that a person lacks the mental and psychological capacities to form a conception of the good.

On the other hand, Dworkin's critics could point to people's abilities to deliberate, choose and act prudently with respect to what the appropriate means are for the satisfaction of their desires, preferences and convictions. It is these capacities to which the regulative capacity refers.¹⁶ They could thus say that because some people's above-the-threshold regulative capacity is poorer than others', it is unfair to hold them consequentially responsible for their choices to the same extent as those whose relevant capacity is better. However, the question here is similar. How are we going to judge that a person has a poor regulative capacity? Are we to say this when a person does actually fail to decide prudently? This would be a poor answer. It is one thing to decide imprudently and another not to have the capacity to decide prudently. There are many factors that may explain an imprudent decision, which we should try to eliminate or mitigate, as condition (d) requires for example, but these factors do not have to do with our internal capacity. Are we to say that people have decided imprudently judging by the fact that they have ended-up worse-off than others? But, having better prudential capacities does not necessarily lead one to be in a less disadvantageous position. Great artists or scientists that died in poverty and received after-death recognition were not for that reason less capable of making prudent choices. But more importantly, it would be questionable whether we would be justified even to say that, because they ended-up in poverty, their decisions were imprudent, because they themselves may not have minded living in poverty if they were to perform great art.

¹⁶ See also Dworkin who maintains that "what is prudent depends on that person's own individual needs, tastes, personality, and preferences" (2000: 313, see also p. 492, fn. 7), thus he identifies prudent choices as ones that match one's conception of the good.

But we have another, more important, reason for rejecting the critics' objection. What matters is that the person thinks and feels satisfied with the decisions he makes in the sense that those decisions reflect his preferences, convictions and so on. Saying that a person has an above-the-threshold poor regulative capacity would be to deny him the status of being able to judge what is good for him and how he should act and decide in the light of his conception of the good. This is not meant to imply that people do not regret having made some of their decisions or that they may not—over the course of their life—change their convictions, preferences and so on. But we should be careful not to confuse this with their capacity to make prudent choices, that is, choices that match their convictions, preferences, desires and so on. When we regret having made a certain decision we do not regret that we lacked the capacity to choose wisely or that we did not have the relevant capacity to a greater degree, but that, although we had this capacity, we chose unwisely. Otherwise we would not be able to judge that a decision was unwise.¹⁷

¹⁷ Let me note one possible objection to my present argument. When people look back on their lives, and the choices they made when they were younger, they often think that their capacity to judge wisely was weaker. Must they always be mistaken in thinking so? To answer this objection, we need to keep in mind that my arguments about agential capacities are meant to be understood against the distinction between having a capacity and having developed this capacity (besides condition (c) above requires that people should develop to a sufficient degree their epistemic and regulative capacities). My argument says that, given the Dworkinian commitments to the challenge model etc., we cannot in principle make sense of the claim that people's agential capacities vary once they satisfy a certain minimum. Of course, variations are possible when we talk of people's *developed* capacities. I do not deny this. I rather think that (in relation to my argument in the previous sentence) such variations are properly accounted for by the justice-relative conditions. So, for example, people may regret some choice they made in the past when they were younger, not because they lacked the relevant capacity, but because they had not developed it to a greater degree. This may be due, for example, to the fact that they

We can better appreciate this claim if we keep in mind that in Dworkin's theory first person judgements are central to considerations of distributive justice. This is so, for if it matters how people's lives go, it should matter from their point of view. It is or should be a basic tenet of liberal egalitarianism that people have a fundamental interest in being able to lead what they judge to be a good life. So, liberal egalitarianism should place the individual at the centre and by this it should mean to take her judgements, decisions and conduct seriously. First person judgements then are relevant to what justice requires.

Having said that, how are we going to evaluate judgements of regret—as these are made from the point of view of the individual—and a person's regulative capacity? To answer this, we should be able first to answer the following questions. When I regret having made a certain decision what do I specifically regret? Do I regret that I did not have the relevant capacity to a greater degree to choose wisely? Or that, although I have the relevant capacity, I chose unwisely? Apparently, it is the first question we are concerned with here. This is what the objection points to. So, what kind of judgement can we make from the first person point of view with respect to our regulative capacity? Can I say that a certain decision of mine that I regret is the upshot of my poor regulative capacity? People cannot make

had not the fullest possible opportunity to reflect on their decisions, or their education was not valuable, or they experienced social oppression, or their experiences were not so rich and so on. Although, the distinction may not be familiar to the common sense understanding of what we mean that a person possesses a certain capacity, I think it is useful to use it in our assessment of the proportioning-of-consequential-responsibility objection. The objection, recall, maintains that those capacities are *innate* endowments and as such belong to our circumstances. So, my concern here is what it means that people differ in their *innate* endowments before these have been affected by other factors that contribute to their development and as such are the concern of what I call justice-relative conditions.

judgements over the degree of their regulative capacity but by using their regulative capacity. But a person cannot say that her decisions would be wiser, had she the relevant capacity to a greater degree, for, to say this, she would need to actually have the relevant capacity to a greater degree in order to be able to judge what a wiser choice would be had she the relevant capacity to a greater degree. However, this is impossible.¹⁸ If it is through her regulative capacity that the person judges her decisions, she cannot judge her regulative capacity as inadequate, for if it were the case that her regulative capacity was inadequate, she could not judge her regulative capacity as well as decisions flowing from it as inadequate.

Consider, yet a further objection to my argument. The critic could say that the fact that from a first person perspective we cannot make the kind of judgements over the degree of people's regulative capacity does not mean that we are not justified in making such judgements from a third person perspective. And from a third person perspective, it is true that people possess the regulative capacity to different degrees. This is independent of people's own judgements. But, if we were to judge from the third person point of view that a person's regulative capacity is poorer than another's, how could we do so? Suppose there are two people with the same ambition—say, to become a doctor— they have equal talents required for becoming a doctor, they have equal opportunities, but make different decisions with respect to how they are to achieve their aim. Now, one of them succeeds in becoming a doctor, while the second does not. The critic says that, all else being equal, we can say that the second person's failure is due to her poorer regulative capacity, and this is so, *even if*

¹⁸ It is possible over time, of course, that people can judge some of their past decisions as imprudent. But this would be so because people improve or develop their capacities over their life, not because their innate capacities are poor. See also fn. 17 above.

he does not think his imprudent decisions were due to her poor regulative capacity. But now let's see the error in this kind of argument.

The argument implies that the individual can understand that he has made an imprudent decision, but that he does not understand that this is due to her poor capacity. But if she understands that she has made an imprudent decision then she can understand this because she has the requisite regulative capacity, as I have maintained above. So, for the argument to be plausible as an objection to my argument, it would have to claim that the person has failed to make a prudent decision, even if he does not think he has made an imprudent decision. But this is absurd. For if the individual does not think he has made an imprudent decision, it would mean that he wrongly considers that his ambition is fulfilled, which, of course, he does not. On the other hand, if he thinks that his ambition has not been fulfilled, then he should be able to judge that it has not been fulfilled due to his imprudent decision. But if he is able to judge that this is so due to his imprudent decision, then he has the relevant regulative capacity to make this judgement. So, the objection that people may have unequal regulative capacities as judged from the third person point of view fails.

In sum, I have argued that consequential responsibility, that is, responsibility for the consequences of a person's choices—as these are informed by her preferences, tastes, ambitions, ideological convictions and so on—is constitutive of what it means to respect each other's equal dignity, that is, each other's life as equally objectively important and consequently each other's personal responsibility to make something valuable out of their life by being able to determine the terms of their life on equal terms. In virtue of this, I argued that consequential responsibility ascriptions are appropriate under certain conditions, namely justice- and agent-

relative conditions. I gave more space to discussing the agent-relative conditions, since the justice-relative conditions have been discussed in previous chapters. With respect to the epistemic capacity, I argued that we should make sense of it against a certain background regarding what it means to live a good life according to the challenge model. Based on this, I considered and rejected the objection that consequential responsibility should be proportioned to people's differential degrees of the relevant capacity. With respect to the regulative capacity, I argued that there are two ways to make sense of it, only one of which is faithful to equality of resources and is properly sensitive to liberal standards. I then considered and rejected the objection that consequential responsibility should be proportioned to people's differential degrees of the relevant capacity, since doing so is incompatible with first person judgements over people's decisions.¹⁹

So far I have argued that equality of resources properly understood provides an account of non-domination. As such Dworkin's theory can be said to be properly situated within relational theories of equality rather than within luck egalitarian theories. So, what social egalitarians and Dworkin seem to share in common is the idea that equality is a value governing the relations between people,

¹⁹ My argument about why, under equality of resources, consequential responsibility should not be proportioned to people's differential degrees of the epistemic and regulative capacity answers to Carter's challenge that any genuine egalitarian theory should satisfy the opacity test (see chapter 3). However, it is different from Carter's argument because it does not rely on the idea that although people are different with respect to the relevant capacities we should turn a blind eye to these differences if we are to treat them as moral equals. Instead, my argument points to the fact there is no genuine standard to determine above-the-threshold differences in these capacities given the overall commitments of equality of resources.

thus the existence of certain—most notably social and political—relationships between people matters in a morally important way for people's duties to one another, and so strong egalitarian duties are justified in virtue of some form of interaction or relationship between people. Dworkin's theory, however, differs from certain accounts of what social equality consists in, in that it takes personal and thus consequential responsibility to be constitutive of non-domination, not an enemy to it, as social egalitarians have maintained. In this chapter, I have discussed how we should make sense of consequential responsibility within the Dworkinian context and I hope that I have provided a convincing case in favour of the view that the latter is constitutive of non-domination. If my arguments are successful then the Dworkinian context provides a better understanding of non-domination than the proposed social egalitarian accounts, and so social egalitarians have to take personal responsibility seriously, if their project to account for what a society of social and political equals requires is to be promising. In what follows, however, my aim is to question social egalitarians' and Dworkin's shared view that justice-based duties are generated in virtue of certain existing social and political relations. Instead, I shall argue that the idea that we should relate to each other as equals properly understood requires more strongly that certain relationships are constitutive of justice rather than simply triggering concerns of justice.

Chapter 7

The Scope of Egalitarian Justice

As I said in the Introduction and Chapter 1, there are two main commitments that characterise the social egalitarian tradition. The first one holds that equality is a relational ideal, that is, it regards the kind of relationships between people. The second one holds that if equality regards how people should relate to each other, then justice considerations are triggered in virtue of some morally important forms of interaction or relationships between people. Both of these commitments have led social egalitarians to oppose luck egalitarianism. If equality regards how people relate to each other as equals, then distributive justice does not have any independent value, as luck egalitarians hold, but it should be shown to be constitutive of, or instrumental to, or as flowing from the ideal of equal social and political relationships. On the other hand, if justice considerations are triggered in virtue of morally significant forms of relationships or interactions, then luck inequalities are not a legitimate basis for justice-based duties to arise, as luck egalitarians hold. In the previous chapters, my main focus was on the first social egalitarian commitment. The objective was to see how we can best make sense of what relating to each other as equals means and I proposed that the Dworkinian context properly understood offers a better basis to unpack the requirement that we should live in a non-dominating way. In this chapter, my focus is on the second commitment shared by both Dworkin and social egalitarians. I shall argue that the ideal of social equality properly understood regards morally significant forms of relationships or interactions as constitutive of justice, not as merely triggering justice considerations. Let me, first, briefly discuss how social egalitarians understand their second commitment and how it

contrasts with the luck egalitarian commitment to the universality of principles of justice.

Proponents of social egalitarianism contrast distributive equality with social equality by emphasizing the relational nature of the latter (Anderson 1999: 313, 2010), which they insist should be the focal point of theories of equality. While luck egalitarian theories are asocial (Arneson 2011: 42-3), social egalitarianism understands equality as “a moral ideal governing the relations in which people stand to one another” (Scheffler 2003: 21, cf. 2005: 17). The appropriate focus of justice-concern, according to social egalitarians, is not some kind of state of affairs, but how either individual or collective agents act (Anderson 2010: 2, 16-9). Luck egalitarianism, on the other hand, may be thought to regard justice as a property characterizing states of affairs, independently of whether individuals can have any influence on the quality of the state of affairs in question (Cohen 2008). If we hold that is in itself bad or unjust that some are worse-off than others through no fault of their own, we do so independently of whether we can do anything to change this inequality, which is considered to be a natural injustice.¹ Social egalitarians deny this. Their emphasis is on the justice or injustice of actions.

Furthermore, they point out that just or unjust actions are possible only within certain forms of relationships. We can act justly or unjustly only when we are in some way related or interacting with each other. When no such relationship or interaction obtains, no injustice can take place. This further points to what generates justice-based duties. According to social egalitarians, the existence of certain—most notably social and political—relationships between people matters in a morally important way for people’s duties to one

¹ See Parfit on the distinction between deontic and telic egalitarianism (2000) and for discussion see O’Neil (2008).

another, and so strong egalitarian duties are justified on the basis of some form of interaction or relationship between people.² Social egalitarians, nevertheless, recognise duties of humanity (Arneson 2011: 47) that are generated independently of the existence of certain relationships. So, they could claim that we have a duty to transfer sufficient resources to a decent life to the world's needy, for example.³ The justification of differential treatment on this account is based not on partial principles of morality, but on impartial ones that make different demands depending on the nature of the site of morality in question. That is to say, social egalitarians can take the view that humanitarian aid is required in order to treat non-members as equals, since treating a person as an equal is affected by the kind of relationship one has to that person.

Based on this account of what equality is about, social egalitarians insist that it is not plausible to think that equality requires the mitigation of the consequences of luck in people's lives as luck egalitarians assume (Anderson 1999, 2010; Scheffler 2003, 2005; Schemmel 2010), and so duties of justice are not triggered in virtue of natural inequalities (Anderson 2010). Injustice is primarily socially and politically generated. Of course, distribution should be attentive to some kinds of bad brute luck, but this is not justified in virtue of the assumed injustice of a person's bad brute luck, but in virtue of our duty to relate to her as a social and political equal (Anderson 1999; Scheffler 2003, 2005; Forst 2012; 2014). The same would hold true even if a person suffers from bad option luck, if this renders her unable to function as a social and political equal. Social and institutional

² See, for example, Walzer (1983: 31, 33, 62), Miller (1995, 1998, 2007, 2009, 2013), Scheffler (2001, 2008, 2014), Anderson (1999, 2010), Satz (2005), Sangiovanni (2008), Schemmel (2010), Bohman (2004), Forst (2014).

³ On the sufficiency doctrine, see Frankfurt (1987, 1997). Rawls' duty of assistance to burdened societies (1999: 106) can be considered to be a sufficiency account of our duties to non-members.

arrangements that permit some members to fall below the threshold of what is required to be able to act as social and political equals fail to be just. According to this view, the demands of social and political equality are based “on the fact of universal moral equality” (Anderson 1999: 313; cf. Scheffler 2003: 21-2). This means that social and political equality is “a necessary dimension of what it means to treat people as if they have equal moral worth” (Fourie 2012: 118).

On the other hand, luck egalitarians do not consider interaction or relationship necessary for justifying justice-based duties. What matters is the fact that there exists a bad or unjust state of affairs that is sufficient to generate strong egalitarian duties, and this is so independently of whether any form of relationship or interaction obtains.⁴ However, this doesn’t mean that social relationships are of no moral concern to its proponents. Luck egalitarians would condemn hierarchical social relationships, but they do not generally conceive the structure of social relationships *per se* as a concern of justice. This kind of information about social relationships may figure as a means to the attainment of the *equalizandum*, but they are contingent factors not intrinsically significant ones to the ambit of justice (Arneson 2011: 42-3; Anderson 1999: 313).⁵ Social egalitarians, on the other hand, stress the intrinsic

⁴ See, for example, Arneson on the distinction between asocial and social interactionist accounts of justice (2011: 42-7). Arneson uses the term social interactionist for a broad range of theories of social justice (2011: 47, fn. 44) that support the view that “egalitarian justice principles apply only on the condition that some form of social interaction [is] in play” (2011: 43). Social egalitarians naturally fall into this category, but they do not exhaust it. Arneson includes Dworkin among social interactionists (2011: 46, fn. 43), for, according to the latter, membership in political communities generates strongly egalitarian duties (Dworkin 2011: ch. 14).

⁵ Cohen being a value pluralist holds that luck egalitarian principles of justice may need to be compromised by a principle of community, if the inequalities justified by the former have harmful effects to the life of the political community (2009: 34, 74). Yet, this doesn’t mean that social relations are instrumental to realising principles

value of human social relationships. How people relate to each other has both instrumental and more importantly intrinsic value (Fourie 2012: 117). Distribution may have a role to play in the construction of the ideal of equal social relationships, but it is insufficient to this end. We could say that distribution is the result of the kind of social relationships within society.⁶

Dworkin partly shares the social egalitarian view in thinking that strongly egalitarian duties are generated in virtue of certain relationships that are significant in how our life goes. He treats political relationships as of special importance, since political associations are characterised by the fact of coercion.⁷ According to Dworkin, state coercion can be legitimate/justified to the extent people are treated as equals within the political community (2011: 321-3), where he takes equality to have different dimensions and our task is to “build conceptions of these different dimensions of equality that fit with and draw upon one another, not suppose that either economic or political or social equality is more fundamental than the others” (2003: 190). So, although Dworkin’s equality of resources has been classified as a luck egalitarian theory, according to his view the kind of relationship we have to others triggers differential obligations to them. Membership in a political community triggers certain kinds

of justice. It rather means that the principle of community, that is not a principle of justice, may be intrinsically valuable for reasons independent to justice-based reasons.

⁶See for example, Walzer (1983, especially ch. 1), Young (1990: 15); Anderson (1999: 314); Forst (2014).

⁷ Dworkin can be interpreted in this way, when he says that “[t]he comparative standard is indeed of the essence of certain special obligations...it is at the heart of certain political obligations: in your political capacity as a voter or official, you must do your part to ensure that your state shows equal concern for the fate of all under its dominion. That political obligation may in some way extend beyond national boundaries. But you do not, just acting as an individual, have any such obligation to all human beings just out of respect of their humanity” (2011: 275).

of duties and equal distribution as this is specified by equality of resources is one of them.

However, I think that both the view that social relationships are instrumental to justice considerations and the view that we owe strong egalitarian duties only in virtue of morally significant forms of relationships are problematic. Although I do not agree with Arneson's view that social and political relationships are only instrumentally important to egalitarian justice, there is something valuable in his diagnosis that in some respect the demands of egalitarian justice should not depend on people's existing social and political relationships. If luck is an arbitrary factor of how one's life goes, then it is equally arbitrary whether we are born in one or other political community. It is reasonable to hold that luck sharing should be universal and I think most luck egalitarians would to some extent accept that view.

On the other hand, there is some force in the social egalitarian claim that the social and political context is constitutive of the fairness of distribution. However, the social egalitarian view that it is in virtue of our co-membership in a political community that we owe strong egalitarian duties to each other seems problematic as well. For, it is not sufficiently justified why universal moral equality requires that we relate to each other as social and political equals only when we *already* interact with or relate to each other in some morally important way. Why does it not require that we should interact with or relate to each other in some morally important way even if we do not already do so and that such interaction or relationship should take the form of social and political equality? In other words, it is not sufficiently justified what makes existing interaction or relationships morally relevant for egalitarian concerns to arise.

So, there seems to be a tension between the luck egalitarian demand for strong egalitarian duties that are universal on the one hand and the social egalitarian demand that justice requires that we

relate to each other as social and political equals, restricting strong egalitarian duties to the domestic level or to existing interaction. Let me note, however, that one need not be a luck egalitarian to support the view that strong egalitarian duties are owed universally⁸ (and indeed one need not be an egalitarian to support the view that justice demands apply globally, although I will not be concerned with non-egalitarian theories of justice here).⁹ It is one thing to say that distributive justice is universal in its reach and quite another to say what the proper distributive principle is. Moreover, I will here distinguish between universal and global. When I say that principles of justice are universal I mean that we owe egalitarian duties to each other independently of any existing interaction. On the other hand,

⁸ Steiner, for example, proposes that all people should have a right to an equal share of the world's resources (1994: 235–6, 262–5, 270, 1999). Barry as well has made a similar suggestion (1991a, 1991b). Caney suggests that equality of opportunity is the proper distributive principle (2003) (as well as priority of the worst-off, rights to subsistence and equality of payment for equal work (2005: 122–3)), but not in a luck egalitarian sense since his account does not depend on the luck-choice distinction. However, his argument about universal egalitarian duties depends, among others, on the arbitrariness of one's birth place that is a matter of luck to her (Caney 2005: 111). Moreover, although he argues for universal principles of justice, he maintains that "global economic rights...must be...compatible with 'domestic' theory" (2005: 104). Pogge, although he has raised a similar objection about the arbitrariness of one's birth place against Rawls' restriction of the two principles of justice to the domestic level (1989: 247), is himself an interactionist. Although, his "global resource dividend" (1994b; 1998b; 2002; 2011) that requires taxation for the use of resources in one's territory directed to the needs of the world's poor could be thought to be an asocial theory of distributive justice, he nevertheless thinks that distributive duties are owed because inequality is the result of the institutional framework being set up by the wealthy nations for their benefit (Pogge 2002; 2010; 2011). In this sense he invokes an interactionist vocabulary to frame his argument in favour of his global distributive principle. See also Nussbaum's proposal for universal provision of basic capabilities (2006: ch. 4, 5).

⁹ See, for example, Lomasky (2007).

we may say that principles of justice apply globally on account of some form of interaction that is global, that is, interaction that extends to all persons.¹⁰

With those clarifications in mind, social egalitarians *qua* interactionists oppose the view that distributive justice is universal in its reach.¹¹ Some social egalitarians suggest that principles of distributive justice (that are not luck egalitarian) apply beyond the domestic level but only on account of some form of interaction.¹² Dworkin, being himself an interactionist, also maintains that there should already be some form of interaction in place for justice demands to be triggered. On the other hand, luck egalitarians

¹⁰ I should notice that I here use the notion of interactionist to include both what Pogge calls institutional and interactional accounts of justice (1992; 1994a; 1995). On the institutional account, people have duties to each other in virtue of their co-sharing of institutions, while on the interactional account the existence of institutions is not necessary for justice demands to arise. This is a plausible distinction within the interactionist camp, and since my purpose is not to take a positive stance in favour of one or other but rather argue that existing relationships are not a necessary condition for justice demands to arise, I will continue to use the term interactionist accounts for all those accounts that hold the view that there should be a kind of relationship (institutionalised or not) for justice-based duties to be triggered.

¹¹ See, for example, Miller (1995, 2007, 2009, 2013), Scheffler (2001, 2003), Walzer (1983, 2004), Sangiovanni (2007, 2008), Nagel (2005), Blake (2002, 2011, 2012), Risse (2005, 2006), Freeman (2006, 2007). I will here include Rawls (1999), although all the relevant camps (state internationalists, globalists, universalists) draw on his work and are in a sense Rawlsian. However, Rawls himself is explicit about the restriction of principles of justice to the domestic level, which he justifies on, among other reasons, the special significance of associative ties between members of a liberal political community.

¹² See, for example, Pogge (1994b, 1998b, 2002, 2010, 2011), Beitz (1985, 1999, 2000), Buchanan (2000), Schemmel (2007); Banai, Ronzoni, Schemmel (2011), Abizadeh (2006; 2007; 2008; 2012), Abizadeh and Gilabert (2008), Scanlon (1973), Miller R. (2010), Scheffler (2014).

maintain that principles of justice are universal in their reach, independently of certain social and political arrangements.^{13,14}

My aim then is to question the social egalitarian requirement that for justice-based duties to arise, some morally significant form of relationships or interaction should already exist. On the contrary, I argue that political association itself is constitutive of justice. This has implications for the universalist view. This is so, for, my view—like the universalist one—holds that morally significant forms of relationships or interaction is not an existence condition of justice, but—unlike universalists—I maintain that political association is constitutive of justice, not merely instrumental (Arneson) or of independent moral value (Cohen).

Before moving on, let me note two things. Firstly, to the extent that interaction and relationship have that moral significance within the social egalitarian ideal, it is necessary that social egalitarians clarify what they take morally significant forms of interaction or relationship to be. What do they consider to be significant forms of interaction or relationship that are subject to justice demands? Certainly, political associations seem to be a quite clear case of a morally significant form of relationship. But this is not without problems. It will have to be determined so far as possible, what we take a political association to be. For example, if we take it to mean those who already share equal citizenship, then it would seem that there would be no justice demand to include those who lack this property, such as resident aliens, for example. Yet, this rightly strikes many as unacceptable. But absent political relationships, on what grounds would demands of justice to relate as political equals with those now excluded from the citizenry

¹³ But see Tan (2008).

¹⁴ Arneson is in line with this thought (2011). Temkin (2004a, 2004b) as well advances the view that we have reasons of justice to help the world's needy, that are so through no fault of their own.

arise? Should we instead say that there is another way in which citizens and non-citizens interact and that this gives rise to justice demands? If yes, what would count as a morally significant form of non-political interaction that triggers justice demands? And if non-political forms of interaction are morally significant, what form of just arrangements should these non-political forms of interaction take? Should they take the form of political association or some other form? I think social egalitarians need to provide sufficient answers to the above questions if their favoured ideal is to be persuasive.

Secondly, as it might have become evident the discussion over the relational or asocial nature of justice gets us into the international/cosmopolitan justice debate, which I will consider to some extent. The conclusions drawn from the latter are relevant to the debate I am concerned with here, namely the scope of egalitarian duties. We could more appropriately say that the international/cosmopolitan justice debate is a debate over the scope of egalitarian duties.

In what follows then, I shall suggest that there are two main strands within the social egalitarian camp that try to justify egalitarian duties on account of some form of interaction. The first I call statist egalitarianism, the second non-statist egalitarianism. I shall first present the arguments offered by statist egalitarians and consider some objections raised by the non-statist egalitarian standpoint against their view (section a1). I will then proceed to the arguments offered by non-statist egalitarians and suggest why they are unsatisfactory in justifying their claim that justice demands are triggered in virtue of existing interaction (section a2). My aim is not to diminish the general claim made by social egalitarians, namely that equality is a relational ideal guiding how we should relate to each other; but rather to maintain that the ideal of social and political equality is more demanding. I shall argue that the best conception of the social egalitarian ideal is the ideal of the good polity (section b).

Roughly speaking, this requires that all people are entitled to the goods of citizenship and justice that are interdependent: it is through membership in a political association that people can realize their moral nature as free and equal, by way of each living according to her own conception of the good according to public principles of justice, principles that accord each equal concern and respect. Being a citizen in the good polity means living according to common principles of justice. If all people are entitled to the goods of the good polity, then they are entitled to them independently of whether there exists any kind of relationship, interaction, or form of impact. If this is so, then strongly egalitarian duties cannot be assumed to be triggered in virtue of existing relationships, interactions, practices and so on.

Finally, let me note that defenders of what I call non-statist egalitarianism can adopt either a strong or a weak view. On the strong view, strong egalitarian duties are generated *only* in virtue of some morally significant form of interaction, which is not necessarily restricted to the level of a single political community, but absent such interaction no obligations of justice exist. The weak view holds that individuals have duties of justice to form political associations, and in some cases to admit outsiders, but once someone has been admitted to them, they incur distinctive associative duties. My argument is certainly targeted against the strong view. I am sympathetic to the weak view. However, my view is stronger in that it requires not only acceptance of outsiders, but strong distributive egalitarian duties across members of distinct political communities, as well as the establishment of certain global social and political institutions that generate strongly egalitarian duties between members of distinct political communities.

However, further argumentation would be required to make my case in favour of my view. This would have to get into interesting questions about what the implications of the ideal of the good polity are with respect to our duties to members and non-members, or how

we should make sense of our duties as these are required by the ideal of the good polity. Although these are interesting questions, I shall not get into them here. My aim rather is to examine what the ideal of equality properly understood requires. The ideal of the good polity can then provide the proper moral framework from which considerations over the specification of the kinds of duty the ideal requires to proceed. This is a distinct (though related) enterprise, which, as I said, I shall not pursue here, but I shall restrict myself to making some preliminary remarks.

a. What kinds of relationship generate egalitarian duties?

There are two strands of social egalitarianism. The first one maintains that strong egalitarian duties are generated in virtue of co-membership in a single political community. For convenience, I shall call this statist egalitarianism. The other one maintains that strong egalitarian duties are generated in virtue of some morally significant form of interaction, which is not necessarily restricted to the level of a single political community. I shall call this non-statist egalitarianism. Non-statist egalitarians, thus, don't restrict strong egalitarian duties to the domestic level, but they leave the possibility open for justice-based duties to be global in their reach on account of morally significant interaction that exceeds interaction taking place within a single political community. In what follows, I shall consider the non-statist egalitarian objection against statist egalitarianism that the latter has not provided sufficient justification for restricting justice considerations within the domestic level. I shall then argue that non-statist egalitarians as well provide insufficient justification for their view that strong egalitarian duties are triggered only in virtue of existing interaction.

a1. The non-statist egalitarian argument

One of the most compelling arguments of statist egalitarians for the restriction of justice-based duties to the domestic level refers to the significance of the basic structure. Following Rawls, some statist egalitarians maintain that “the primary subject of justice is the basic structure of society” (Rawls 1971: 7, cf. 3) and thus strong egalitarian duties are owed to those who share a basic structure. Because there is no global basic structure, the scope of justice is restricted to the domestic level. However, statist egalitarians first need to explain what the basic structure is in order to justify their position. Abizadeh provides three ways in which we can make sense of the basic structure (2007).¹⁵ The basic structure might be interpreted to comprise: a) all those institutions that specify the fair terms of social cooperation between people (Rawls 1971: 7, 11)—this is the co-operation theory; b) all those institutions, the “effects [of which] are so profound and present from the start” (Rawls 1971: 7) for the life prospects of the individuals—this is the pervasive impact theory; c) the coercive institutions of a society—this is the coercion theory. Depending on which of the three interpretations we adopt, we can justify the thesis that the basic structure is the primary subject of justice (Abizadeh 2007: 320) on account of it being necessarily instrumental for the realisation of principles of justice (the instrumental condition) or constitutive of the principles of justice (the constitutive condition) or a precondition of justice (the existence condition).

Further Abizadeh distinguishes between the site and scope of justice, where the first one refers to “the *kinds of objects* (individuals’ actions, individuals’ character, rules, or institutions, and so on) appropriately governed by principles of justice, that is, to which the

¹⁵ Although Abizadeh’s argumentation is meant to be addressed to the Rawlsian anti-cosmopolitans, its conclusions are relevant to the debate I am concerned with here, namely what grounds strong egalitarian duties.

principles of justice rightly apply”, while the second one to “the *range of persons* who have claims upon and responsibilities to each other arising from considerations of justice” (2007: 323). Depending on how each theory defines the site of justice and the justification offered for it, the scope of justice is also determined. The question then of the scope of justice is relevant to the question that concerns me here, namely what grounds strong egalitarian duties. Abizadeh’s argumentation aims at showing that none of the three interpretations of the basic structure serves as a justificatory basis for the restriction of the scope of justice to the domestic level.

Yet, not all statist egalitarians appeal to the significance of the basic structure to justify restriction of the scope of strongly egalitarian duties to the domestic level. Dworkin develops his theory of associative duties, according to which, the kind of duties owed to others depends on the significance of the kind of relationships we have with them. Political obligations, being one form of associative duties, are generated in virtue of co-membership in a political community. Dworkin’s theory thus is also restrictive of the scope of justice, but I shall argue that, contrary to his view, it lends support to the conclusion that the scope of justice cannot plausibly be thought to be restricted to the domestic level.

The co-operation theory

According to the co-operation theory, the basic structure is instrumental for the realisation of principles of justice (Abizadeh 2007: 325-329). It is meant to secure background justice by way of regulating the fair terms of social co-operation, against which individuals and associations or non-public institutions make transactions and agreements on fair terms. If that is so, then the scope of justice includes all people that already take part in social interaction, not social co-operation (Abizadeh 2007: 330-4). Social co-operation differs from social interaction and co-ordination in that the first “incorporates a moralized ideal that is a constituent of Rawlsian

justice”, since it “is not a mere system of social coordination or interaction: it is a *fair* or *just* system of social interaction” (Abizadeh 2007: 330). If this is true, then the demands of justice arise not when there is an existing shared basic structure or a shared scheme of social co-operation, as statisticians seem to suppose, but when there is any existing social interaction (Abizadeh 2007: 330-2). This is so, since when we say that the primary subject of justice is society’s basic structure, we cannot plausibly mean that justice demands arise “only between persons whose social interactions are *already* conducted on fair terms, i.e., that demands of justice would not arise for persons whose social interactions are unjust” (Abizadeh 2007: 330-1). That would be perverse. On the other hand, it cannot mean that justice demands arise only when there is an already shared basic structure (Abizadeh 2007: 331). To the extent that a basic structure is a necessarily instrumental condition for the realization of justice, it cannot be assumed that it already exists; it may need to be formed for realizing the ideal of a fair or just system of co-operation.

So, according to the co-operation theory, the existence of social interaction is a necessary and sufficient condition for demands of justice to arise (Abizadeh 2007: 331) and a shared scheme of social co-operation for mutual advantage, regulated by a shared basic structure is itself a demand of justice, not a precondition of it (Abizadeh 2007: 331, 333).

The pervasive impact theory

According to the pervasive impact theory (Abizadeh 2007: 341-5), the basic structure of society comprises all those institutions that have pervasive impact on people’s lives and not only the basic institutions that regulate the fair terms of co-operation. The scope of justice then includes all those people the lives of whom are pervasively impacted by those institutions. Yet, note that impact does not necessarily require that there is an existing relationship. For example, a community’s activities may affect peoples’ lives in another

community through causing environmental pollution (Abizadeh 2007: 339), without any other form of interaction between them. In this sense, interaction may be said to be defined in a wider sense. If that is so, then strong egalitarian duties are generated in virtue of the pervasive impact both domestic and international institutions have on peoples' lives. Thus, interaction (in this wider sense) is a necessary existence condition for justice and co-ordination or co-operation is a demand of justice. So, if the basic structure is interpreted in this way, then, given the interrelationships and interdependencies of the modern world, the statist egalitarian argument is defeated in virtue of the pervasive impact international and supra-national organisations have on people's lives.

The coercion theory

According to the coercion theory, the basic structure comprises all those institutions that subject individuals to ongoing state coercion (Abizadeh 2007: 345-357), that is, legally enforced coercion. Abizadeh considers Blake's (2002) and Nagel's (2005) arguments regarding the relationship between state coercion and egalitarian justice. Their argument concerns how state coercion can become legitimate, that is, what justifies the state having authority over those over whom it claims dominion and against which it exercises coercion. Briefly, their argument is that egalitarian justice is owed to those over whom the state claims authority, in order for the latter to be

legitimate. The state does not claim authority over outsiders¹⁶ and so no egalitarian duties are owed to them.¹⁷

Abizadeh rejects the coercion view as implausible. First, he points to the empirical fact of ongoing state coercion against strangers (Abizadeh 2007: 348-9). Secondly, he points to the perverse consequences of such a view morally speaking. If we suppose, following Blake and Nagel, that state border coercion on outsiders doesn't require justification of the sort required for insiders, because the state does not claim to have the same authority over outsiders that it has over insiders, then we subject outsiders to pure coercion (Abizadeh 2007: 351-2). States by denying authority over outsiders can treat them coercively without being accountable for their coercive practices and without being distributively responsible to them. But, if this is so, then we have no more reason to claim that a tyrant, who mistreats his subjects by imposing pure coercion without claiming authority over them, acts unjustly than we have for saying that a government that claims legitimate authority over its citizens acts

¹⁶ Blake recognises other forms of coercion, such as the coercion put by states to outsiders not to enter their borders (2002: 280, fn. 30) or by international practices, such as forms of exploitative trade relationships, that they are as well in need of justification (2002: 280), since they are violating the principle of autonomy (2002: 265), but he insists that distributive equality is justified only on account of the coerced shared liability of the state's legal system (2002: 258, 264-5, 276, 280, 284).

¹⁷ Instead Blake maintains that principles of sufficiency are most appropriate abroad (2002: 258). However, he maintains that "[i]f holdings of goods are relevant for the options they open up to us-as well as, perhaps, the ways in which they make access easier to options we already possess-then it does not seem that we necessarily gain any additional autonomy as our holdings increase past a certain level" and that "this fact...will have significant implications in the study of distributive justice" (Blake 2002: 269), that is the appropriate concern for the domestic arena. This points to sufficientarian rather than egalitarian concern. Nagel, as well, recognises that minimum humanitarian morality requires us to respect and support human rights that are universal in their reach (2005: 131-2).

justly.¹⁸ This is perverse and so it cannot plausibly be the case that we owe strong egalitarian duties only to those with whom we share a common legal structure.

Dworkin's theory of associative duties

According to Dworkin, the political associations we find ourselves in (as a matter of historical accident (2011: 317-9)), though necessary for our living well and having a good life, threaten our dignity, both by way of making our personal responsibility for leading authentic lives vulnerable to the domination of others and by way of failing to respect other people's lives as equally objectively important, and also their personal responsibility to lead authentic lives by making them vulnerable to our dominion (2011: 320). This is the essence of coercion, we might say. It is both "essential to our dignity...[and it] also threatens to make dignity impossible" (Dworkin 2011: 320). We can avoid this by reciprocal deference to each other's authority, by accepting an equal responsibility to obey collective decisions (Dworkin 2011: 320), on the condition that these decisions respect each person's dignity (Dworkin 2011: 384).¹⁹

¹⁸ See Clayton and Stemplowska for a similar point against Dworkin's account of personal morality and its asymmetry with the more egalitarian account of political morality with respect to egalitarian distributive justice across distinct political communities (2015: 318-9).

¹⁹ Dworkin maintains that the decisions reached in a democratic regime should be both procedurally fair and aim at producing right results (2000: ch. 4; 2011: ch. 18). The criterion of both fairness and rightness is equal concern and respect. In this sense, that a democratic procedure should be fair does not necessarily point to majoritarian rule, for example, where each is accorded equal voting power and the result is judged as just or right because of the fairness of the democratic procedure (Dworkin 2011: 386). Waldron, for example, one of the most prominent defenders of majority rule, binds majority rule with fairness (1999a; 1999b, but see 2009: 1043 fn. 1, where he distinguishes between majority rule and majority decision). One obvious difficulty with such an approach is the well-known problem of "tyranny of the majority". Dworkin elaborates one such example of the sinking lifeboat unless

Dworkin regards political obligations as associative duties, namely we owe them to each other due to the distinctive character of the association in question. As he says, “we have distinct obligations of aid to those who are joined with us under a single collective government (Dworkin 2011: 271)” and that:

“[we] have no duty to help someone just because his situation is in some way worse than [our] own...The comparative standard is indeed of the essence of certain special obligations...it is at the heart of certain political obligations: in [our] political capacity as a voter or official, [we] must do [our] part to ensure that [our] state shows equal concern for the fate of all under its dominion. That political obligation may in some way extend beyond national boundaries. But [we] do not, just acting as [individuals], have any such obligation to all human beings just out of respect of their humanity” (Dworkin 2011: 275).

So, in Dworkin’s account, we have strong egalitarian duties to those with whom we have a shared coercive legal structure. Our duty to aid takes a different form with respect to our political associates on the one hand and with respect to strangers on the other. In the first case, it is a strongly egalitarian duty; in the second, it takes the form of humanitarian aid.²⁰ This differentiation, however, is not due to the use of partial principles, but of impartial principles of morality that

one passenger is thrown over, where he maintains that lottery would be fairer than majority rule that could result in the drowning of the least favoured person (2011: 387, cf. 483, fn. 9 where he provides a reply to Waldron (2010)). In this respect Dworkin suggests the view that a procedure for the improvement of democratic legitimacy, such as judicial review (1985: 33-71; 1986: 87-113; 1996: 32-3; 2000: 209; 2011: 398), is not necessarily undemocratic (2000: 208; 2011: 398). This points to the correctness of decisions made by democratic rule that nevertheless fail to give equal respect and concern to some people. See Waldron’s responses to Dworkin (1998; 2006; 2009).

²⁰ For criticism of this asymmetry, see Clayton and Stemplowska (2015).

make different demands depending on the nature of the site of morality in question.²¹ As we have seen, according to Dworkin, what we owe to others is based on the ethical idea of living in dignity (2011: ch. 9). The conception of dignity should be interpreted to include the principle of self-respect, namely that each person should treat the success of his life as having objective importance, and the principle of authenticity, namely, that each person has a special, personal responsibility to create a life that he endorses (Dworkin 2011: 203-10). These two principles of dignity are integrated into morality.

Regarding the first principle, if we are to respect ourselves, we have to respect other people's lives as having equal objective importance (Dworkin 2011: 254, 260). This is the guiding principle of morality. However, this principle might be thought to conflict (at least in some cases) with the second principle of dignity. If we think that our life is of special importance to us and that we should make something valuable out of it, then this would seem under certain circumstances to require us to act against the first principle. So, it seems that the two principles of dignity offer us no clear guidance with respect to what we should do when our interests (broadly understood) and the interests of other people are in conflict. It is in this context that our duty to help becomes relevant. When do we have a duty to help others who are in a worse situation than we are without at the same time having to sacrifice our critical interests? To solve the conflict between the two principles, we have—Dworkin maintains—to turn to the idea of having the right attitude to others rather than showing equal concern for their well-being (2011: 273). We do not aim to make other people's lives as good as our own. This would be impossible, since we cannot have a metric of what a good life is that all can share (Dworkin 2011: 273).²² Thus, the concept of attitude

²¹ Blake makes a similar assertion (2002: 258-61). See also Nagel (2005: 126, 132-3).

²² This is related to his criticism to equality of welfare (Dworkin 1981b; 2000: ch. 1).

helps us to answer to the demands of morality. We should treat other people's lives as having equal objective importance by showing the right attitude. In this sense, Dworkin's view is that the right attitude towards fellow citizens and strangers differs. We respect other people's lives as equally objectively important by showing the attitude that is right, where the right attitude depends on the context in question.²³ So, according to Dworkin (and statist egalitarians more generally), we owe certain duties of aid to all people on humanitarian grounds,²⁴ but stronger egalitarian duties of aid are generated in virtue of the moral relevance of the context.²⁵ But what is distinctive about political associations, membership in which generates strongly egalitarian duties?

Dworkin interestingly seems to base his argument in favour of associative duties and political obligations specifically on his account of harm. His argument can be interpreted as follows. Some relationships are necessary for living a dignified life, that is, a life of self-respect and authenticity. Political associations are of special importance to our dignity, in the sense that they provide the crucial framework within which we lead our lives. They do so by shaping the

²³ This is indeed the view generally of interactionists, to the extent they all recognise that stronger duties of aid arise within certain, morally relevant, contexts. The difference between statist and non-statist egalitarians is not that stronger duties of aid do not depend on the context in question, but they differ about the context itself.

²⁴ Note that the duty not to harm others seems to apply in all cases, independently of whether there are further reasons for special duties to arise, such as political associations (one exception is Hobbes, though, who holds that in the state of nature, there is no justice or injustice and in this respect harming others is neither just nor unjust). In this sense, it seems that our duty not to harm others applies equally to both compatriots and strangers; it applies to all human beings *qua* human beings (see, for example Nagel 2005: 126-7, 131-2; Blake 2002: 259-60). On the other hand, it is our duty to help that is more disputed within political philosophy.

²⁵ See also Nagel (2005: 120, 125-6, 130-2) and Blake (2002: 258-60, 264-5, 272).

opportunities people have to lead authentic lives. Dworkin assumes that an authentic life is one in which the person decides for himself what a good life is given the options available to him. An authentic life is one of non-domination (Dworkin 2011: 212). On the other hand, the principle of self-respect points to how we should treat others. It says that I cannot regard my life as having objective importance if I do not, at the same time, recognise that other people's lives are of equal objective importance (Dworkin 2011: 254, 260). This has implications for the second principle as well. I cannot, in the name of leading my life as I see fit, diminish other people's dignity and their special responsibility for leading an authentic life. If they are to lead an authentic life, as I am, which is entailed by the principle of self-respect, and if self-respect requires equal respect for the lives of others, then it follows that I should respect other people's special responsibility for leading an authentic life by not usurping options otherwise available to them. So we should find a way in which we can create a framework that will provide us with the conditions of non-domination, a framework where each can equally lead an authentic life. This is the political framework, our political association.

Now, if one is to have control over how her life goes, then she needs to have control over her body and property (Dworkin 2011: 288). This right to property is fixed by political arrangement (Dworkin 2011: 288). So, in one sense the political community is necessary for fixing our distributive shares, the resources rightly put at our disposal in order to lead our life in an authentic way (Dworkin 2011: 352-4). This is not sufficient, of course, for an authentic life, but it is necessary that we do have some resources at our disposal. Moreover, the resources put at our disposal should be so distributed that they reflect equality in the opportunities we have to lead our life authentically. This is required by our duty to respect other people's lives as equally objectively important and thus respect their personal responsibility for making something valuable out of their lives. But this further

points to the fact that in order for one to lead an authentic life she should not be usurped of the choices otherwise open to her. In this sense, the distribution of resources should, so far as possible, reflect people's ethical independence, that is, people's right to make their own decisions about their life (Dworkin 2011: 368-71). Distribution of resources and liberties together fix the range of opportunities open to people. The political community then becomes of moral relevance, since it is necessary for our dignity. Our duty not to harm others seems to be the grounding principle behind this line of thought.

According to Dworkin, the two principles of dignity help us see what harm is and when we have a duty not to harm others. He distinguishes between three kinds of harm: competition, deliberate and unintended harm (Dworkin 2011: 287-291). Although competition harm is necessary for leading our lives, deliberate harm is not. We do compete with each other in order to get a job, for example, and the fact that only one will get the job is a harm to her co-competitors, but it is not objectionable. Competition harm may require that access to opportunities has been arranged in a fair way,²⁶ before we can say that it is competition harm we are talking about. Otherwise, it would probably be deliberate harm. If I am not given or am prevented from obtaining the opportunities that should be otherwise available to me then harm is inflicted on me. This is so, since the principle of authenticity requires that I have personal responsibility for my life; but to have personal responsibility for my life, I need to have control over my body, a certain amount of resources and the liberty to use them both. But since possession of resources and how I can use them are defined by the political arrangements of the community of which I am a member, then it follows that usurpation of opportunities amounts to deliberate harm.

²⁶ For criticism of Dworkin's account of competition harm, see Clayton and Stemplowska (2015).

Deliberate harm (or at least most forms of it, especially with respect to property rights) seems to presuppose the political community. For only then can I know what is rightly mine and thus know what would constitute harm to me.

This seems to be suggesting that certain forms of harm can only be identified within a political community. But, if I am not related to you politically, I impose no harm on you. Yet contrary to Dworkin's view, I think that it is not only not the case that it is only within the political community that justice concerns are generated, but it is also the case that failing to relate politically is itself an injustice, so that we cannot plausibly say that absent political relationships no harm is imposed on anyone. I shall say more on this in the next section. For now, it suffices, I think, to point out that if political associations are necessary for the dignity of people, then people owe it to each other to form political associations, where each can have an equal opportunity with all others to live according to their own conception of the good, and so existing political communities cannot be a *necessary* condition for justice demands to arise. Rather, political associations are constitutive of justice. The fact that we do already live within existing political associations is not sufficient to make it the case that we owe strongly egalitarian duties only to those with whom we are already politically related. And although Dworkin says that "[t]here is no nonhistorical answer to the question: on what principle should people be divided into political communities" (2011: 381),²⁷ I

²⁷ Yet, Dworkin maintains that "[s]till, the boundaries created by accidents of history remain the default. We are born into political communities....If we rule out a one-world global democracy...(which is impossible and would in any case raise all the old questions when the necessary subdivisions were created), we rarely find a persuasive argument for correcting what history has achieved" ((Dworkin 2011: 382). So, he seems to base his argument for the restriction of egalitarian duties within existing states on the fact that, although the existence of states as we know them is a result of "historical and geographical accident" (2011: 319), there is no

think that we can have an answer to the normative question of what our duties to each other are independently of whether we belong to distinct existing political communities by referring to what respect for human dignity requires. Accordingly, existing state coercion is not a *necessary* condition for justice demands to arise. Coercion may be instrumentally necessary for political obligations,²⁸ but it cannot generate them.

In sum, I have argued that relational egalitarians can be divided into mainly two groups, statist and non-statist egalitarians. Some statist egalitarians base their arguments for the restriction of

“persuasive argument for correcting what history has achieved”. However, this latter claim needs further clarification. Discussions over legitimacy and justice are a clear way of trying to correct what history has achieved, when what has been achieved is slavery, colonialism, imperialism and so on. On the other hand, it may simply point to the geographical boundaries of nation-states. There is no sufficient reason why boundaries should change. Absent any claims of secession, such a claim would be reasonable, but it would be of almost no force against a cosmopolitan, who could say that I do not much care about geographical boundaries *per se*, but about the scope of justice. Keep the boundaries as they are and give people across them due consideration. This means that what is of moral relevance is not boundaries, but the powers a state exercises over its subjects within its territory and over strangers out of it. If what is meant then by what history has achieved is the sovereign state, then it is not clear why there is no persuasive argument for changing what history has achieved, if what has been achieved is injustice, domination of some over others, poverty and so on. If on the other hand, what is meant by that statement is that there is no persuasive argument with respect to how the state has historically come to exercise its authority and how it exercises it now, then why would Dworkin want to advance a theory of equality that each state should appeal to in order to act justly and legitimately?

²⁸ See Dworkin who says that [i]t would be better if laws and citizens were both sufficiently just so that neither the threat nor the fact of coercion were ever necessary” (2011: 367), pointing to the fact that coercion is instrumentally necessary for principles of justice and does not give rise to them.

egalitarian duties within a single political community on the Rawlsian argument that the primary subject of justice is the basic structure of society and so egalitarian duties are generated between people who share the same basic structure. States in the real world uniquely possess the characteristics of a basic structure, thus strong egalitarian duties are owed to co-members of each single state. Taking stock of Abizadeh's analysis, we can make sense of the basic structure as the institutions that fix the fair terms of co-operation between its members, or as the institutions the effects of which have pervasive impact on people's lives from the start, or as the coercive legal structure. Each theory defines the site and scope of justice differently, but each theory cannot provide the statist egalitarian with a satisfactory justification for her claim that egalitarian duties are restricted to the domestic level.

If the statist egalitarian adopts the co-operation theory, he will be disappointed to find out that fair co-operation cannot be understood as an existence condition, but as a demand of justice, while the basic structure is a necessary instrumental condition for the realization of justice. Thus, the scope of justice cannot be plausibly restricted to the state level, but it should extend to existing relationships that should be arranged according to the demands of fair co-operation. If he adopts the pervasive impact theory, he is bound to admit that people's lives are affected both by national and international institutions as well as by non-institutional practices. If that is so, then the scope of justice includes all those whose lives are affected by those domestic and international institutional and non-institutional practises. Finally, if he goes for the coercion theory, he will have to justify why state coercion exercised on outsiders is not in need of the same kind of justification based on egalitarian concern given to those within it. If his answer is that justification of coercion is only necessary to those over whom the state claims authority, this

would have perverse effects, since it would seem that pure coercion would not count as unjust.

Finally, I have studied Dworkin's theory of associative duties, as another theory of statist egalitarianism, and argued that if political association is necessary for people's dignity, it cannot be the case that existing political associations are a necessary condition for justice demands to arise, but rather political association is a demand of justice. If that is so, the theory of associative duties cannot justify the restriction of egalitarian duties to the domestic level. Notice, however, that the objection I have advanced against Dworkin's view draws from a cosmopolitan perspective, rather than from the non-statist egalitarian perspective from which the objections against the other statist views have been advanced.

In what follows, I shall consider whether the non-statist egalitarian argument in favour of the claim that strong egalitarian duties are generated in virtue of some morally significant form of existing interaction or relationship, which is not restricted to the level of a single political community, is a successful one.

a2. The non-statist egalitarian argument.

The necessary existence condition in the co-operation theory

Going back to the site/scope distinction, Abizadeh has maintained that depending on how we interpret the basic structure, namely the site of justice, we can specify the scope of it. If the site of justice is the basic institutions for the regulation of social co-operation, then the scope of justice is all those people engaged in social interaction. According to the co-operation theory then, justice demands that interaction should be regulated in a fair or just way through a shared basic structure that is composed of those institutions necessary for the regulation of social co-operation. But it is not entailed that the scope of justice refers to people who already interact. What we are told is that co-operation (as a moral ideal) is

required by justice, that is, that people should relate to each other in a just way and this can be best done through a basic shared structure (the instrumental condition). But we are not told why co-operation through a shared basic structure should involve only people who already interact in some morally important way. Abizadeh is clear that on the cooperation theory “where there is no *social interaction*, the demands of justice do not arise” (2007: 331). He justifies this claim by maintaining that “[b]ecause on the cooperation theory the point of justice is to regulate social interaction, social interaction is a necessary and sufficient existence condition of justice” (Abizadeh 2007: 331). But he does not justify the claim that “the point of justice is to regulate social interaction” or to be more precise, he does not justify the claim that the point of justice is to regulate *existing* social interaction. So in simply affirming this, nor does he justify the claim that, where social interaction does not exist, demands of justice do not arise. If the site of justice is to tell us something about how to specify its scope, then on the co-operation theory, it certainly does not tell us that its scope coincides with existing interaction. There needs to be an independent argument in favour of the claim that demands of justice arise only when there is social interaction and this argument cannot come from how the site of justice is defined in the co-operation theory. So, we should try to seek a satisfactory justification of the existence condition of justice.

It seems then that a plausible answer is the distinctively social egalitarian thesis that injustice (as well as justice) is a relational notion. In this sense, injustice can only arise when people interact in some morally important way, for injustice has to do with how people relate to each other. When no such relationships exist, then no injustices can arise. I accept the claim that the way we interact with each other may be fair/just or unfair/unjust. I do not, however, accept the further claim that where no interaction exists there can be no injustice. First, the fact that justice is relational does not entail that

justice demands arise only when there are existing social relations. It is one thing to say that justice concerns the way we conduct our relationships, and quite another that we should already relate to each other in order to relate in a fair or just way. Secondly, the fact that justice is a relational notion does not mean that injustice is relational in the same sense that justice is. By this I mean that from the fact that justice requires that we relate to each other in the proper way, it doesn't follow that injustice results only from not relating to each other in the proper way, which certainly implies that there is an already existing relationship that is not conducted in the proper way. Injustice may result by not relating at all to each other, either by avoidance of or by ending a relationship.

However, my argument so far does not suffice to show that the social egalitarian claim on the existence condition of justice is false. For, I would also have to take into account how social egalitarians interpret what it means to relate to each other as equals to make my case against the existence condition. So, on the most widely accepted account of social egalitarianism, relating to each other as equals means that we relate to each other in a non-dominating way. Non-domination is what justice requires. And however we interpret domination, one thing seems certain; that domination necessarily requires that there is a relationship within which domination takes place. It would then seem that the existence condition is in this way rendered plausible. For, if no social interaction exists then domination certainly cannot take place. So, justice demands that, where social interaction exists, it should be arranged in a way that everyone is free from domination. And accordingly where social interaction does not exist, justice demands do not arise. There are two objections that can be raised against the claim that domination presupposes an already existing relationship.

The first invokes Pettit's conception of liberty as non-domination.²⁹ Pettit maintains that a person is free not merely when he is not subject to actual interference. A person may not be actually interfered with, yet he may still be unfree in the domination sense. Pettit defines domination as the capacity to arbitrarily interfere with one's actions. Having the capacity to do X, does not mean that one actually does X, but that he can potentially do it. If that is so, then the absence of social relationships cannot plausibly mean that one does not have the capacity to dominate another. Domination is possible in the absence of a relationship, because domination exists where A has the capacity arbitrarily to interfere with B's actions/life. In this sense, injustice does not require actual arbitrary interference. Being potentially dominated is as well an injustice,³⁰ and as we have seen potential domination does not presuppose an already existing social relationship.

However, non-statists could argue that the capacity to dominate X can be regarded as sufficient for one to have a social relationship to X. If this is so, then my objection against the existence condition is misplaced. I accept the plausibility of this claim. However, it does not render my objection misplaced. This is so, for, as I said above, my objection points to the fact that justice requires us to relate to each other in the proper way, namely in a non-dominating way. It

²⁹ See also Forst (2012; 2014), who endorses a conception of justice as non-domination, grounded in the idea that certain kinds of power relationship trigger a right of justification.

³⁰ Or alternatively we could say that when a person is in a position such that others have the capacity to interfere arbitrarily in her actions, she is unfree, but she is not treated unjustly unless they actually do interfere in some way that gives insufficient weight to her interests. Yet this would not affect my argument, since what matters for republicans is that for people to be free from domination, others should not have the capacity to treat them unjustly, even if they do not actually treat them in this way.

does not tell us that we should relate to each other in a non-dominating way only when there is an already existing social relationship, even if we take such social relationships to include cases not only of actual domination but of potential domination. In other words, it would still be the case that we should relate to each other in a non-dominating way, even if there were no actual relationship between people and no one had the capacity to dominate others. As we have seen, it is one thing to say that justice concerns the way we conduct our relationships, and quite another that we should already relate to each other in order justice demands to be triggered.

Moreover, if non-domination is important, it is not for its own sake, but because we suppose that it secures our freedom, autonomy, dignity and so on. Seen in this way, we cannot simply say that where there is no relationship, our autonomy or freedom is not threatened by domination, thus justice demands do not arise. If non-interference is a condition of autonomy, it is only one condition. As discussed above and as I shall later argue, autonomy, freedom or dignity require certain relationships, political ones specifically, to be meaningful. In this sense, when one is denied those conditions, he is treated unjustly. And to the extent such conditions depend on certain relationships or to the extent that certain relationships are constitutive of a person's dignity, freedom, autonomy and so on, refusing to relate with another in the first place is an injustice.

My view then is that there is certainly injustice involved in the exclusion of some people from certain forms of relationships that not only are necessary for the pursuit of one's life, but it is also an insult to the self-respect of those denied the possibility of becoming equal members of the relationship. Some kinds of relationships are not like friendship, which may create certain kinds of obligation, but only once

one chooses to enter it.³¹ Political association is the sort of relationship that bears those special characteristics necessary for human flourishing, both because it provides the means for creating a good life and because it provides the basis of self-respect. And it certainly cannot be the case that we may rightly refuse to relate politically to others without at the same time imposing an injustice on them.

Having said that, the following point seems relevant. Analogous to the objections raised by non-statist egalitarians against those who justify equality on account of coercive state power, is my objection against the necessary existence condition of justice, namely that egalitarian obligations are owed only in the presence of already existing relationships. According to non-statist egalitarians, if coercion needs justification to those subject to it in order to be rendered legitimate, so does coercion against outsiders.³² Justification is required to legitimate coercion, which is one form of domination. In a parallel way, we can think of social interaction as requiring justification both to insiders and outsiders and not only because of the threat of potential domination (as noted above) but precisely because the refusal to interact may indeed be an impairment to moral agency by not providing those enabling conditions of autonomy, dignity, etc. To the extent then that the refusal of social interaction can be an impairment to moral agency by not making available those enabling conditions of autonomy, dignity, etc., it as well needs justification. To claim that I do not need to justify my refusal to be related with you,

³¹ Although friendship is indeed one of the most important factors for one's life to go well and though it is desirable that it is voluntary (otherwise it would lose much of its essence) there are certain choosing criteria that rightfully seem immoral, such as choosing friends according to one's skin colour. Similar is the case of sexual relationships.

³² For such an argument see Abizadeh (2008), and his replies to Miller (2010). See also Miller's initial article (2009) and his reply to Abizadeh (2010).

because I am not actually related with you simply begs the question. If this is so, then it seems that the existence of social interaction, though sufficient, cannot be a necessary condition for justice demands to arise.

To sum up, I have maintained that existing interaction or relationships are not a necessary condition for justice demands to arise, as non-statist egalitarians suggest. This is so, for, first, if certain relationships are necessary, in the sense of being instrumentally necessary or more demanding of being constitutive of people's dignity or freedom or autonomy, then it seems that relating to each other as equals is a demand of justice even when there is no existing social relationship or interaction. If that is so, then the existing interaction/relationship condition may be sufficient but not necessary for egalitarian duties to be triggered.

The necessary existence condition in the pervasive impact theory

According to the pervasive impact theory, the basic structure comprises those institutions that have pervasive impact on people's lives. If that is so, then it seems plausible to assume that such institutions should already exist, if they are to have pervasive impact on people's lives. Moreover, social egalitarians maintain that if pervasive impact is of moral significance then all forms of impact should fall under the purview of justice, institutional and non-institutional acts. In this sense, certain forms of interaction or relationships or practices should already exist for impact to obtain. Yet, if we accept that certain forms of relationship, interaction or practices are constitutive of people's dignity, autonomy, freedom etc., why should we think that these should already be in place for justice demands to be triggered? Moreover, if it were the case that certain forms of interaction or relationship or practices should already exist in order for justice demands to arise, then we could escape the burdens of justice-based duties by avoiding (either through choice or

luck) to interact or relate to each other. But this would have perverse consequences.

Suppose, for example, that there are two communities neither of which affects the other in any way. One of them is wealthy enough to be self-sufficient and its citizens can lead a decent life. The other consists of people most of whom are disabled due to a genetic mutation that makes them unable to sustain a decent life through production (I shall leave aside the quality and quantity of external resources available to this community, since their presence would not make much difference to their poor productive skills since that is due to their innate lack of abilities). If impact needs to exist for justice demands to arise, the pervasive impact theory has nothing to say to those unlucky people. So far as the wealthy society refrains from interacting with the unlucky society or does not in any way affect it, then no justice demands arise, but maybe only a duty to humanitarian aid. This, however, seems to me not only unjust but insulting as well.³³

The problem as I see it is that the pervasive impact theory does not properly account for why impact is of moral significance for the generation of duties of justice. Once we have answered this question, we will also be able to explain what is morally wrong in the above example. So, for the pervasive impact theory to be forceful, it needs to identify the factors that are morally significant to how people's lives go since it is these that we should care about when we are considering impact on people's lives. The political order one lives in, her social environment, her intimate relationships, the level of wealth of her society and so on strongly affect how her life goes. Political association does not simply affect people's lives but is constitutive of their dignity, autonomy etc. This means that absence of political association can constitute a great harm to people. This is true, to a lesser or greater

³³ (Some forms of) secession could as well qualify as a pervasive consequence of the theory so interpreted.

degree, of other forms of relationships, interactions or practices. If we consider that certain forms of impact require moral consideration, we do so because of the moral significance that certain relationships, interactions or practices have on people's lives. Not every form of impact has that moral relevance. But if the moral relevance of impact depends upon the significance that certain forms of relationship, interaction or practices have, then what matters is not whether the latter exist but whether they should exist. In other words, certain forms of relationships, interactions or practices are significant for how people's lives go and this is so independently of whether they already exist or not. If they are morally significant then justice demands that, if absent, they should be established. If this is so then existing relationships, interactions or practices are only sufficient not necessary for justice demands to arise.

Summing up, I have maintained that existing relationships, interaction or practices have not been shown to be a necessary existence condition for justice demands to arise. If certain forms of relationships or interaction or practices are of moral significance due to the pervasive impact they can have on people's lives, then this is so even if they are absent and so justice demands that they should be established.

b. Political association as a demand of justice

Throughout the chapter, I have argued that for justice demands to arise certain forms of social interaction, relationships, practices or impact more generally need not already exist. I have argued this on the basis that if certain forms of relationship, and more specifically political association, are constitutive of people's dignity, freedom, autonomy, self-respect and so on, then we have a duty to form political associations. In what follows, I shall make my view more explicit by arguing that we should appeal to the ideal of the good polity, to the goods of which all people should have equal access.

As we have seen, social egalitarians support the view that the ideal of equality properly understood commits us to two aims: to erase or eliminate oppression and domination and conduct our relationships in a non-hierarchical manner. Such a view understands inequalities to be socially created and supposes that they are created when people live under hierarchical relationships. In this respect, people have strong egalitarian duties to each other to eliminate or erase such hierarchies. Brute bad luck is not itself a reason for strong egalitarian duties to be generated, unless it places people in a position where they cannot act as social and political equal members of their society. This points to the plausibility of the social egalitarian claim that inequalities or injustices are social, because they are generated by our acts and omissions. It is our moral agency that is involved in how our relationships are constructed, so that we are in a sense responsible for acting according to justice. Natural differentiation cannot itself be just or unjust; nature is not a moral agent. So our egalitarian duties are generated in virtue of our interaction not in virtue of how luck is dealt to us.

Yet, as we have also seen, the social egalitarian view, to the extent it takes injustice to be created due to existing hierarchical social relationships, is committed to the view that such relationships should be in place so that justice-based duties to be triggered. Although I agree with the social egalitarian claim that where relations of oppression and domination exist, we have a duty to undo such injustices, I disagree that injustices result only from the way we already interact with each other. I think this is an incomplete view of the ideal of social and political equality, for it cannot properly account for the intrinsic value of certain forms of relationships and especially of political association that social egalitarians often try to highlight. If the ideal of political and social equality is restricted to the aim of regulating existing interaction or relationships in the proper way, then

it partly loses sight of what is distinctly important in our duty to relate to each other as political equals.

Background political institutional arrangements are distinctly important not only because they regulate existing social relationships in a fair way, but because they settle political relationships by way of fixing the impact that factors that affect our life chances have, such as the socioeconomic class into which we are born, our upbringing, education, the resources available for use, our religious and ideological commitments, the natural and cultural environment, our health, our outlook, our natural abilities and talents, our psychological development, the technological progress of our society, other people's preferences and so on. In other words, political institutional arrangements are important because they both determine and settle people's relationships to each other. More importantly though political association is not simply required to ensure that the necessary conditions of human flourishing are available to all on equal terms, but it is itself the ultimate form of human flourishing. Such a view developed in Greek ancient thought finds an important, still less noticed, place in Rawls's *Theory of Justice*, and to my mind there is room to think of Dworkin's theory in similar terms.

Rawls develops the ideal of social union in his *Theory of Justice* (1971: § 79). He asserts that human sociability cannot be understood simply as a basic human condition for the survival of the human species or as a means for the development of speech and thought and for acquiring interests and needs that urge them to join forces for mutual advantage. These are certainly important facts about human life, but they are only instrumentally important (Rawls 1971: 522). Social relations do not have merely an instrumental role in people's lives. "[H]uman beings have in fact shared final ends and they value their common institutions and activities as good in themselves" (Rawls 1971: 522-23). This is so, since "one basic characteristic of human beings is that no one person can do everything that he might do; nor

a fortiori can he do everything that any other person can do...Different persons with similar or complementary capacities may cooperate...in realizing their common or matching nature. When men are secure in the enjoyment of the exercise of their powers, they are disposed to appreciate the perfections of others” (Rawls 1971: 523). Thus, it is “through the social union founded upon the needs and potentialities of its members that each person can participate in the total sum of the realized natural assets of the others” (Rawls 1971: 523). So, we cannot reach our own good, we cannot become *eudaimon* in Aristotelian terms, if we do not recognise our good as part of a wider common project. That wider common project is the political society—the well-ordered society—the ultimate aim of which —the shared end of its members—is “the successful carrying out of just institutions” that “are prized as good in themselves” (Rawls 1971: 527). Principles of justice, then, are related to human sociability in that human beings have a sense of justice (it is a condition of human sociability, Rawls 1971: 495), that is, a desire and capacity to act according to mutually recognised rules of justice. People’s sense of justice is not just what people want as rational self-interested beings. It is through justice that they can best express their nature. But their nature is not just their human instincts or feelings. Compassion is just one such feeling and may be a necessary stage of moral development,³⁴ but it is not what is distinct in human nature.³⁵ Human nature is distinctively moral, that is, human beings want to “express their nature as free and equal moral persons” (Rawls 1971: 528, cf. 251-7). And they can only do so if they act from principles of justice that they collectively choose and publicly affirm.

³⁴ See Rawls’s three principles of moral psychology (1971: 490-1).

³⁵ It is common knowledge nowadays that some non-human animals are as well capable of compassion.

Moreover, people do not only have a sense of justice, but they want to further cultivate it within the social context. The Aristotelian Principle speaks for it.³⁶ Within political society people can advance more complex lives by adjusting their plans to the plans of others through principles of justice that all affirm and act upon (Rawls 1971: 528). Citizenship is the most complex form of life, one that free and equal people want as good in itself, since it fully realizes their nature. Citizenship instantiates the form of life according to mutually acceptable principles of justice. “It follows that the collective activity of justice is a preeminent form of human flourishing” (Rawls 1971: 529). Just institutions are not just instrumental to the end of realising justice. They are constitutive of justice. Public institutions regulate the common life of citizens according to public rules. Institutions are the “public system of rules” (Rawls 1971: 55), as these are decided by the members of civil society. The co-operative endeavour of the political society is the collective activity of justice; and as a collective activity, justice can only be realised through public institutions, that is, through a public system of rules.

As I said at the outset, throughout the chapter I have argued that if certain sorts of relationships, and more specifically political association, are constitutive of people’s dignity, freedom, autonomy, self-respect and so on, then we have a duty to relate to each other in the relevant sense, no matter whether there are existing social interactions, relationships or impact.

I think it must by now be evident why political association is uniquely important to people’s lives. It is through it that people can fully realise their nature as free and equal moral persons. Only in their

³⁶ The Aristotelian Principle states that “other things equal, human beings enjoy the exercise of their realised capacities (their innate or trained abilities), and this enjoyment increases the more the capacity is realized, or the greater its complexity” (Rawls 1971: 426).

capacity as citizens can they flourish. Citizenship is not just being a member of a political society, but being the co-author of public rules of justice. It also follows that a political society is a just society so that not any society satisfies the criteria of being political.³⁷ But, if political association is uniquely important to people's lives, then relating to each other as political equals is a demand of justice, irrespective of whether there are already existing social relationships, interaction or impact. This makes existing social interaction only a sufficient condition, not a necessary one, for justice demands to arise. Political association is constitutive of justice.

The Dworkian context can also provide a similar reading of the good of citizenship. In discussing the conception of community that is consistent with liberal principles, Dworkin defends liberal civic republicanism, a form of civic republicanism, in which the individual's critical interests and the citizens' identification with the life of the political community are integrated. Such a person sees the success of her life as ethically dependent on the success of the political community. The common life of the political community consists of its formal political acts (legislation, adjudication, enforcement, and executive powers of government) (Dworkin 2000: 231). The person in her capacity as a citizen should act according to mutually recognised principles of justice, she should make her best efforts so that her community shows equal concern and respect for her co-citizens. In such a political community the common endeavour of its members is to live together in justice, where this means that each can pursue her own conception of the good with her fair share of resources on equal terms with everyone else. In such a community people do not only

³⁷ Rawls' discussion of what constitutes a people in his *Law of Peoples* (1999) speaks to this direction. As is known, Rawls does not characterise as a people those living under burdened or outlaw states, nor do these societies are political ones. On this see also Pettit (2006).

have a sense of justice, that is, they try to act as citizens according to principles of justice, but they identify with the community's success or failure to bring about justice (Dworkin 2000: 233). In this sense, the republican community, so understood, is one where stability and legitimacy are achieved, that is, one in which its citizens have a shared understanding of politics as a common enterprise that embodies equal concern and respect for all, where each knows that all have that kind of understanding of politics and where disagreement over the best conception of justice is not about "what sacrifices are required from each, but about how to serve the common interests of all in securing a genuinely just solution" (Dworkin 2000: 234). A person then has reason to accept the ethical priority of the political community understood as a liberal civic republic over her individual life in that the good life is possible within a just society. Justice is, in Dworkin's terms, a soft parameter of the good life (2000: 263-7).

It would, I think, be faithful to Dworkin's theory to say that the political life is a life of integrity. The political life ultimately integrates ethics and morality. Ethics tells us what it means to have a good life; morality how we should treat others. These two are fully integrated in our conception of the good polity, where citizens can each pursue her own conception of the good life in the light of the requirements of justice. In the good polity each person can affirm herself as free and equal. However, unlike Rawls, Dworkin does not take the political life as the most complex activity that human beings seek in expressing themselves as free and equal. On Dworkin's account, the political life should be understood as ultimately integrating ethics and morality, in the sense that, in line with Kant's principle, people cannot rationally affirm the objective importance of their life if they do not at the same time affirm the objective importance of all people's lives. This is not necessarily entailed by the fact that Rawls diagnoses, namely that human beings have complementary capacities that in common can realise their human nature. I don't think Dworkin would disagree with

this diagnosis, but I think he states something more than this. Namely, that persons cannot think of their lives worth pursuing if they do not think that their life has objective importance and they can only think that their life has objective importance, because everyone's life has. We can even assume that the Rawlsian diagnosis about people having shared final ends in fully realising their distinctly human nature, presupposes that each recognises that other people's lives have equal objective importance to her life.

So, the political life is one in which integration of ethics and morality takes a more concrete form, by way of providing the framework within which the political virtue of justice, the ultimate end of a political community, is realised. People can affirm both their special responsibility for their life and the objective importance of all people's lives by each accepting the collective responsibility to act upon principles of justice. In the good polity people can live in full dignity.³⁸

Having said that, my main claim is that the political association properly understood provides the framework within which people can realize their moral nature as free and equal, by way of each living according to her own conception of the good according to common principles of justice, principles that accord each equal concern and respect. I shall call this the ideal of the good polity. The ideal of the good polity requires that all people should have fair access to the goods of citizenship and justice. This is so, since 1) no one has any prior right to the world's natural resources, so that members of distinct existing political communities do not have a special claim to the resources found within their territory; 2) all are entitled to

³⁸ Dworkin does not assume that dignity is an all-or-nothing concept. In this sense, a person can have a good life, without having lived well, or one can have a less good life, although he has lived well (2011: 200). Justice is a matter of degree as living a good life is.

“participate in the total sum of the realised natural assets of others” that is possible “through the social union founded upon the needs and potentialities of its members” (but note that here the ideal of social union cannot be used to define a specific political community neither does it presuppose one. The social union can be thought of as any community that can have the relevant characteristics of being political, and this can be either states as we know them or a world state, for example. In this sense, the ideal of the *polis* cannot inform us of what the right *demos* is); 3) “the collective activity of justice is a preeminent form of human flourishing”, to which all human beings are entitled; 4) we each recognise the objective importance of the life of each person by living according to principles of justice with them.

Taking the requirements of the good polity seriously, egalitarian duties cannot be supposed to depend on any pre-given context, but they define the context. If this is so, then it is not so obvious why we should take existing social relationships or interaction or impact as a necessary condition for egalitarian justice. Neither is it so obvious why certain associative duties, that is, political obligations, arise in virtue of membership in existing political communities. The value of equality, properly understood, regards how we should relate to each other as moral, social and political equals. This means that the value of equality defines properly structured relationships, but it does not presuppose any existing relationships. The ideal of the good polity can then be used to provide a critical perspective on existing relationships of domination and oppression, but it can also be used as our guiding ideal in setting up properly constructed relationships, when this is required (and is possible).

Summing up, in this chapter my aim was to examine and undermine the social egalitarian claim that certain kinds of relationship are a precondition for demands of justice to arise. Instead, I have argued that there are duties of justice to establish

political associations of a certain kind, according to the ideal of the good polity. As I said in the introduction, however, there are interesting questions that I shall not tackle here, that regard what the implications of the ideal of the good polity are with respect to our duties to members and non-members, or how we should make sense of our duties as these are required by the ideal of the good polity. So, the ideal of the good polity can provide the proper moral framework from which considerations over the specification of the kinds of duty the ideal requires to proceed. This is a distinct (though related) enterprise, which I shall not pursue here. However, let me make some preliminary remarks about how the ideal of the good polity can help us theorise the kinds of duty that it generates.

The ideal of the good polity seems to imply that if a) justice and the good life is properly realised within political community, and if b) each person should be able to live according to her own conception of the good with her fair share of resources, c) as this is specified by the political community's institutions through the equal liberties and opportunities it provides, then the political community should extend to include all human beings. This is a strong view against which the following objection can be raised.

Although, the ideal of the good polity requires that all people are entitled to the goods of citizenship and justice, it is not obvious why it should be understood that it requires that the political community should extend to include all human beings. Instead, it is plausible that we can understand it, in a weaker sense, to require a duty to enable all individuals to be members of a political association. The weaker view is less demanding in that it proposes that to the extent all people are entitled to the good of citizenship, we have a duty to provide to them those conditions that will enable them to form just political associations. The familiar Rawlsian ideal of the international society of well-ordered people could fit into this weaker view, which, although it is not conditioned on existing relationships or

interaction, entails that strongly egalitarian duties are owed to our co-citizens. So, those adopting this weaker view would insist that the good polity does not need to be global to provide the goods it promises, but it can be realised within distinct well-ordered political communities. If we aim at making existing states well-ordered, then it is not obvious why we owe strongly egalitarian duties to people from other well-ordered societies. All we need is to invoke a duty to help non-well-ordered societies become well-ordered ones. This is consistent with our duty to respect each person's life as equally objectively important by way of providing the conditions to all to form well-ordered societies. I think most social egalitarians take this view.

Notice, however, that luck egalitarians could as well insist that although we have strong egalitarian duties to the members of other societies, this does not entail that we should have a shared political membership, where this includes, more primarily equal political rights. In this sense, they would agree that we may have a weaker duty to enable people to form a good polity, although they would disagree with the view that we don't have strong egalitarian duties to strangers. I think both views are mistaken, though, from the point of view of the ideal of the good polity.

With respect to the luck egalitarian view, I think that luck egalitarians are right to maintain that existing social relationships or interaction or impact are not a necessary condition for justice-based duties to be triggered. However, such duties need to be specified against certain social arrangements giving rise to strong forms of relationship where this is possible as a demand of the requirements of non-arbitrariness and fairness and of publicity. The requirements of non-arbitrariness and fairness should be understood to demand that people's fair shares should be determined in a non-arbitrary and fair way and for this to be so certain institutional background is required. The requirement of publicity should be understood to demand that principles of justice should be publicly known and publicly affirmed by

all people if we are to respect their dignity. These requirements together point to the fact that if distributive justice should apply universally, certain shared institutional structures should be established. Moreover, as I have throughout argued, the just political association is constitutive of people's dignity. The good polity consists of just social and distributive arrangements. If that is so, then we cannot simply assume that distributive justice duties are independent of shared political membership, for we cannot make sense of them independently of each other. Certainly, there is a further question about the kind of shared political association that would respond to the demands of distributive justice. Although this would certainly be an interesting task and indeed necessary, we can still take up the task of finding reasons, if any, for why a universal political association is justified from the point of view of justice and of morality more widely, leaving the specification of universal political association aside. So, my point here is to give some preliminary answers to questions regarding this more basic task (though not more important, since the two tasks seem to be complementary).

Finally, the Rawlsian view that the ideal of the good polity can be better realised through a limited duty to provide to all people those conditions that will enable them to form just political associations is question begging. How we are going to make sense of our duty to provide to all the goods of citizenship and justice will depend on how we can best realise the demands of the good polity. This requires that we can justify our position through both moral and empirical argumentation. We cannot say in advance whether the demands of the good polity can be better realised through universally shared political membership or through distinct political communities. Moreover, we should notice that universally shared political membership does not necessarily imply a world state with similar powers to those that existing sovereign states exercise. So, the ideal of the good polity may require either a world state or some other less

strong forms of association, such as a federal system, for example, or indeed the Rawlsian ideal of the international society of well-ordered peoples. But we cannot dismiss or accept either form without evaluating their relative advantages and disadvantages with respect to bringing about the goods of justice and citizenship for all. There have been several reasons offered against a form of world state with similar powers to those that existing sovereign states exercise. Such reasons mainly point to the fear of despotism³⁹ or secession related with stability issues,⁴⁰ transition costs,⁴¹ and lack of a shared political culture necessary to make a just political regime—the world state in this case—efficient and stable and would provide a basis for motivating agents to act according to public principles of justice.⁴²

³⁹ See, for example, Christiano who maintains against the prospect of global democracy that “[t]he larger the constituency, the larger the chances are that particular minorities would simply get lost in the democratic decision making” (2006: 103). Moreover, “the greater size of the constituencies combined with the even greater complexity of the issues at stake suggests that citizens are even less likely to vote in an informed way about matters connected to global institutions than they are in national democratic decisions” (Christiano 2006: 104) and this may lead to “the danger of complete elite control of governmental institutions...when we consider global or transnational institutions” (Christiano 2006: 105).

⁴⁰ See, for example, Rawls’ often cited contention, following Kant’s thought, in *Perpetual Peace* (1795), that a global state “would either be a global despotism or else would rule over a fragile empire torn by frequent civil strife as various regions and peoples tried to gain their political freedom and autonomy” (1999: 36).

⁴¹ Theorists pointing to transition costs often cite Rousseau’s treatment of the possibility of a Commonwealth of Europe, who concludes that although the latter would be perfectly rational for Europeans to realise, it could— given people’s imperfect human nature to deliberate over their real interests—become possible only through revolution so that we cannot really know whether the expected good would be greater than the harm imposed (Rousseau 1917: 91-112).

⁴² This argument as well has its roots in Rawls’ thought. In his *Law of Peoples* Rawls constitutes people as possessing three basic characteristics, one of which is that citizens are “united by what Mill called ‘common sympathies’” (1999: 23). See also

There may be several ways for a cosmopolitan to address such issues.⁴³ My view, stated very briefly, is that the ideal of the good polity requires strong distributive egalitarian duties across members of distinct political communities, as well as the establishment of certain global social and political institutions that generate strongly egalitarian duties between members of distinct political communities. This does certainly not imply a world state, but neither does it favour the Rawlsian ideal. As such, it would have significant implications for the world as it is, with respect to distributive justice, border policies, trade practices, legitimation of supra-national institutions as well as the establishment of global democratic institutions.

Certainly, more needs to be said so as to defend my view, but this is a project I shall not pursue here. My aim in the last few paragraphs was to show how we should proceed in order to settle for answers to the question over the kinds of duty required by the ideal of the good polity, that is, whether it requires strong duties to relate politically or more weakly a duty to provide to all the enabling conditions to be members of distinct well-ordered societies. This way of approaching the problem has the advantage that it distinguishes between the significance of political association as a good in itself which every person should enjoy and the best institutional framework necessary to promote this good, be it nation-state as we know it, a

Political Liberalism where Rawls contends that people in a well-ordered society have shared beliefs “in the light of which first principles of justice themselves can be accepted, that is, the general beliefs about human nature and the way political social institutions generally work, and indeed all such beliefs relevant to political justice” (1993: 67). Common sympathies, however, are based on a more comprehensive conception of background culture than shared general beliefs. See also the distinction between public political culture and background culture in *Political Liberalism* (1993:13-4).

⁴³ For a recent attempt, see Nili (2015).

world state or some other institutional form. This remains to be answered.

Conclusion

In her “What is the Point of Equality”, Elizabeth Anderson argued that luck egalitarianism “can...be seen as an attempt to combine the best of capitalism and socialism” (1999: 308). In this sense, Anderson seems to imply that luck egalitarianism is an improvement over capitalism and socialism in some important respects because it avoids some of the worst aspects of each taken separately. On the one hand, luck egalitarianism seems to be an improvement over capitalism, because— for example—it doesn’t leave those who are unable to meet their own needs through no fault of their own to starve. On the other hand, it seems to be an improvement over socialism, because—for example—it isn’t wedded to a centrally planned economy. However, a few lines later she asserts that “the counterintuitive judgments that luck egalitarians pass on the cases discussed above suggest a more dismal judgment: equality of fortune appears to give us some of the worst aspects of capitalism and socialism” (Anderson 1999: 308). This is a strong claim. But most importantly it is an unfair claim. And it is unfair not only regarding Dworkin’s theory, which I partly try to defend here, but regarding Cohen’s and Arneson’s views as well. This is so, since in asserting such a claim, Anderson fails importantly (and this is true of most social egalitarians) to take into consideration in her evaluation of what she calls luck egalitarianism the overall theoretical commitments of its representatives. Intellectual responsibility, to use Dworkin’s language, requires, among others, to take seriously what was mentioned in the introduction as Mill’s dictum, namely that “[a] doctrine is not judged at all until it is judged in its best form”.

This is not to say, however, that the social egalitarian critique has been pointless. As I have argued in chapter 1, I share the social

egalitarian understanding of equality as a relational value and I think this is one of the most valuable contributions social egalitarians have made in the debate about equality, namely that they have re-orientated it to the question about what equal social and political relationships should look like; a question that until then was more or less neglected or had not been given the proper attention within the literature. That said, the social egalitarian critique exposed gaps in luck egalitarianism that required careful thought, such as that it has not always been as attentive to various ways in which individuals may fail to be treated with respect, or be denied equal status, within practices and institutions. This has forced friends of luck egalitarianism to try to respond to the challenge of making it compatible with the social egalitarian requirement of equal relationships by proposing ways to modify luck egalitarian accounts. This, in turn, led social egalitarians to try to provide more nuanced defences both of their critique to luck egalitarianism and of their positive project of explaining what a society of equals looks like.

Although the social egalitarian critique has not been pointless, it has nevertheless not been successful in offering a strong case especially against Dworkin's theory of equality. To my view, for the social egalitarian criticism to be forceful against luck egalitarianism more generally, three things are required. First, the fundamental differences between the main luck egalitarian accounts need to be identified and then the critique needs to be addressed against the best form of each. Secondly, the social egalitarian criticism itself should be developed in its best form. Thirdly, it needs to provide a better account of equality than the best luck egalitarian account does. My dissertation has focused mainly on the social egalitarian critique of Dworkin's account, while I have not addressed the social egalitarian critique of other forms of luck egalitarianism. In the light of the above requirements, I suggested how we should best make sense of Dworkin's equality of resources given his wider theoretical

commitments, I proposed what the best form of the social egalitarian criticism is against it and then I went on to present social egalitarians' suggested accounts of equality in their best form.

However, I further argued that they fail to give us an attractive account of non-domination. I then argued that Dworkin's theoretical context provides us with the theoretical tools to understand why consequential responsibility is constitutive of non-domination, rather than an enemy to it, as social egalitarians have maintained, and I suggested how we should best make sense of consequential responsibility. Finally, I questioned the social egalitarian and Dworkinian commitment that strong egalitarian duties are generated in virtue of existing morally significant forms of relationships and instead proposed that the scope of social equality properly understood is universal, a proposal that can be understood to suggest a way of integrating the universalist luck egalitarian view and the relational social egalitarian view that makes each more plausible.

I said in the introduction that by the end of my dissertation, I hope to have provided a significant and original contribution to the literature by offering a better understanding of the demands of social and political equality. Both of the two main claims that I tried to defend in my dissertation, namely that responsibility is constitutive of non-domination and that the scope of social egalitarian justice is universal, are meant to fulfill this aim. I would now like to conclude with a note about where my project leaves us with regard to the debate between social and luck egalitarians. In one sense, it could be said that it points to its end. If the main disagreement between social and luck egalitarians has been over whether responsibility conflicts with respect for persons, then it might be said that efforts to reconcile the two values consequently resolve that disagreement, or, at least they minimise it.

Note, however, that my project should not be understood as a reconciliatory one, if by this we mean one that shows that the luck

egalitarian requirements do not conflict or do not fundamentally conflict with the social egalitarian requirements. In general, a reconciliatory project—as I understand it—takes two strands to have different commitments that are independent of each other and tries to provide reasons, if any, for why each is important in its own respect and then suggest ways to attend to both. In this sense, one can be a value pluralist and argue that to the extent both values matter morally, namely responsibility and respect for persons, there should be a way of making a fair compromise between them. For example, we may restrict the range of choices open to people, within which people can be held consequentially responsible. Or, we may set a certain minimum threshold below which no one should be permitted to fall, while hold people consequentially responsible once they satisfy this minimum. Others may set forth their reconciliatory project by approaching the disagreement between social and luck egalitarians in somewhat different terms. They may say that luck and social egalitarians are in fact concerned with different aspects of the same value, economic and status equality, both of which are important and as such we have reason to attend to both *qua* egalitarians. Based on this, their suggestions may be similar to those who hold that respect and responsibility are different values and not important aspects of the same value. There have indeed been several suggestions, especially from those who find luck egalitarianism congenial, about how to reconcile the social and luck egalitarian commitments. Most social egalitarians, on the other hand, resist such proposals insisting that a society of equals is not one governed by luck egalitarian principles of justice.

That said, my aim has not been to reconcile the distinct commitments of the two egalitarian camps. Instead, my project aims at showing that what the reconciliatory project regards as independent commitments are in fact interdependent, that is, we can make best sense of the one in the light of the other. In the light of this,

I argued that the commitment to non-domination can be better understood in the light of the commitment to responsibility-sensitivity and that our commitment to the social and political ideal properly understood commits us to the view that the scope of social egalitarian justice is universal. As such then, my project aims at re-interpreting the values of respect and responsibility in what—I think—is the best way, not to reconcile the two values as each has been traditionally understood by the relevant camps. In this sense, what I suggest is that the best way of understanding the demands of equality competes with the conception offered by both social and luck egalitarians; and, as I have argued throughout this thesis, it is a better conception. This does not mean that it is not open to further improvements or more nuanced elaborations of certain concepts, such as that of authenticity. But I think that it provides the proper theoretical framework for an egalitarian to tackle significant questions.

Bibliography

- Abizadeh, A. (2006) Liberal Egalitarian Arguments for Closed Borders: Some Preliminary Critical Reflections. *Ethics and Economics* 4 (1): 1-8.
- (2007) Cooperation, Pervasive Impact, and Coercion: On the Scope (not Site) of Distributive Justice. *Philosophy and Public Affairs* 35 (4): 318-358.
- (2008) Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders. *Political Theory* 36 (1): 37-65.
- (2010) Democratic Legitimacy and State Coercion: A Reply to David Miller. *Political Theory* 38 (1): 121-130.
- (2012) On the Demos and its Kin: Nationalism, Democracy, and the Boundary Problem. *American Political Science Review*. 106 (4): 867-882.
- Abizadeh, A. and Gilbert, P. (2008) Is There a Genuine Tension between Cosmopolitan Egalitarianism and Special Responsibilities? *Philosophical Studies* 138 (3): 348-365.
- Alexander, L. (1992) What Makes Wrongful Discrimination Wrong? Biases, Preferences, Stereotypes, and Proxies. *University of Pennsylvania Law Review* 141 (149): 149-219.
- Anderson, E. (1999) What is the Point of Equality? *Ethics* 109 (2): 287-337.
- (2008) How Should Egalitarians Cope with Market Risks? *Theoretical Inquiries in Law* 9 (239): 239-270.
- (2010) The Fundamental Disagreement between Luck Egalitarians and Relational Egalitarians. *Canadian Journal of Philosophy* 36: 1-23.
- Aristotle. *Nicomachean Ethics*.
- Arneson, R. J. (1989) Equality and Equal Opportunity for Welfare. *Philosophical Studies* 56 (1): 77-93.
- (1990) Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare. *Philosophy and Public Affairs* 19 (2): 159-194.
- (1999) Equality of Opportunity for Welfare Defended and Recanted. *Journal of Political Philosophy* 7 (4): 488-497.
- (2000) Luck Egalitarianism and Prioritarianism. *Ethics* 110 (2): 339-349.

- (2002) Book Review: *Dworkin's Sovereign Virtue: The Theory and Practice of Equality*. *Ethics* 112 (2): 367-371.
- (2006) What Is Wrongful Discrimination? *San Diego Law Review* 43: 775-807.
- (2011) Luck Egalitarianism—A Primer. In: Knight, C. and Stemplowska, S. eds. *Responsibility and Distributive Justice*. Oxford: Oxford University Press: 24-50.
- (2015) Basic Equality: Neither Acceptable nor Rejectable. In: Steinhoff, U. ed. *Do All Persons Have Equal Moral Worth? On "Basic Equality" and Equal Concern and Respect*. New York: Oxford University Press: 30-52.
- Baker, J. (2015) Conceptions and Dimensions of Social Equality. In: Fourie, C., Schuppert, F., and Wallimann-Helmer, I. eds. *Social Equality: On What It Means to be Equals*. New York: Oxford University Press: 65-86.
- Banai, A., Ronzoni, M. and Schemmel, Chr. (2011) Global Social Justice: The Possibility of Social Justice Beyond States in a World of Overlapping Practices. In: Banai, A., Ronzoni, M. and Schemmel, Chr. eds. *Social Justice, Global Dynamics: Theoretical and Empirical Perspectives*. London: Routledge: 46-60.
- Barry, N. (2006) Defending Luck Egalitarianism. *Journal of Applied Philosophy* 23 (1): 89-107.
- Barry, B. (1991a) Humanity and Justice in Global Perspective. In: *Liberty and Justice: Essays in Political Theory* Volume 2. Oxford: Clarendon: 182-210.
- (1991b) Justice as Reciprocity. In: Barry, B. *Liberty and Justice: Essays in Political Theory* Volume 2. Oxford: Clarendon: 211-241.
- Beitz, C. (1999) *Political Theory and International Relations* with a new afterword by the author. Princeton, NJ: Princeton University Press.
- (2000) Rawls's Law of Peoples. *Ethics* 110 (4): 669-696.
- Blake, M. (2002) Distributive Justice, State Coercion, and Autonomy. *Philosophy and Public Affairs* 30 (3): 257-296.
- (2011) Coercion and Egalitarian Justice. *The Monist* 94 (4): 555-570.

- (2012) Global Distributive Justice: Why Political Philosophy Needs Political Science. *Annual Review of Political Science* 15: 121-136.
- Blake, M. and Risse, M. (2008) Two Models of Equality and Responsibility. *Canadian Journal of Philosophy* 38 (2): 165-200.
- Bohman, J. (2004) Republican Cosmopolitanism. *The Journal of Political Philosophy* 12 (3): 336-352.
- (2008) Nondomination and Transnational Democracy. In: Laborde, C. and Maynor, J. eds. *Republicanism and Political Theory*, Malden, MA: Blackwell.
- Bou-Habib, P. and Olsaretti, S. (2016) Equality of resources and the demands of authenticity. *Critical Review of International Social and Political Philosophy* 19 (4): 434-455.
- Brown, A. (2005) Luck Egalitarianism and Democratic Equality. *Ethical Perspectives: Journal of The European Ethics Network* 12 (3): 293-339.
- Browne, J. and Stears, M. (2005) Capabilities, resources, and systematic injustice: a case of gender inequality. *Politics, Philosophy and Economics* 4 (3): 355-373.
- Buchanan, A. (1975) Revisability and Rational Choice. *Canadian Journal of Philosophy* 5 (3): 395-408.
- (2000) Rawls's Law of Peoples: Rules for a Vanished Westphalian World. *Ethics* 110 (4): 697-721.
- Caney, S. (2003) Entitlements, Obligations, and Distributive Justice: The Global Level. In: Bell, D. A. and de-Shalit, A. eds. *Forms of Justice: Critical Perspectives on David Miller's Political Philosophy*. Lanham: Rowman and Littlefield: 287-313.
- (2005) *Justice Beyond Borders*. Oxford: Oxford University Press.
- Carter, I. (2011) Respect and the Basis of Equality. *Ethics* 121 (3): 538-571.
- Christiano, T. (1999) Comment on Anderson's "What is the Point of Equality?". [online] Available from: <http://www.brown.edu/Departments/Philosophy/bears/9904chri.html> (Accessed October 14th 2010).

- (2006) A Democratic Theory of Territory and Some Puzzles about Global Democracy. *Journal of Social Philosophy* 37 (1): 81-107.
- Clayton, M. (2000) The Resources of Liberal Equality. *Imprints* 5 (1): 63-84.
- Clayton, M. and Stemplowska, Z. (2015) Dignified Morality. *Jurisprudence* 6 (2): 309-326.
- Cohen, G. A. (1989) On the Currency of Egalitarian Justice. *Ethics* 99 (4): 906-944.
- (2004) Expensive Taste Rides Again. In: Burley, J. ed. *Dworkin and His Critics: With Replies by Dworkin*. Malden, MA: Blackwell: 3-29.
- (2008) *Rescuing Justice and Equality*. Cambridge, Mass.: Harvard University Press.
- (2009) *Why Not Socialism*. Princeton, NJ: Princeton University Press.
- (2011) Fairness and Legitimacy in Justice, And: Does Option Luck Ever Preserve Justice? In: Otsuka, M. ed. *On the Currency of Egalitarian Justice, and Other Essays in Political Philosophy*. Princeton, NJ: Princeton University Press: 124-144.
- Costa, M. V. (2009) Neo-Republicanism, Freedom as Non-Domination, and Citizen Virtue. *Politics, Philosophy, and Economics* 8 (4): 401-419.
- Dekker, T. J. (2009) Choices, Consequences and Desert. *Inquiry* 52 (2): 109-126.
- Dworkin, R. (1977) *Taking Rights Seriously*. Cambridge, Mass.: Harvard University Press.
- (1981a) What is Equality? Part 1: Equality of Welfare. *Philosophy and Public Affairs* 10 (3): 185-246.
- (1981b) What is Equality? Part 2: Equality of Resources. *Philosophy and Public Affairs* 10 (4): 283-345.
- (1985) *A Matter of Principle*. Cambridge, Mass.: Harvard University Press.
- (1986) *Law's Empire*. Cambridge, Mass.: Harvard University Press.
- (1996) *Freedom's Law. The Moral Reading of the American Constitution*. Cambridge, Mass.: Harvard University Press.
- (2000) *Sovereign Virtue. The Theory and Practice of Equality*. Harvard: Harvard University Press.
- (2002), "Sovereign Virtue" Revisited. *Ethics* 113 (1): 106-143.

- (2003) Equality, Luck and Hierarchy. *Philosophy and Public Affairs* 31 (2): 190-198.
- (2004) Ronald Dworkin Replies. In: Burley, J. ed. *Dworkin and His Critics: With Replies by Dworkin*. Malden, Mass.: Blackwell: 339-395.
- (2011) *Justice for Hedgehogs*. Harvard: Harvard University Press.
- Eggleston, B. (2004) Procedural Justice in Young's Inclusive Deliberative Democracy. *Journal of Social Philosophy* 35 (4): 544-549.
- Eyal, N. (2006) Egalitarian Justice and Innocent Choice. *Journal of Ethics and Social Philosophy* 2 (1): 1-18.
- Fischer, J. M. (1999) Recent Work on Responsibility. *Ethics* 110 (1): 93-139.
- Fleurbaey, M. (1995) Equal Opportunity or Equal Social Outcome? *Economics and Philosophy* 11 (1): 25-55.
- (2008) *Fairness, Responsibility, and Welfare*. Oxford: Oxford University Press.
- (2015) Equality Versus Priority: How Relevant is the Distinction? *Economics and Philosophy* 31 (2): 203-217.
- Forst, R. (2012) *The Right to Justification*. New York: Columbia University Press.
- (2014) Justice, Democracy and the Right to Justification: Two Pictures of Justice. In: Reiner, F. ed. *Justice, Democracy and the Right to Justification. Rainer Forst in Dialogue*. New York: Bloomsbury.
- Fourie, C. (2012) What is Social Equality? An Analysis of Status Equality as a Strongly Egalitarian Ideal. *Res Publica* 18 (2): 107-126.
- (2015) To Praise and to Scorn. The Problem of Inequalities of Esteem for Social Egalitarianism. In: Fourie, C., Schuppert, F., and Wallimann-Helmer, I. eds. *Social Equality: On What It Means to be Equals*. New York: Oxford University Press: 87-106.
- Frankfurt, H. (1969) Alternate Possibilities and Moral Responsibility. *The Journal of Philosophy* 66 (23): 829-839.
- (1987) Equality as a Moral Ideal. *Ethics* 98 (1): 21-43.
- (1997) Equality and Respect. *Social Research* 64 (1): 3-15.
- Frazer, N. (2003) Social Justice in the Age of Identity Politics: Redistribution, Recognition, and Participation. In: Frazer, N. and Honneth, A.

- Redistribution or Recognition? A Political–Philosophical Exchange*. London: Verso.
- Freeman, S. (2006) Distributive Justice and *The Law of Peoples*. In: Martin, R. and Reidy, D. A. eds. *Rawls's Law of Peoples*. Oxford: Blackwell: 243-260.
- (2007a) *John Rawls: Lectures on the History of Political Philosophy*. Cambridge, Mass.: Harvard University Press.
- (2007b) *Justice and the Social Contract: Essays on Rawlsian Political Philosophy: Essays on Rawlsian Political Philosophy*. New York: Oxford University Press.
- Gilligan, C. (2014) Moral Injury and the Ethic of Care: Reframing the Conversation about Differences. *Journal of Social Philosophy* 45 (1): 89-106.
- Ginet, C. (1996) In Defense of the Principle of Alternative Possibilities: Why I Don't Find Frankfurt's Argument Convincing. *Noûs* 30 (10): 403-417.
- Goodin, R. E. (1985) Negating positive desert claims. *Political Theory* 13 (4): 575-598.
- Hansen, R., S. (2011) Equality of Resources and the Problem of Recognition. *Res Publica* 17 (2): 157-174.
- Hausman, D. M. (2015) Equality versus Priority: A Misleading Distinction. *Economics and Philosophy* 31 (2): 229-238.
- Hellman, D. (2008: 35) *When Is Discrimination Wrong?* Harvard: Harvard university Press.
- Hill, M. and Voorhoeve, A. (2004) Equal Opportunity and Opportunity Dominance. *Economics and Philosophy* 20 (1): 117-145.
- Hinton, T. (2001) Must Egalitarians Choose between Fairness and Respect? *Philosophy and Public Affairs* 30 (1): 72-87.
- Kagan, S. (1999) Equality and Desert. In: Pojman, L. P. and McLeod, O. eds. *What Do We Deserve? A Reader on Justice and Desert*. Oxford: Oxford University Press: 298-314.
- Kane, R. (1996) *The Significance of Free Will*. New York: Oxford University Press.

- (2005) *A Contemporary Introduction to Free Will*. New York: Oxford University Press.
- Kaufman, A. (2004) Choice, Responsibility and Equality. *Political Studies* 52 (4): 819-836.
- (2006) What Goods Do to (and for) People: Duality and Ambiguity in Sen's Capabilities Approach? In: Kaufman, A. ed. *Capabilities Equality: Basic Issues and Problems*. New York: Routledge: 117-129.
- Knight, C. (2005) In Defence of Luck Egalitarianism. *Res Publica* 11 (1): 55-73.
- (2006) The Metaphysical Case for Luck Egalitarianism. *Social Theory and Practice* 32 (2): 173-189.
- (2009a) *Luck Egalitarianism: Equality, Responsibility, and Justice*. Edinburgh: Edinburgh University Press.
- (2009b) Egalitarian Justice and Valuational Judgment. *Journal of Moral Philosophy* 6 (4): 482-498.
- (2011) Responsibility, Desert, and Justice. In: Knight, C. and Stemplowska, S. eds. *Responsibility and Distributive Justice*. Oxford: Oxford University Press: 152-173.
- (2012) Distributive luck. *South African Journal of Philosophy* 31 (3): 541-559.
- (2013) Egalitarian justice and expected value. *Ethical Theory and Moral Practice* 16 (5): 1061-1073.
- (2015) Abandoning the Abandonment Objection: Luck Egalitarian Arguments for Public Insurance. *Res Publica* 21 (2): 119-135.
- Knight, C. and Stemplowska, S. (2011) Introduction. In: Knight, C. and Stemplowska, S. eds. *Responsibility and Distributive Justice*. Oxford: Oxford University Press: 1-23.
- Kymlicka, W. (2002) *Contemporary Political Philosophy*. 2nd edn. Oxford: Oxford University Press.
- Laborde, C. (2008) *Critical Republicanism: The Hijab Controversy and Political Philosophy*. Oxford: Oxford University Press.
- (2010) Republicanism and Global Justice: A Sketch. *European Journal of Political Theory* 9 (1): 48-69.

- Lippert-Rasmussen, K. (2001) Egalitarianism, Option Luck, and Responsibility. *Ethics* 111 (3): 548-579.
- (2006) The Badness of Discrimination. *Ethical Theory and Moral Practice* 9 (2): 167-185.
- (2005) Hurley on Egalitarianism and the Luck–Neutralizing Aim. *Politics, Philosophy and Economics* 4 (2): 249-265.
- (2013) Discrimination. LaFollette, H. ed. *The International Encyclopedia of Ethics*. Blackwell: 1405-1415.
- (2014) Democratic Egalitarianism versus Luck Egalitarianism: What Is at Stake? *Philosophical Topics* 40 (1): 117-134.
- (2015) Luck egalitarians versus relational egalitarians: on the prospects of a pluralist account of egalitarian justice. *Canadian Journal of Philosophy* 45 (2): 220-241.
- Lomasky, L. (2007) Liberalism Beyond Borders. *Social Philosophy and Policy* 24 (1): 206-233.
- Lovett, F. (2001) Domination: A Preliminary Analysis. *The Monist* 84 (1): 98-112.
- (2009) Domination and Distributive Justice. *The Journal of Politics* 71 (3): 817-830.
- (2010) *A General Theory of Domination and Justice*. Oxford: Oxford University Press.
- (2012) What Counts as Arbitrary Power? *Journal of Political Power* 5 (1): 137-152.
- Mandle, J. (2009) *Rawls' A Theory of Justice: An Introduction*. Cambridge: Cambridge University Press.
- Mason, A. (2000) Equality, Personal Responsibility, and Gender Socialisation. *Proceedings of the Aristotelian Society* 100 (1): 227-246.
- (2011) Citizenship and Justice. *Politics, Philosophy, and Economics* 10 (3): 263-281.
- (2015) Justice, Respect, and Treating People as Equals. In: Fourie, C., Schuppert, F., and Wallimann-Helmer, I. eds. *Social Equality: On What It Means to be Equals*. New York: Oxford University Press: 129-145.

- Matravers, M. (2002a) Luck, Responsibility, and "The Jumble of Lotteries That Constitutes Human Life". *Imprints* 6 (1): 28-43.
- (2002b) Responsibility, Luck, and the "Equality of What?" Debate. *Political Studies* 50 (3): 558-572.
- (2007) *Responsibility and Justice*. Cambridge: Polity Press.
- Maynor J., W. (2003) *Republicanism in the Modern World*. Cambridge: Polity Press.
- Mckerlie, D. (1994) Equality and Priority. *Utilitas* 6 (1): 25-42.
- (1996) Equality. *Ethics* 106 (2): 274-296.
- McTernan, E. (2013) The Inegalitarian Ethos: Incentives, Respect, and Self-Respect. *Politics, Philosophy and Economics* 12 (1): 93-111.
- Mele, A. R. and Robb, D. (1998) Rescuing Frankfurt-Style Cases. *The Philosophical Review* 107 (1): 97-112.
- Miller, D. (1993) Equality and Market Socialism. In: Bardham, P. and Roemer, J. eds. *Market Socialism: The Current Debate*. New York: Oxford University Press: 298-314.
- (1995) Complex Equality. In: Miller, D. and Walzer, M. eds. *Pluralism, Justice and Equality*. Oxford: Oxford University Press: 197-225.
- (1998) The Limits of Cosmopolitan Justice. In: Mapel, D. and Nardin, T. eds. *International Society: Diverse Ethical Perspectives*, Princeton, NJ: Princeton University Press: 164-182.
- (1999) *Principles of Social Justice*. Cambridge, Mass: Harvard University Press.
- (2007) *National Responsibility and Global Justice*. Oxford: Oxford University Press.
- (2009) Justice and Boundaries. *Politics, Philosophy and Economics* 8 (3): 291-309.
- (2010) Why Immigration Controls Are Not Coercive: A Reply to Arash Abizadeh. *Political Theory* 38 (1): 111-120.
- (2013) *Justice for Earthlings: Essays in Political Philosophy*. Cambridge: Cambridge University Press.

- Miller, R. W. (2010) Relationships of Equality: A Camping Trip Revisited. *The Journal of Ethics* 14 (3): 231-253.
- Moreau, S. (2010) What Is Discrimination? *Philosophy and Public Affairs* 38 (2): 143-179.
- Nagel, T. (2005) The Problem of Global Justice. *Philosophy and Public Affairs* 33 (2): 113-147.
- Navin, M. (2011) Luck and Oppression. *Ethical Theory and Moral Practice* 14 (5): 533-547.
- Nili, S. (2015) Who's Afraid of a World State? A Global Sovereign and the Statist–Cosmopolitan Debate. *Critical Review of International Social and Political Philosophy* 18 (3): 241-263.
- Nozick, R. (1974) *Anarchy, State, And Utopia*. New York: Basic Books.
- Nussbaum, M. (2006) *Frontiers of Justice: Disability, Nationality, Species Membership*. Cambridge, Mass.: Harvard University Press.
- O'Neil, M. (2008) What Should Egalitarians Believe? *Philosophy and Public Affairs* 36 (2): 120-156.
- (2012) Priority, Preference and Value. *Utilitas* 24 (3): 332-348.
- Okin, S. M. (1989) Reason and Feeling in Thinking about Justice. *Ethics* 99 (2): 229-249.
- Olsaretti, S. (2009) Responsibility and the Consequences of Choice. *Proceedings of the Aristotelian Society* 109 (1): 165-188.
- Otsuka, M. (2004) Liberty, Equality, Envy, and Abstraction. In: Burley, J. ed. *Dworkin and His Critics: With Replies by Dworkin*. Malden, Mass.: Blackwell: 70-78.
- (2012) Prioritarianism and the Separateness of Persons. *Utilitas* 24 (3): 365-380.
- Otsuka, M. and Voorhoeve, A. (2009) Why It Matters That Some Are Worse Off Than Others: An Argument against the Priority View. *Philosophy and Public Affairs* 37 (2): 171-199.
- Parfit, D. (1997) Equality and Priority. *Ratio* 10 (3): 202-221.
- (2000) Equality or Priority? In: Clayton, M. and Williams, A. eds. *The Ideal of Equality*. New York: Palgrave MacMillan: 81-125.
- (2012) Another Defence of the Priority View. *Utilitas* 24 (3): 399-440.

- Pettit, P. (1996) Freedom as Antipower. *Ethics* 106 (3): 576-604.
- (1997) *Republicanism: A Theory of Freedom and Government*. Oxford: Clarendon Press.
- (1999) Republican Freedom and Contestatory Democratization. In: Shapiro, I. and Hacker-Cordon C. eds. *Democracy's Value*. Cambridge: Cambridge University Press.
- (2006) Rawls's Peoples. In: Martin, R. and Reidy, D. eds. *Rawls's Law of Peoples: A realistic utopia*. Oxford: Blackwell: 38-56.
- (2012) *On the People's Terms: A Republican Theory and Model of Democracy*. Cambridge: Cambridge University Press.
- Phillips, A. (2004) Defending Equality of Outcome. *The Journal of Political Philosophy* 12 (1): 1-19.
- (2006) "Really" Equal: Opportunities and Autonomy. *The Journal of Political Philosophy* 14 (1): 18-32.
- Pierik, R. and Robeyns, I. (2007) Resources versus Capabilities: Social Endowments in Egalitarian Theory. *Political Studies* 55 (1): 133-152.
- Pogge, T. (1989: 247) *Realizing Rawls*. Ithaca, New York: Cornell University Press.
- (1992) An Institutional Approach to Humanitarian Intervention. *Public Affairs Quarterly* 6 (1): 89-103.
- (1994a) Cosmopolitanism and Sovereignty. In: Brown, C. ed. *Political Restructuring in Europe: Ethical Perspectives*. London: Routledge: 89-122.
- (1994b) An Egalitarian Law of Peoples. *Philosophy and Public Affairs* 23 (3): 195-224.
- (1995) How should Human Rights Be Conceived? *Annual Review of Law and Ethics*, 3: 103-120.
- (1998) A Global Resources Dividend. In: Crocker, D. A. and Linden, T. eds. *Ethics of Consumption: The Good Life, Justice, and Global Stewardship*. Lanham: Rowman and Littlefield: 501-536.
- (2002) *World Poverty and Human Rights*. Cambridge: Polity Press.

- (2010) The Role of International Law in Reproducing Massive Poverty. In: Besson, S. and Tasioulas, J. eds. *The Philosophy of International Law*. Oxford: Oxford University Press: 417-435.
- (2011) Are We Violating the Human Rights of the World's Poor? *Yale Human Rights and Development Law Journal* 14 (2): 1-33.
- Porter, T. (2012) In Defence of the Priority View. *Utilitas* 24 (3): 349-364.
- Rakowski, E. (1991) *Equal Justice*. New York: Oxford University Press.
- Rasmussen, L. (2012) Democratic Egalitarianism versus Luck Egalitarianism: What is at Stake? *Philosophical Topics* 40 (1): 117-134.
- Rawls, J. (1971) *A Theory of Justice*. Cambridge, Mass.: Harvard University Press.
- (1993) *Political Liberalism*. New York: Columbia University Press.
- (1999) *The Law of Peoples*. Cambridge, Mass.: Harvard University Press.
- (2001) *Justice as Fairness: A Restatement*, Kelly, E. ed. Cambridge, Mass.: Harvard University Press.
- Richardson, H. S. (2002) *Democratic Autonomy: Public Reasoning About the Ends of Policy*. Oxford: Oxford University Press.
- Ripstein, A. (2007) Liberty and Equality. In: Ripstein, A. ed. *Ronald Dworkin*. Cambridge: Cambridge University Press: 82-108.
- Risse, M. (2005) Do We Owe the Global Poor Assistance or Rectification? *Ethics and International Affairs* 19 (1): 9-18.
- (2006) What to Say About the State. *Social Theory and the Practice* 32 (4): 671-698.
- Roemer, J. (1994) *Egalitarian Perspectives: Essays in Philosophical Economics*. Cambridge: Cambridge University Press.
- (1996) *Theories of Distributive Justice*. Cambridge, Mass.: Harvard University Press.
- (1995: 2) Equality and Responsibility. *Boston Review* 20: 3-7.
- Rousseau, J. J. (1917) *A Lasting Peace through the Federation of Europe and The State of War*, Vaughan, C. E. trans. London: Constable and Company.
- Sangiovanni, A. (2007) Global Justice, Reciprocity, and the State. *Philosophy and Public Affairs* 35 (1): 3-39.

- (2008) Justice and the Priority of Politics to Morality. *The Journal of Political Philosophy* 16 (2): 137-164.
- Satz, D. (2005) International Economic Justice. In: LaFollette, H. ed. *The Oxford Handbook of Practical Ethics*. Oxford: Oxford University Press: 620-642.
- (2010) *Why Some Things Should Not Be for Sale: The Moral Limits of Markets*. New York: Oxford University Press.
- Scanlon, T. (1973) Rawls' Theory of Justice. *University of Pennsylvania Law Review* 121 (5): 1020-1069.
- (1998) *What We Owe to Each Other*. Cambridge, Mass.: Harvard University Press.
- (2008) *Moral Dimensions: Permissibility, Meaning, Blame*. Cambridge, Mass.: Harvard University Press.
- Scheffler, S. (2001) *Boundaries and Allegiances: Problems of justice and Responsibility in Liberal Thought*. New York: Oxford University Press.
- (2003) What is Egalitarianism? *Philosophy and Public Affairs* 31 (1): 5-39.
- (2005) Choice, Circumstance, and the Value of Equality. *Politics, Philosophy and Economics* 4 (1): 5-28.
- (2008) Cosmopolitanism, Justice, and Institutions. *Daedalus* 137 (3): 68-77.
- (2014) The Idea of Global Justice: A Progress Report. *The Harvard Review of Philosophy* 20: 17-35.
- (2015) The Practice of Equality. In Fourie, C., Schuppert, F. and Wallimann-Helmer, I. eds. *Social Equality: Essays on What It Means to be Equals*. New York: Oxford University Press: 21-44.
- Schelling, T. C. (1984) *Choice and Consequence*. Cambridge Mass.: Harvard University Press.
- Schemmel, C. (2007) On The Usefulness of Luck Egalitarian Arguments for Global Justice. *Global Justice: Theory Practice Rhetoric* 1: 54-67.
- (2010) Domination, Social Status, and Distributive Inequality. European University Institute/Max Weber Programme; 2010/28. San Domenico (FI): Badia Fiesolana.

- (2011) Distributive and relational equality. *Politics, Philosophy and Economics* 11 (2): 123-148.
- (2012) Luck Egalitarianism as Democratic Reciprocity? A Response to Tan. *The Journal of Philosophy* 109 (7): 433-448.
- (2015) Social Equality—Or Just Justice? In: Fourie, C., Schuppert, F. and Wallimann-Helmer, I. eds. *Social Equality: Essays on What It Means to be Equals*. New York: Oxford University Press: 146-166.
- Segall, S. (2007) In Solidarity with the Imprudent: A Defense of Luck Egalitarianism. *Social Theory and Practice* 33 (2): 177-198.
- (2010) Is Health (Really) Special? Health Policy between Rawlsian and Luck Egalitarian Justice. *Journal of Applied Philosophy* 27 (4): 344-358.
- (2012) What's so Bad about Discrimination? *Utilitas* 24 (1): 82-100.
- Seligman, M. (2007) Luck, Leverage, and Equality: A Bargaining Problem for Luck Egalitarians. *Philosophy and Public Affairs* 35 (3): 266-292.
- Sen, A. (2009) *The Idea of Justice*. Cambridge, Mass.: Harvard University Press.
- Sher, G. (2014) Why We Are Moral Equals? In: Steinhoff, U. ed. *Do All Persons Have Equal Moral Worth? On "Basic Equality" and Equal Respect and Concern*. Oxford: Oxford University Press.
- Shiffrin, S. (2004) Egalitarianism, Choice-Sensitivity and Accommodation. In: Wallace, R. J., Pettit, P., Scheffler, S. and Smith, M. eds. *Reason and Value: Themes from the Work of Joseph Raz*. Oxford: Oxford University Press: 270-302.
- Skinner, Q. (2008) Freedom as the Absence of Arbitrary Power. In: Laborde, C. and Maynor, J. eds. *Republicanism and Political Theory*. Malden, Mass.: Blackwell.
- Smilansky, S. (1997) Egalitarian justice and the importance of the free will problem. *Philosophia* 25 (1): 153-161.
- (2003) Choice-egalitarianism and the paradox of the baseline. *Analysis* 63 (278): 146-151.
- Steiner, H. I. (1994) *An Essay on Rights*. Oxford: Blackwell.
- (1999) Just Taxation and International Redistribution. *Nomos* 41: 171-191.
- Stemplowska, Z. (2008) Holding People Responsible for What They Do Not Control. *Politics, Philosophy and Economics* 7 (4): 355-377.

- (2009) Making Justice Sensitive to Responsibility. *Political Studies* 57 (2): 237-259.
- (2011) Responsibility and Respect: Two Egalitarian Visions. In: Knight, C. and Stemplowska, S. eds. *Responsibility and Distributive Justice*. Oxford: Oxford University Press: 115-135.
- (2013a) Rescuing Luck Egalitarianism from History. *Journal of Social Philosophy* 44 (4): 402-419.
- (2013b) Harmful Choices: Scanlon and Voorhoeve on Substantive Responsibility. *Journal of Moral Philosophy* 10 (4): 488-507.
- Strawson, G. (1986) *Freedom and Belief*. New York: Oxford University Press.
- Tan, K. (2008) A Defense of Luck Egalitarianism. *The Journal of Philosophy* 105 (11): 665-690.
- (2012) *Justice, Institutions, and Luck*. Oxford: Oxford University Press.
- Temkin, L. S. (1993) *Inequality*. New York: Oxford University Press.
- (2004a) Thinking About the Needy, Justice, and International Organizations. *The Journal of Ethics* 8 (4): 349–395.
- (2004b) *Thinking about the Needy: A Reprise*. *The Journal of Ethics* 8 (4): 409–458.
- (2011) Justice, Equality, Fairness, Desert, Rights, Free Will, Responsibility, and Luck. In: Knight, C. and Stemplowska, S. eds. *Responsibility and Distributive Justice*. Oxford: Oxford University Press: 51-76.
- Vallentyne, P. (2002) Brute Luck, Option Luck, and Equality of Initial Opportunities. *Ethics* 112 (3): 529-557.
- Van Parijs, P. (1992) Basic Income Capitalism. *Ethics* 102 (3): 465-484.
- (1995) *Real Freedom for All. What (if anything) can justify capitalism?* Oxford: Oxford University Press.
- (2004) Basic Income: A Simple and Powerful Idea for the 21st century. *Politics and Society* 32 (1): 7-39.
- (2013) The Universal Basic Income: Why Utopian Thinking Matters, and How Sociologists Can Contribute to It. *Politics and Society* 41 (2): 171-182.

- Voigt, K. (2007) The Harshness Objection: Is Luck Egalitarianism Too Harsh on the Victims of Option Luck? *Ethical Theory and Moral Practice* 10 (4): 389-407.
- Waldron, J. (1998) Judicial Review and the Conditions of Democracy. *The Journal of Political Philosophy* 6 (4): 335-355.
- (1999a) *Law and Disagreement*. New York: Oxford University Press.
- (1999 b) *The Dignity of Legislation*. Cambridge: Cambridge University Press.
- (2006) The Core of the Case against Judicial Review. *The Yale Law Journal* 115 (6): 1346-1406.
- (2009) A Majority in the Lifeboat. *Boston University Law Review* 90: 1043-1057.
- Walzer, M. (1983) *Spheres of Justice*. New York: Basic Books.
- (2004) *Arguing About War*. New Haven: Yale University Press.
- Wideker, D. (1995) Libertarianism and Frankfurt's Attack on the Principle of Alternative Possibilities. *The Philosophical Review* 104 (2): 247-261.
- Williams, A. (2002a) Equality for the Ambitious. *The Philosophical Quarterly* 52 (208): 377-389.
- (2002b) Dworkin on Capability. *Ethics* 113 (1): 23-39.
- (2006) Liberty, Equality, and Property. In: Dryzek, J. S., Honig, B. and Phillips, A. eds. *The Oxford Handbook of Political Theory*. New York: Oxford University Press: 488-506.
- (2012) The Priority View Bites the Dust? *Utilitas* 24 (3): 315-331.
- (2013) How Gifts and Gambles Preserve Justice. *Economics and Philosophy* 29 (01): 65-85.
- Wolff, J. (1998) Fairness, Respect, and the Egalitarian Ethos. *Philosophy and Public Affairs* 27 (2): 97-122.
- (2007) Market Failure, Common Interests, and the Titanic Puzzle. In: Lippert-Rasmussen, K. and Holtung, N. eds. *New Essays in Equality*. New York: Oxford University Press: 297-307.
- (2015) Social Equality and Social Inequality. In: Fourie, C., Schuppert, F., and Wallimann-Helmer, I. eds. *Social Equality: On What It Means to be Equals*. New York: Oxford University Press: 209-226.

- (2010) Fairness, Respect and the Egalitarian Ethos Revisited. *The Journal of Ethics* 14 (3): 335-350.
- Wolff, J. and de-Shalit, A. (2007) *Disadvantage*. New York: Oxford University Press.
- Wyma, K. (1997) Moral Responsibility and the Leeway for Action. *American Philosophical Quarterly* 34 (1): 57-70.
- Young, I. M. (1990). *Justice and the Politics of Difference*. Princeton, NJ: Princeton University Press.
- (2000) *Inclusion and Democracy*. New York: Oxford University Press.
- (2001) Activist Challenges to Deliberative Democracy. *Political Theory* 29 (5): 670-690.