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# Can We Really Claim 'Full Responsibility'? The Problem With Normative Luck Egalitarianism in a Luck-Pervasive World

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CAN WE REALLY CLAIM 'FULL RESPONSIBILITY'? THE PROBLEM WITH  
NORMATIVE LUCK EGALITARIANISM IN A LUCK-PERVASIVE WORLD

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SUBMITTED TO SCRIPPS COLLEGE IN PARTIAL FULFILLMENT OF THE  
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## **Abstract**

In the last four decades, luck egalitarianism has emerged as a hotly debated theory of distributive justice. The tenet, in its most normative sense, calls for distribution or assistance when circumstances of disadvantage arise from bad luck that is independent of human influence. Disadvantages that can be traced back to individual choice and responsibility, on the other hand, are left for the sufferer to bear. In this paper, I argue that luck egalitarianism should be abandoned as a standard for determining whether a disadvantage should be addressed, because the assumption that there are instances of disadvantage completely attributable to individual choice is flawed. Brute luck, or luck that emerges from beyond human control, influences most human outcomes, making it difficult to confidently attribute outcomes to option luck, or luck that stems from human choice. Without option luck, luck egalitarianism becomes obsolete as the principle rests on the distinction between brute and option luck.

## **Keywords**

Luck egalitarianism; luck; distributive justice; choice; responsibility

## **Introduction**

We live in a world with vast income and opportunity inequality. Advantages and disadvantages, whether resulting from circumstances of birth or constructed by social institutions, are disproportionately shared. Even a cursory glance around our immediate surroundings reveals that some of those we interact with fare far worse than ourselves, while others are much better off. While this reality may seem morally impermissible, discrepancy in welfare is generally and problematically viewed as deserved in the United States, where success and prosperity are often believed to be products of hard work, and the lack of these traits is attributed to personal flaws.<sup>1</sup>

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<sup>1</sup> In the recent mix of employers shifting more costs of health insurance to their employees and replacing traditional pensions with retirement savings accounts, political theorists like Hacker believe that this is not just a function of short-term dominance by conservative political leaders, but the product of a long-term ideological campaign, which he calls the Personal Responsibility Crusade. This charge encourages the idea that Americans should be held responsible for their economic well-being—financial failure should be considered a product of one’s inability to demonstrate self-restraint, make good

The intimate relationship between desert<sup>2</sup> and justice has a troubled history. Aristotle thought it obvious that “all men agree that what is just in distribution must be according to desert in some sense,”<sup>3</sup> but desert continues to interest a number of moral and political philosophers<sup>4</sup> who examine its role for distributive justice.<sup>5</sup> Is the divide between the fortunate and less fortunate morally acceptable? Furthermore, do individuals connected by a shared community have a social responsibility to compensate the less fortunate for their circumstances? Libertarians have generally shown little sympathy towards desert, “discarding it in favor of their entitlement theory of justice, which requires that individuals’ rights be respected, not that distribution reflect a pattern of deservingness in persons.”<sup>6</sup> Neo-liberals, too, have rejected the possibility of desert playing a role in economic justice, because it requires a consensus about what makes people deserving that is neither achievable nor desirable.<sup>7</sup> Liberal egalitarians are even more resistant to the idea of desert, suspicious of its inegalitarian potential.<sup>8</sup> Despite divergent positions that converge on the view that desert has no role to play in

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decisions, and have good financial management. For more discussion see J. Hacker, *The Great Risk Shift: The New Economic Insecurity and the Decline of the American Dream* (Oxford, United Kingdom: Oxford University Press, 2008).

<sup>2</sup> In philosophy, “desert” is the condition of deserving something from someone on some basis. This is not to be confused with the concept of entitlement, which is a more sociological concept. A comprehensive distinction between the two can be read in “Desert,” Stanford Encyclopedia of Philosophy, <http://plato.stanford.edu>, (October 2015).

<sup>3</sup> Aristotle, *Nicomachean Ethics*, tr. Sir David Ross. Aristotle added: “though they do not all specify the same sort of desert.” Aristotle’s judgment was shared by Adam Smith, John Stuart Mill, and Henry Sidgwick among others.

<sup>4</sup> These theorists do not necessarily defend desert, but analyze and write about it.

<sup>5</sup> Commentary on divergent positions converging on the view that desert has no role to play in distributive justice from S. Olsaretti, *Desert and Justice* (Oxford: Oxford University Press, 2003).

<sup>6</sup> S. Olsaretti, *Desert and Justice*, 2.

<sup>7</sup> Ibid.

<sup>8</sup> See J. Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1999).

distributive justice, there seems to be a renewed interest in choice and responsibility in recent years.

Over the last four decades, luck egalitarianism has emerged as a controversial view within the distributive justice debate, gaining prominence for its prescriptions of what circumstances morally obligate compensation from society. The tenet suggests that how well off people are should be wholly determined by the responsible choices people make, rather than differences in their unchosen circumstances—a framework of thought rooted in the intuition that it is morally wrong for some to be worse off than others through no fault of their own.<sup>9</sup> Luck egalitarianism is therefore not far removed from the notion that there is a strong connection between moral authority and responsible choice—a logic deeply embedded in American culture.

The relationship between luck egalitarianism and the logic of responsible choice is seen unfolding in environmental justice movements in the United States. These movements are often crippled during their formative stages as the legitimacy of community action against local industrial facilities is often predicated upon whether contesters made an active choice to live next those facilities.<sup>10</sup> If residents were there first, the logic goes, they have some right to complain about pollution from a neighbor that had not been there when they chose to move in. But if the facility, however noxious, was there first, community action becomes morally suspect: residents chose to live there

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<sup>9</sup> R. Arneson, “Luck Egalitarianism and Prioritarianism,” *Ethics* 110, no. 2 (January 2000): 339-349.

<sup>10</sup> Example of relationship between luck egalitarianism and responsible choice taken from analysis of environmental movements started by impoverished communities against big petrochemical companies in Louisiana in G. Ottinger, *Refining Expertise: How Responsible Engineers Subvert Environmental Justice Challenges* (New York: NYU Press, 2103).

presumably knowing what they were getting into, making their right to object to the facility's operations dubious. Under luck egalitarianism, successful political contention of this kind rests on whether those who are affected were informed of the harms and still chose to live in the afflicted area, as opposed to being victims of unforeseen intrusions.

In this paper, I argue that luck egalitarianism in this traditional sense should be abandoned as a standard for determining whether a disadvantage should be addressed, because the assumption that there are instances of disadvantage completely attributable to individual choice is flawed. Brute luck, or luck that emerges from beyond human control, influences most human outcomes, making it difficult to confidently attribute outcomes to option luck, or luck that stems from human choice. Without option luck, luck egalitarianism becomes obsolete as the principle rests on the distinction between brute and option luck. The criticism in this paper, therefore, does not stem from the use of luck in luck egalitarianism, but rather from the observation that the distinction between brute and option luck cannot be satisfactorily determined.

Section 1 will establish the foundation of my argument by defining what luck egalitarianism is: its core tenets, the distinction it makes between choice and luck, and some nuances related to its interpretations. How that distinction between choice and luck translates into practice is considered from the perspectives of several prominent luck egalitarians in Section 2, and in Section 3, I will redefine what brute luck should encompass in order to argue that none of the theories advocated by our examined philosophers have been applied correctly. The problem with their prescriptions of just distribution is that they have wrongly attributed disadvantages caused by brute luck to option luck, consequently denying assistance in many situations that *should* require

assistance under true luck egalitarian terms. From this perspective, option luck essentially dissolves into a moot point.

## Section 1

What is luck egalitarianism? Consider this passage from G. A. Cohen:

The purpose [of egalitarianism] is to eliminate involuntary disadvantage, by which I...mean disadvantage for which the sufferer cannot be held responsible, since it does not appropriately reflect choices that he has made or is making or would make.<sup>11</sup>

Cohen suggests that the fundamental impulse behind luck egalitarianism is to eliminate disadvantages between individuals for which the individual cannot be deemed responsible. Although the method through which disadvantages should be eliminated is not specified, it is the commitment to eliminating involuntary disadvantages—also referred to as brute luck—between individuals that underlies luck egalitarians' moral commitment to equality. Accordingly, when disadvantages are involuntary—such as when they can be attributed to factors over which agents do not have control—they are objectionable because they are considered unfair, and thus qualify the sufferer for compensation.<sup>12</sup> Fundamentally, it is not the inequality *per se* that luck egalitarians object to, but the inequalities that come by involuntarily.<sup>13</sup>

In luck egalitarian terms, brute luck refers to choices a person could not avoid making.<sup>14</sup> Brute luck thus contrasts with option luck, which is defined as those outcomes

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<sup>11</sup> G. A. Cohen, "On the Currency of Egalitarian Justice," *Ethics* 99, no. 4 (July 1989), 916.

<sup>12</sup> G. Lang, "Luck Egalitarianism and the See-Saw Objection," *American Philosophical Quarterly* 43, no. 1 (2006).

<sup>13</sup> *Ibid.*

<sup>14</sup> Vallentyne expands on the circumstances that qualify as brute luck in P. Vallentyne, "Brute Luck, Option Luck, And Equality Of Initial Opportunities," *Ethics* 112, no. 3 (April 2002): 529-577.

resulting from choices or activities an individual freely undertakes. Consider horse betting: one has no control over which horse comes in first, but one *does* have control—excluding the possibility that he is a gambling addict—over the decision to have placed the bet in the first place.<sup>15</sup> Because participation in this activity is completely voluntary, the fate of the gambler—win or lose—is an example of option luck. If the gambler loses, his losses are considered justified, so society would not be compelled to compensate him for the losses he incurs. Luck egalitarianism only considers bad brute luck, but not bad option luck, to be deserving of compensation. In other words, if agents are believed to be responsible for their actions, no one else is obligated to help them improve their situation. As it applies to the domain of distributive justice, luck egalitarianism arises from the conviction that people’s choices and efforts ought not result in lower shares of goods or benefits, as long as those choices and efforts can be attributed to factors beyond their control.

The motivation for the luck egalitarian view of distributive equality proceeds from the belief that it is morally wrong for some to be worse off than others through no fault of their own. In an unequal world, a just society is imagined as one in which no one is adversely impacted by external forces beyond their control.<sup>16</sup> However, luck egalitarians also value people as equals, and believe individuals should be treated as such by allowing misfortunes that come from choice be left for choosers to deal with themselves.<sup>17</sup> As Cohen writes, “There is injustice in distribution when the inequality of goods reflect not such things as differences in the arduousness of different people’s

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<sup>15</sup> Ibid.

<sup>16</sup> K. Tan, *Justice, Institutions, and Luck: The Site, Ground, and Scope of Equality* (Oxford: Oxford University Press, 2014), 88.

<sup>17</sup> Ibid.



labors... but myriad forms of lucky and unlucky circumstance.”<sup>18</sup> Put another way, distributive justice should be fundamentally choice-sensitive, rather than luck-sensitive. A farmer who is poor due to a local drought should be compensated for his ruined crops because the drought’s occurrence was beyond human control. However, if the same farmer’s crops were ruined because he made risky planting decisions that could potentially double his season’s yield, he is not due any compensation because his losses resulted from his unwise choices.<sup>19</sup>

This distinction between luck and choice is fundamental to luck egalitarianism: the only difference between the two scenarios of the farmer’s failed crops is that in the first, his inequality is completely attributable to bad luck, while in the second the farmer had a role to play for making a decision that yielded poor results. Coined by Dworkin in *Sovereign Virtues*, brute luck—the type exemplified by the drought—is a matter of “how risks fall out that are not in the sense deliberate gambles” while option luck—the type exemplified by the farmer’s choice to use a riskier planting technique—is a matter of how “deliberate and calculated gambles turn out.”<sup>20</sup> The focus of luck egalitarian debates has been preoccupied with providing a set of criteria for just distributions based on this distinction between brute and option luck.

Following the intuition that people do not deserve to be worse off than others simply because they have been struck by misfortune, most egalitarians believe that justice

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<sup>18</sup> K. Tan, “A Defense of Luck Egalitarianism,” *The Journal of Philosophy* 105, no. 11 (November 2008), 665-666.

<sup>19</sup> Example illustrating difference between brute and option luck borrowed from M. Seligman, “Luck, Leverage, and Equality: A Bargaining Problem for Luck Egalitarians,” *Philosophy and Public Affairs* 35, no. 3 (2007), 267.

<sup>20</sup> R. Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge, Mass.: Harvard University Press, 2002) 74.

“requires the nullification of all differential effects of bad brute luck.”<sup>21</sup> Not all luck egalitarians, however, take this position. Peter Vallentyne believes that justice requires not the neutralization of bad brute luck, but equality of initial prospects. This means that equality must be achieved between people at some early stage in their development so that their life prospects have the potential of being as great as the next person’s. A genetic defect, for example, is a born condition that would limit one’s later opportunities, so the defect would provide grounds for compensation. However, if two people face the same initial risk of developing cancer and have equally good initial opportunities, justice does not require compensation to be made to the one who does get cancer as a result of bad brute luck.<sup>22</sup> The superiority of equalizing initial opportunities lies in its *ex ante* approach, because the normative form of luck egalitarianism takes an *ex post* approach, which makes it highly insensitive to the costs of achieving the *ex post* equality that using initial opportunities takes into account.<sup>23</sup>

Philosophers also disagree on a number of fronts regarding how option luck should be factored into considerations of whether particular inequalities should be compensated. In other words, it would be reprehensible if those who have benefited from good option luck were taxed to help those who suffer from bad option luck. Dworkin takes this view, claiming that “people should pay the price of the life they have decided to lead, measured in what [they give up in order to] do so.”<sup>24</sup> This view is motivated by Dworkin’s desire to respect the “differences in personality and kinds of lives that

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<sup>21</sup> “Justice and Bad Luck,” Stanford Encyclopedia of Philosophy, <http://plato.stanford.edu>, (June 2005).

<sup>22</sup> Ibid.

<sup>23</sup> P. Vallentyne, “Brute Luck, Option Luck, And Equality Of Initial Opportunities,” *Ethics* 112, no. 3 (April 2002), 555.

<sup>24</sup> R. Dworkin, *Sovereign Virtue: The Theory and Practice of Equality*, 74.

different people wish to lead,” which inevitably result in choices that may allow people to achieve their purposes.<sup>25</sup> Between someone who chooses to gamble and wins, and someone who choose to gamble and loses, it would be unfair to make the person who won sacrifice his gains to someone who agreed to take the same risk. The possibility of loss was part of the life the loser chose, and should be considered the “fair price [he pays for the] possibility of gain.”<sup>26</sup>

A sizeable literature has also emerged from those who believe that justice requires the nullification of some, or all, effects of differential option luck. Marc Fleurbaey, for instance, argues that justice still requires those who are very badly off as a result of their bad option luck to be compensated. In his view, an uninsured driver who decides to drive and gets into an accident would still have a claim to be treated for injuries, even though a traditional supporter of luck egalitarianism would argue that society has no obligation to save him from the side of the road.<sup>27</sup> Fleurbaey deviates from normative luck egalitarian creed in arriving at this claim, by making an appeal to justice—even if society is not obligated to save a dying man under luck egalitarian terms because his condition resulted from his own bad choices, justice has a “sufficientarian component such that it requires [society] to help.”<sup>28</sup>

## Section 2

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<sup>25</sup> Ibid.

<sup>26</sup> Dworkin, *Sovereign Virtue*, 75.

<sup>27</sup> A. Brown, “Luck Egalitarianism and Democratic Equality,” *Ethical Perspectives: Journal of the European Ethics Network* 12, no. 3 (2005), 299.

<sup>28</sup> “Justice and Bad Luck,” Stanford Encyclopedia of Philosophy. Elizabeth Anderson provides the best-known critique of luck egalitarianism, and is notable for her denouncement of the school of thought for making it permissible to abandon negligent victims. For more discussion and more comprehensive points of her critique, see E. Anderson, “What is the Point of Equality?,” *Ethics* 109, no. 2 (January 1999), 289-337.

A lively debate among luck egalitarians continues to percolate around what should count as luck, and how to draw the line between luck and choice. Although what should count as brute or option luck, and under what circumstances option luck should or should not be compensated, is an area of intense debate among different philosophers, all share the core idea that an equitable society is one that secures for its members an equal chance to attain the outcomes they care about. Thus, what has to be equalized, for the sake of justice, is often opportunity.<sup>29</sup>

But any equality of opportunity theory remains meaningless unless one decides which factors lie beyond the realm of individual responsibility. One must determine what should be classified as *circumstances* beyond one's control, and what should be classified as *choices* for which individuals are held responsible. That way, those circumstances in which members of society are unequal for reasons beyond their control can be identified to make them more equal. Disagreement has largely been centered on two facets: whether individual preferences lie beyond the realm of individual responsibility and how to treat different forms of luck in matters of distribution.

In "What Is Equality? Part 1: Equality of Welfare," Dworkin argues that a just system of distribution should be one that distributes resources by making transfers between people until no further transfer leaves their share of the total resources more equal. This is the equality of resources approach, which is arguably more meaningful than the equality of welfare approach that distributes until no one is more equal in welfare because accounting for all the differences in political, impersonal, and personal preferences is not only an impossible feat, but also suggests appalling social

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<sup>29</sup> G. A. Cohen, "On the Currency of Egalitarian Justice," 908.

consequences. For a community whose members hold very different and very deeply felt political ideas, for instance, any distribution of goods society might arrange will leave some group profoundly dissatisfied. There is no way to equalize the welfare of a community by appeasing everyone's personal and political preferences.

However, even if such an approach ignores practical difficulties, an equality of welfare approach has social implications that create more circumstances that are morally wrong. The possibility that people get compensated with more goods when their political ideas are compromised is immediately unattractive as “a bigot should not have more goods than others in virtue of the fact he would disapprove a situation in which blacks have as much as whites unless his own position was sufficiently favored to make up for the difference.”<sup>30</sup> Dworkin uses the thought experiment of a wealthy father who needs to draw up his will to be distributed among his several children—one of whom is blind, one a playboy with expensive tastes, one a prospective politician with expensive ambitions, one a poet with humble needs, and one a sculptor who works with expensive material—to further illuminate the problems with this approach.<sup>31</sup>

If the father takes the equality of welfare approach, he must take the differences among his children into account, such as whether “expensive tastes should figure in his calculations the same way as handicaps or expensive ambitions.”<sup>32</sup> But if he distributes his wealth using the equality of resources principle, he will divide his estate between his sons equally, regardless of whether the playboy requires more wealth to be happy than his poet brother who finds enjoyment in simple solitude. To Dworkin, it does not seem

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<sup>30</sup> R. Dworkin, “What is Equality? Part 1: Equality of Welfare,” *Philosophy and Public Affairs* 198, no. 3 (1981), 185-246.

<sup>31</sup> Ibid.

<sup>32</sup> Dworkin, “What is Equality?,” 187.

fair that someone who has more expensive tastes should have claim to a larger share of resources than someone who has less, because he considers “differences in people’s tastes and ambitions” different from the kind of inequalities derived from “differences of talent or external circumstance.”<sup>33</sup> Hence, differences in tastes and ambitions should be viewed as an aspect of a person’s personality and regarded within the realm of personal responsibility.

Cohen and Arneson, on the other hand, take issue with Dworkin’s thought experiment and argue that one should consider the process through which individual preferences are generated. They do not discard the possibility that individual preferences are sometimes determined by one’s external environment, and thus allow some instances of disadvantage to be internal but unchosen. In their view, the key determinant of whether a particular source of inequality should be compensated depends on whether the person who bears it had control over preventing it.

Differences in what constitutes brute luck have also resulted in philosophers wrangling over whether there are certain forms of brute luck that should or should not be compensated. A distinction has been made between initial and later brute luck for the purpose of this view. Within initial brute luck, one can further distinguish between social background luck, which relates to family background or social origin, and genetic luck, which relates to factors such as ability, talent, and other inherited characteristics. Later brute luck refers to random and unexpected events that take place later in life, such as natural disasters, wars, or accidents. As far as brute luck is concerned, by definition the

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<sup>33</sup> S. Scheffler, “Choice, Circumstance, and the Value of Equality,” *Politics, Philosophy and Economics* 4, no. 1 (2005): 5-28.

individual should not be held responsible for experiencing such events, so it seems reasonable to argue in favor of full compensation for that person.

However, while there is almost universal agreement on considering social background luck as a circumstance deserving of redress, the same cannot be said of genetic luck. As far as equal opportunity goes, in popular consciousness, it is easily accepted that social structures and institutions should not discriminate on the basis of race, gender, or physical disabilities.<sup>34</sup> But that is where the view stops—beyond ensuring that people are given equal opportunities on this front to function as “normal” competitors in the pursuit of goods that society has to offer, the distribution of natural assets, though unequal, cannot be said to be unfair or unjust. One’s bad luck in the natural lottery is widely just taken as luck, and society has no obligation to provide, at its expense, remedial treatments or accommodations.<sup>35</sup>

### **Section 3**

The problem with luck egalitarianism is that luck is a pervasive feature of human life. If one considers how luck appears to arise based on Thomas Nagel’s luck categories, it becomes difficult to isolate anything as pure option luck—every circumstance one can find themselves in can be attributed to some form of brute luck. Luck—the kind that is beyond human control—appears to arise in four main ways,<sup>36</sup> with the most evident occurring through the outcomes of our actions. This type of luck is commonly referred to as resultant luck. In the mid-1990s, it may have seemed prudent for someone to take a

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<sup>34</sup> F. Lagay, “Genetic Differences: Unfair or Only Unfortunate?,” *Virtual Mentor* 3, no. 11 (November 2001).

<sup>35</sup> *Ibid.*

<sup>36</sup> I use Nagel’s four types of luck to define brute luck. See T. Nagel, *Mortal Questions* (New York: Cambridge University Press, 1979).

degree in computer science. But someone who did so just before the information technology bubble unexpectedly burst in 2000 may have seen her lack of ensuing unemployment as bad resultant luck.<sup>37</sup> The circumstances in which one acts may also be affected by luck, which is appropriately referred to as circumstantial luck. For instance, if the computer science student, Sally, had been offered plenty of incentives and enough time to deliberate on whether or not to pursue a degree in computer science,<sup>38</sup> she may have made a different, and perhaps better, decision than she would have under less favorable conditions. However, it could also have been luck that shaped her into the kind of person to major in computer science. For instance, Sally could have been genetically predisposed to have an affinity for computer coding, and that talent led her to pursue a major and career in the field, increasing her chances of being negatively affected by the unexpected technology bubble burst. This is also known as constitutive luck. Finally, luck affects the way one's actions are determined by antecedent circumstances. Sally's decision to major in computer science may have been inspired from exposure to coding from a young age. If the technology bubble burst were to occur later, or not at all, Sally would have benefitted greatly from antecedent casual luck. It seems that when resultant, circumstantial, constitutive, and antecedent casual luck are all accounted for, the area of life that remains under human control shrinks to an "extensionless point."<sup>39</sup>

By luck egalitarian standards, these four types of luck are forms of brute luck, since they are not predictable or chosen, and therefore exist beyond human control.

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<sup>37</sup> I borrow the example of Sally and her choice of major from "Moral Luck," Stanford Encyclopedia of Philosophy, <http://plato.stanford.edu>, (April 2013).

<sup>38</sup> Assuming Sally's decision to major in computer science was not a prudent one at the time.

<sup>39</sup> T. Nagel, *Mortal Questions*, 35.



However, if option luck is considered alongside this prescription, it is hard to determine whether option luck could ever occur isolated from brute luck since option luck, which is understood as “a deliberate and calculated risk,” and suggests that when individuals decide to engage in an activity, they do so with complete information.<sup>40</sup> Only when someone is able to know all the terms, conditions, and consequences involved in a decision can that decision truly be one that is deliberate and calculated. But this hardly ever occurs in real life.<sup>41</sup>

The sheer amount of influence brute luck has on people’s lives forces individuals to reconsider the plausibility of the luck egalitarian claim to use luck and choice for measuring social retributions. Indeed, brute luck can still be found in some cases that many prominent luck egalitarian thinkers argue to be unlucky circumstances arising from choice, which individuals should be held responsible for.

In *Equal Justice*, Eric Rakowski argues that, provided everyone has the same opportunity to live where they want to live and all the information about the hazards associated with living in different areas, those who choose to live in dangerous areas are rightly held responsible for their bad option luck. He writes: “If a citizen of a large and geographically diverse nation like the United States builds his home in a floodplain, or near the San Andreas fault, or in the heart of tornado country, then the risk of flood, earthquake, or crushing winds is one he chooses to bear, since those risks could be all but eliminated by living elsewhere.”<sup>42</sup> At first sight, Rakowski’s reading of the ethics of responsibility seems both persuasive and sensitive to the luck egalitarian ideal of holding

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<sup>40</sup> R. Dworkin, *Sovereign Virtues*, 73.

<sup>41</sup> S. Segall, “In Solidarity with the Imprudent,” *Social Theory and Practice* 33, no. 2 (April 2007), 186.

<sup>42</sup> E. Rakowski, *Equal Justice* (Oxford: Oxford University Press, 1993), 79.

people responsible for the risks they decide to take. After all, if a person is aware of the risks of living in a dangerous area but still decides to take a gamble, he surely should not expect society to indemnify him against disaster. Elizabeth Anderson weighs in on this argument, claiming that such an interpretation fails to account for the people who live in areas prone to natural disasters in order to engage in production from which others benefit, such as milling.<sup>43</sup> In Anderson's view, it would be unfair to deny relief to these workers in the event of disaster. However, Anderson's critique of Rakowski's geographical discrimination scenario only addresses people who have chosen to live in hazardous areas for external reasons like job obligations, when the argument that even those who chose to move there solely on personal preference can be made against Rakowski's conclusion.

For the wealthy, assuming that they are not forced to live in a geographically dangerous area out of social, economic, or political pressures, they could still be drawn to reside in disaster-prone areas for reasons beyond their control. A reclusive genius, who spent the past twenty years of his life climbing the corporate ladder to amass several lifetimes worth of savings for the purpose of living comfortably in seclusion, may be drawn to the prospects of building his house on the side of a mountain. Although he made the decision to risk his life—and house—by building a home in an area prone to avalanches, his motivations for doing so are still not free of brute luck. Perhaps the location he chose was the only one far enough from human civilization that contained enough natural resources to make sustaining himself possible. It should not be his fault for being genetically predisposed to, or nurtured into, becoming reclusive. Even if he

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<sup>43</sup> E. Anderson, "What is the Point of Equality?," 322.

chose that particular mountainside because of the risk involved, he should not be faulted for his genetic predisposition of being attracted to danger. Alternatively, it could be that the specific location has sentimental significance to him, and it fulfills a personal desire to eventually retire there. Constitutive and antecedent casual luck play an influential role in leading this man to build a life in a natural disaster zone, and the fact that even someone who has all the resources to *not* to live in a potentially dangerous area does so for reasons beyond his control suggests that individuals are rarely ever free from brute luck. Brute luck is present, even in circumstances where people seem to have complete control over their decisions.

Revisiting the thought experiment in “What Is Equality?,” philosophers who take the equality of welfare approach support a problematic system of distribution that offers less to those who are disadvantaged due to expensive tastes. There is issue in this approach, because it requires resources to be distributed through making value judgments—someone would need to determine how much to give members of society, so that they become more equal in the sense they are able to make their lives successful and fulfilling. For instance, the playboy with an expensive taste for champagne may be judged as needing more resources to achieve welfare equal to his brother who prefers beer. But it does not seem fair that the champagne-drinking brother should have more resources on that account. In the case of the prospective politician who needs a great deal of money to achieve his ambitions, or the sculptor who needs more expensive materials than the brother who enjoys writing poetry, their case for a larger share of the father’s resources is stronger than that of the playboy who prefers champagne but is still weaker

than that of the son who was born blind.<sup>44</sup> This version of equality seems to order the offsprings' claim to a share of their father's wealth according to the level of control they are believed to have over their tastes, but could even be ordered by the perceived worthiness of their needs.

Dworkin's own conclusion that tastes and ambitions should be regarded within the realm of personal responsibility and thus have disadvantages arising from differences in taste disqualified for distribution is also flawed, however. He would argue that the playboy is the most responsible for his tastes among all the brothers because he could have chosen *not* to develop a taste for champagne or learned to enjoy beer like his other brothers. Similarly, the children who possess pricier hobbies and career ambitions could have chosen to pursue a less expensive hobby or career, unlike the child who was born blind and faces a lifetime of limitations as a result of his condition. He, of all the brothers, should thus have the greatest claim to their father's wealth. The more expensive tastes that the brothers possess, however, are arguably just as influenced by brute luck as the brother's blindness is. Consequently, they should be no more penalized for having the particular tastes they do than their blind brother.

The playboy who enjoys champagne, for instance, could have developed the preference for it because he was the firstborn, and his family was wealthier at the time. It could also be that it is in his nature to care more about his social image than his beer-drinking brothers, which makes his tastes less "a lack of foresight or self-discipline."<sup>45</sup> Likewise, it does not seem fair that the brother who aspires to become a politician should

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<sup>44</sup> R. Dworkin, *Sovereign Virtues*.

<sup>45</sup> John Rawls, "Social Unity and Primary Goods," in *Utilitarianism and Beyond*, ed. Amartya Sen and Bernard Williams (Cambridge: Cambridge University Press, 1982), 168-169.

receive a lesser share of their father's estate just because he was born with particular characteristics and predilections that make politics the most enjoyable and suitable profession for him.

Cohen's interpretation of luck egalitarianism and its account of social justice somewhat works off this thought experiment. In "On the Currency of Egalitarian Justice," he argues that a just society is one that ensures everyone has the right amount of certain things. Those certain things include both physical possessions as well as mental states, such as happiness or preference satisfaction, and are important to include in distributions because he believes meaningful equality goes beyond having equal shares of a good. People may very well be equal in one way by being unequal in others. Thus, the goal of an ideal society would be to properly distribute these physical and psychological "goods" in a meaningful way. The first part of this theory is to ensure that involuntary disadvantages—or disadvantages that the sufferer should not be held responsible for—are eliminated. Cohen contends that while most egalitarians would agree that economic inequalities would be justified as long as those inequalities reflect responsible choices rather than physical or social differences between individuals, they have failed to apply the same logic to the problem of consumption. Someone who carefully clips coupons, for instance, should deserve to enjoy more consumption for her hard work, rather than the fact she was born with the patience and drive to do so.

The line Cohen draws between luck and choice is still difficult to see. As in the case of consumption, he would also argue that someone who works harder deserves to earn more than someone who was lucky to have natural talents and abilities that make her able to achieve similar productivity levels with less effort. In this case, it appears that the

person with no natural talent but works harder should be entitled to more redress because he actively engages in raising his quality of life through investing more effort. However, this would also be unfair under luck egalitarianism, if one considers the willingness for someone to put in extra work—holding all other factors that could motivate someone to excel at work constant—since this is also a quality that seems at least partly either inborn or molded throughout life. The same argument applies to the coupon clipper: if we accept that being thrifty or not are equally matters of brute luck, it no longer seems fair that an unthrifty individual is considered less deserving of enjoying her consumption.

Arneson also seems to favor the equality of welfare theory Dworkin renounces, with some alterations. His own version, equal opportunity for welfare, sees equality as a state in which each person faces an array of options that is equivalent to every other person's in terms of the prospects for preference satisfaction it offers.<sup>46</sup> However, people may face an equivalent array of options yet “differ in their awareness of these 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.”<sup>47</sup> He goes on to claim that, “whether or not two persons enjoy equal opportunity of welfare at a time depends only on whether they face effectively equivalent arrays of options at that time.”<sup>48</sup> If two people, Jack and Jill, share equal opportunity for welfare on Monday, but on Tuesday Jack voluntarily chooses or negligently behaves so that from then on Jill has greater welfare opportunities, Jack rightly deserves the new inequality developed between them.<sup>49</sup> Arneson argues that

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<sup>46</sup> R. Arneson, “Equality and Equal Opportunity for Welfare,” *Philosophical Studies* 56, no. 1 (May 1989), 77-93.

<sup>47</sup> R. Arneson, “Equality and Equal Opportunity for Welfare,” 86.

<sup>48</sup> R. Arneson, “Equality and Equal Opportunity for Welfare,” 84.

<sup>49</sup> *Ibid.*

if two individuals share equal opportunities in an extended sense before one of them behaves negligently or chooses to do something that results in inequality, that inequality is justified.

The problem with Arneson's equal opportunity for welfare is that individuals are complex and unique, and therefore can be compelled to act differently even when they are exposed to the same stimuli. It follows that people should not be considered deserving of any inequalities that result from picking a different set of options, which eventually leads to disadvantage. Two people who share equal levels of intelligence, social skills, and interests are unlikely to share the same temperament given the genes they were born with or the family environment they grew up in.<sup>50</sup> Placed in an intensive educational environment for an extended amount of time, Twin A may have a higher tolerance and persist longer because she is more patient and driven. However, Twin B may choose to leave the institution because she is more prone to reflection and feels overwhelmed by the sense of growing self-alienation from her studies. Twin B decides to leave, and as a result of not earning a diploma or having employable skills, her quality of life significantly decreases relative to Twin A. Though they both started with and shared equal levels of welfare until Twin B dropped out, it would be unfair to penalize Twin B for making a decision that leaves her at a disadvantage relative to Twin A. Indeed, Arneson himself contends that "the norm of equal opportunity for welfare is distinct from equality of welfare only if some version of soft determinism or indeterminism is correct...[and] if hard determinism is true, the two interpretations of equality come to the same."<sup>51</sup> When

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<sup>50</sup> G. Kempermann, "Emergence of Individuality in Genetically Identical Mice," *Science* 340, no. 6133 (May 2013), 756-759.

<sup>51</sup> R. Arneson, "Equality and Equal Opportunity for Welfare," 86.

the types of luck Nagel considers are taken into consideration, the soft determinism that Arneson acknowledges his theory rests upon seems to become irrelevant.

Without sufficient evidence that there are circumstances that can arise isolated from the influence of brute luck, luck egalitarianism becomes useless. All philosophers in this Section seem to have made the same mistake of confusing circumstances that should be properly considered brute luck with option luck.

### **Conclusion**

Luck egalitarians work from the assumption that there are inequalities for which society can hold individuals accountable, because some inequalities can be traced to conscious and voluntary choices. In reality, this rarely occurs. In *Mortal Questions*, the four types of luck Nagel describes illustrate a more comprehensive image of what brute luck looks like. However, if one accepts this definition of brute luck, it is necessarily true that the effects of brute luck on an individual's actions are so pervasive they would render what luck egalitarians call option luck obsolete. In effect, luck egalitarians have mistakenly attributed instances of brute luck to option luck, and I do not believe that a pure form of option luck can exist. As luck egalitarianism depends on the ability to differentiate between option and brute luck for distributive equality, without the ability to assign people complete responsibility for the outcome of decisions they may make, the tenet becomes meaningless as a theory of justice.





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