

A Dilemma for Luck Egalitarians

Lamont Rodgers

Houston City College

This article presents a dilemma for luck egalitarians.¹ The dilemma is that luck egalitarians can either allow secession and emigration to regimes that do not enforce egalitarian outcomes or prohibit secession from political regimes crafted in accordance with luck egalitarian principles.² If the luck egalitarian allows such secession, she must abandon her commitment to the claim that luck egalitarianism (LE, henceforth) is the only accurate theory of justice. If the luck egalitarian prohibits secession, she must abandon a commitment to many of the concerns motivating liberalism in general and LE in particular. The paper concludes by considering and rejecting some responses on behalf of the luck egalitarian.

Two notes are necessary before moving on. First, I confine my remarks to a very specific version of LE. The version I focus on is comprehensive in that it identifies the underlying commitments of LE as the only principles of justice. This version of LE is contrasted with a hybrid theory that upholds a commitment to eliminating the role undeserved bad luck plays in an individual's life with some other principles of justice. One might see Richard Arneson as a proponent of the comprehensive form of justice while John Rawls might be something like the latter.

Second, the comprehensive LE I focus on is global in nature. It is global in that it applies to all individuals, even if they never interact with one another. I can have an obligation to offset the bad luck an individual in some remote village endures, even if I do not interact with that individual. This is distinct from a social-interactionist theory that holds that, whatever obligations of justice exist, they exist only when individuals interact in justice-initiating ways. Trade is the most obvious means of social interaction, but it is by no means the only one. This paper will

focus on the global comprehensive variant of LE.

1. LUCK EGALITARIANISM

While there are many versions of LE, those who endorse the position commonly hold that “it is morally bad if some are badly off through no fault or choice of their own.” (Arneson “Luck Egalitarianism and Prioritarianism” 340) Richard Arneson says “[T]he aim of justice as equality is to eliminate so far as is possible the impact on people’s lives of bad luck that falls on them through no fault or choice of their own.” (340) LE is egalitarian in its commitment to the view that we ought to design institutions to limit, as much as is feasible, the role luck – especially bad luck - plays in people’s lives. More precisely, justice demands that all enjoy equality of opportunity, equality of opportunity for advantage, or the like; and bad luck should not prevent people from doing so (Cohen, “On the Currency of Egalitarian Justice”).

Luck functions in LE to alter the strength of the moral reasons for ameliorating the condition of an individual. If an individual is badly off through little or no fault of her own, then there are good reasons to improve her condition. If the individual is badly off as a result of own’s own free choices, then there are only weak reasons to improve her condition. Arneson holds that “if one is considering taking wealth from one person in order to benefit a less wealthy person who needs the money more, one might hold that the moral reasons that favor this expropriation diminish if the wealth to be taken derives from earned rather than unearned income.” (Arneson, “Luck Egalitarianism Interpreted and Defended” 1) Luck egalitarians do not need to say that individuals who suffer through their own choices do not deserve aid. They need only hold that the force of the reasons justifying the aid strengthens if the person is suffering through no fault of his own, instead of from choice he has made.

Some examples aid in illustrating the luck egalitarian position. Arneson observes that two plausible views of luck reach the conclusion that “it is morally more important to aid the prudently responsive armed robbery victim than the imprudent victim (1).” Consider also consider the following scenario from Arneson:

Bert, a young adult, has available to him a course of conduct that over the course of his life would render him no worse off than others. He then engages in a brief spurt of self-destructive, viciously imprudent behavior. He drives a car recklessly, say, on an abandoned road (no one is endangered except him), and he has neglected to purchase accident insurance. He has bad luck and suffers a bad accident...in the end, Bert is far worse off than others. (6-7)

Luck egalitarians tend to agree that suffering like Bert's is not the *fundamental* concern of justice. Bert, to some degree, is responsible for his suffering. (Arneson 7-8) It may be desirable to ameliorate the condition of individuals who are responsible for their own suffering.³ However, it is more valuable—or perhaps just morally better—to aid those who are not responsible for their own suffering.

Luck egalitarians tend to hold that their theory of justice should influence the social institutions in place in society.⁴ Institutions should aim to make up for bad luck. Public education, public housing, government run healthcare, and the like may be required to reduce the bad luck of being born into poverty does not importantly bear on the individual's condition. Interestingly, many luck egalitarians do not hold that *individuals* have particularly robust obligations to attempt to achieve luck egalitarian aspirations in their private lives. Instead, people just ought to support institutions aimed at achieving those goals.⁵ But it is unclear how strong this obligation is. Luck egalitarians have at least suggested that people may opt out of these obligations via secession. The permissibility of secession challenges the luck egalitarian analysis of justice. The impermissibility of secession is otherwise problematic for the luck egalitarian.

2. A DILEMMA

Imagine that a regime pursues LE principles. All the individuals within this system were born into the system, say; they did not willingly establish it. Imagine that there is a nearby regime that does not pursue LE's goals. This non-LE regime has massive inequality. However, even the poor in the non-egalitarian regime do better than the wealthy in the luck egalitarian regime. This is not merely imaginable; there is empirical evidence that it happens.⁶ Add the more controversial assumption that the luck egalitarian society does badly off *precisely because* it pursues egalitarian outcome. May some of the members of the LE regime emigrate?⁷ There are two obvious answers, both of which are problematic for LE.

A LE might deny that individuals may leave a regime that embodies LE principles. This position is at odds both with principles proponents of LE endorse and with the broader liberalism that is usually associated with LE. As it pertains to principles that egalitarians endorse, recall that Richard Arneson holds that “[T]he aim of justice as equality is to eliminate so far as is possible the impact on people's lives of bad luck that falls on them through no fault or choice of their own.” (Arneson, “Luck Egalitarianism and Prioritarianism” 340) Surely preventing an individual from moving to economic systems that increase her prospects of doing better is a way of inflicting bad luck on that individual. After all, *ex hypothesi*, the individual we are discussing was merely born into the LE regime. This person now wishes to leave in order to do better. This person wishes to take responsibility for his or her greater welfare.

What is more, blocking secession or emigration is at odds with liberal

principles that many LE find attractive. Arneson actually makes this case. The rationale for the right to secession comes from the “standard liberal presumption of liberty including liberty to renegotiate past commitments and begin life anew.” (Arneson 2011: 160) There are ostensibly two values identified here: the value of renegotiating past commitments and the right of self-determination. Of course, the former might be rooted in the other. Whatever the case, the standard presumption of liberty that Arneson mentions poses an obstacle to “anything like a blanket prohibition on secession and secession.” (Arneson, “Luck Egalitarianism: A Primer” 160) Similarly, G.A. Cohen argues that socialist regimes might allocate an area for those who insist in engaging in capitalist activities. This would presumably be something like emigration via expatriation. (Cohen Self-ownership, freedom, and equality 30)

The two problems of denying that individuals may secede then are internal to LE and internal to liberalism. The internal egalitarian cost is that it requires reshaping LE’s commitments so that they are compatible with forcing people to live in regimes that require them to do worse than they otherwise might. Perhaps luck egalitarian could hold that what is crucial is that people do not suffer *comparatively*, even if they do worse off than they otherwise might on an absolute scale. However, this is a doubly problematic move. First, the intuition that people ought not to do badly through bad luck is at least sometimes used to argue for LE. If that intuition is entirely comparative, it follows pretty easily that people may not leave egalitarian regimes. Second, and more importantly, those skeptical of LE would need a wonderful explanation of why comparative suffering is crucial while absolute suffering is not. Finally, once people are aware that they could do better, there is no obvious reason why they may not compare themselves to those doing better. Indeed, even if they do not know that they could do better, others could look at their comparative position and wish to allow them to enter arrangements that are more propitious.

Alternatively, LE may hold that it is permissible to leave regimes that pursue the goals endorsed by luck egalitarians. The obvious cost here is that LE ceases, even for the LE, to be a unique analysis of justice. At best, LE could be a default theory of justice – a theory that is correct provided that people make no arrangements to nullify the principle. Alternative arrangements may be just only if entered in whatever the proponent of LE regards as the right way.

3. RESPONSES

This second point allows me to begin responding to some objections to the general argument raised here. One simply embrace this last point. LE is just a default analysis of justice. It is an analysis of social justice. However, there are perfectly permissible ways for people to get out of egalitarian arrangements. Why do I think that it is more than that?

On the one hand, this objection is well taken as a sociological claim. After all, I have used Arneson 2011 and, to a lesser degree, Cohen 1995, as a wedge into the first half of the dilemma I constructed here. So there are some luck egalitarians who do not claim to be offering the only proper analysis of justice. However, there are plenty of proponents of LE who write as if no other arrangement could be just. What is more, some famous criticisms of rival regimes make no sense unless the authors of those criticisms believe that those regimes could never be just. I think that, despite Cohen 1995, Cohen 1989 and 1997 are examples of works that aim to show the impossibility of non-egalitarian regimes' justice. He denies both that principles apply to the basic structure of society and that market transactions exhibit enough equality producing features to count as justice-preserving. Justice, Cohen argues, applies fundamentally to interpersonal transactions; and justice demands (rough) equality.

There are more important problems with this response though. One is that the LE owes an explanation of why egalitarian principles are the *default*. I will merely note that no such explanation exists in the literature. The other is that, once we have principles that justify leaving egalitarian regimes, it then becomes possible that inequality could be justified even within an egalitarian regime. To be clearer, for any principle P that justifies an individual in entering a non-egalitarian regime, it is possible that some unequal holdings will be justified in accordance with P even within the LE regime.

Here is an illustration: Suppose we have an egalitarian regime. Suppose also that people may leave it provided they do so in a fully voluntary manner, whatever that means to the reader. Perhaps they have to give up their claim to be compensated for harms that result from bad luck and they have to do so in a manner that is fully voluntary. Well, it is at least possible that some individuals will exactly this within a regime embodying LE's principles. I might abdicate my claims to compensation for undeserved harms and only interact with others who do the same. Likeminded folks might do the same. After we engage in some kind of private trades, some of us might have far more than the demands of egalitarian justice permit. But now what?

Now the proponent of LE must hold either that the new holdings are just or deny that they are. If they are just, LE is not a unique analysis of social justice. If they are not, then we need a good explanation for why different *societies* can be just. After all, *ex hypothesi*, the transactions within the regime occur in accordance with the principle that allows one to leave the regime. Notice also that individuals in different regimes can come to have market power over individuals in other regimes, unless the two isolate themselves.

Similarly, it will not do to say that everyone in society must agree to allow inequality to arise. That sort of move undermines the case for secession in the first place. This is because when people leave one society for another, if they must ask for permission to leave, they do not have a right to leave. Also, if enough people

leave the egalitarian regime, the regime they enter could come to have market power over the egalitarian regime. Whatever the case here, I do not wish to hang too much on this point. Even if it is impossible for the case for secession to spill into a case against internal equality, LE would still be arguing for an abandonment of LE as a unique analysis of justice.

As an alternative, the luck egalitarian might deny that secession is permissible. The advocate of LE might hold that the principles underpinning LE are inescapable. Those principles might support ultimately valuable ends. If their preservation requires violating some standards liberal values, then so be it. Perhaps self-determination, the freedom to renegotiate prior commitments, and so on, are always contingent on their supporting the ability to prevent individuals from suffering through no fault of their own. Thus, no rival regime can be just.

Some proponents of LE occasionally do endorse just this sort of move. G.A. Cohen seems to embrace both forced labor and forced organ transplants. (Cohen Self-ownership, freedom, and equality 243-250) He also seems to support the violent suppression of capitalism on a small scale within a socialist regime. (Cohen 1995: 29-30) Given this, it would not be overly surprising if he precluded emigration. Other luck egalitarians could follow suit.

This maneuver preserves the internal coherence of LE. However, it does so by losing any broad attractiveness that it might have. I am not saying that no one could find LE attractive if it requires forcing people to stay in arrangements when they could do better elsewhere. Surely, they could. I am saying that people not already strongly committed to LE outcomes above most other traditional liberal values will not find LE attractive. This huge swath of liberals will need to hear the sort of case that luck egalitarians have yet to offer: a case to show that LE values trump most other standard liberal values.

It is difficult to canvass all the potential responses one might make on behalf of LE. One could chip away at the strength of the standard liberal rights to negotiate prior commitments and lead the sort of life one wishes. One could do this with an eye toward holding that LE is compatible with liberalism. One could simply grant that LE is not the only just arrangement. One might do any number of things to respond to the difficulties that I have raised here. As it stands, though, the possibility of legitimate secession and emigration pose a dilemma for proponents of LE.

NOTES

1. I benefitted greatly from comments Danny Scoccia offered on an earlier version of this paper.

2. This essay is motivated by an observation Richard Arneson makes toward the end of his "Luck Egalitarianism: a Primer" in Carl Knight and Zofia Stemplowska, eds., *Responsibility and Distributive Justice* (Oxford: Oxford University Press, 2011), pp. 24-50. I run the case for emigration and secession together in what follows. I do not think that

this is a problem for the general argument of this paper. As long as people are emigrating to non-egalitarian regimes, the fundamental argument of this paper stands.

3. Luck egalitarians who seek to avoid the ‘Harshness Objection’ grant that people who are responsible for their own suffering may deserve aid. The claim is just that people responsible for their own suffering deserve aid less than those who are not responsible for their own suffering. See Voigt 2007.

4. Luck egalitarians who explicitly endorse this position are Arneson 2004 and Michael Pendlebury, Peter Hudson, and Darrell Mollendorf 2001. Cohen 1989 and 1997 are exceptions.

5. Arneson 2000; Michael Pendlebury, Peter Hudson, and Darrell Mollendorf 2001. G.A. Cohen is a notable dissenting voice. See Cohen 1989; 1997.

6. Paul Krugman wonderfully observes that the poor in American in 1996 were doing better than the wealthy in much more egalitarian 1950s America. See his Slate article available here: http://www.slate.com/articles/business/the_dismal_science/1996/12/the_cpi_and_the_rat_race.html. But also, notice that middle-class individuals emigrate from relatively successful welfare states to nations with massive inequality. See this report from The Guardian <http://www.theguardian.com/global-development/2012/nov/06/british-brain-drain-skills-shortages>.

7. Richard Arneson explores this question in Arneson 2011: 159. Arneson cites, with apparent approval, the case for secession found in Wellman 2005.

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