

THE IDEAL OF EQUALITY:
LUCK EGALITARIANISM AND ITS CRITICS

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A handwritten signature in cursive script, reading "Faith Armitage", is written over a horizontal line.

Faith Armitage
29 September 2006

ABSTRACT

Luck egalitarianism is an influential theory of justice that holds that arbitrary distributions of native abilities and social circumstances produce objectionable inequalities between persons, but responsible choices excuse some inequalities. It has recently been strongly criticised by self-described egalitarians. At the same time, however, mutual engagement between feminists and luck egalitarians has been minimal, in contrast to Rawlsian and feminist debates about the application of his theory to gender injustice. My research has two interrelated aims: (1) to contribute to the mainstream critical evaluation of luck egalitarianism by (2) developing an analysis that focuses on the implicit feminist content in those critiques.

Luck egalitarians offer different versions of the theory, but these are underpinned by commonalities, including the aim to make distributions reflect agents' responsible choices; the presupposing of particular institutions; and an individualistic ontology that misrepresents the social causes of inequality. The heavy significance luck egalitarianism attaches to choice effectively licenses the traditional sexual division of labour since many agents continue to make choices, in accordance with prevailing social norms, which reproduce it. Respect and recognition are goods that luck egalitarianism requires some individuals to forfeit in exchange for material aid. This trade-off is unacceptable, highlighting the need for a satisfactory egalitarianism to be pluralistic in its understanding of human goods. Luck egalitarianism is compatible with the political marginalisation of certain social groups due to its emphasis on equality as an ideal about distributions, rather than relations between citizens. The need for egalitarianism to be sensitive to inequalities in multiple domains, not just the material, is underlined. Rival theories to luck egalitarianism invoke people's basic needs and citizens' obligations to one another as alternative bases for determining fair distributions. These more complex accounts of social justice engage the full array of human concerns to which egalitarianism traditionally responds.

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INTRODUCTION

LUCK EGALITARIANISM OBSERVES that individuals are differentiated from one another from the start: some are born into poor families, others rich ones; some are born blind or with other disabilities, while others are blessed with normal physical abilities; some are endowed with natural talents and gifts for playing basketball or the violin with flair, while others lack special talents. These differences, say luck egalitarians, are contingent, just the result of a natural lottery. Some of the great inequalities of opportunity, wealth, and happiness between individuals derive from mere chance, from these natural and social contingencies. Intuitively, it does not seem fair that some people rise to the top while others sink to the bottom due, in part, to the chance distribution of such factors.

According to luck egalitarians, then, egalitarian political morality suggests that inequalities between agents that are a product of their voluntary choices should be acceptable, but inequalities traceable to factors over which agents have no control are objectionable and should be eliminated or compensated. Natural differences in physical and mental abilities and talents, and social differences in circumstances are the two general types of unchosen factors to which luck egalitarianism is alert. Luck egalitarianism has been characterised as a ramped-up version of the principle of equality of opportunity. That familiar norm objects to discrimination on the basis of gender, race, ethnicity, and class, and condemns the unequal outcomes such discrimination produces. Luck egalitarianism includes but goes beyond this norm by broadening the bases which give rise to morally objectionable inequalities. Luck egalitarianism has proved a popular and compelling version of the ideal of equality because it takes account of and responds in a sophisticated way to the misfortunes in life that we think of as arbitrary and beyond our control. At the same time, it also responds to the intuition that it is unfair to deprive people of resources or welfare that they have earned or accumulated through choices and actions that they voluntarily undertook.

Luck egalitarianism is a philosophically interesting theory of equality. Moreover, were it implemented, it has radical implications for social change since, on all reasonable assumptions about the random distribution of the blessings and curses in life, luck egalitarianism implies a major redistribution of resources or

welfare. As one writer notes, “Most luck egalitarians think that the economic regimes of contemporary liberal societies should be significantly more redistributive than those regimes have usually been in practice, and more redistributive than the prevailing political morality would allow” (Scheffler 2003a: 7n). If we are egalitarians, then, it seems an appealing theory. Thus, surprise and consternation surround the fact that the recent literature contains a considerable number of strong criticisms by self-described egalitarian philosophers. Few eyebrows are raised when writers from traditionally anti-egalitarian political traditions such as conservatism and right-libertarianism criticise egalitarian theories and programmes.¹ But when the objections issue from the expected constituency of such radical ideas for social justice, something decidedly odd is going on.

Challenging luck egalitarianism

Elizabeth Anderson coined the term ‘luck egalitarianism’ in 1999. According to Anderson, luck egalitarianism accords a central role to the phenomenon of luck, with unappealing results for its overall ideal of equality. Its twin norms are that we may subtract from the fortunate that portion of their resources or welfare that everyone acknowledges is undeserved, and should give to the unfortunate only to the extent that they did not bring their misfortune upon themselves. If they did, then that is their tough luck, and the rest of society has no obligation to help. The following passage encapsulates some of Anderson’s chief concerns:

Recent egalitarian writing has come to be dominated by the view that the fundamental aim of equality is to compensate people for undeserved bad luck – being born with poor native endowments, bad parents, and disagreeable personalities, suffering from accidents and illness, and so forth. I shall argue that in focusing on correcting a supposed cosmic injustice, recent egalitarian writing has lost sight of the distinctively political aims of egalitarianism. The proper negative aim of egalitarian justice is not to eliminate the impact of brute luck from human affairs, but to end oppression, which by definition is socially imposed. Its proper positive aim is not to ensure that everyone gets what they

¹ Such as Cavanagh (2002); Kekes (1997); and Narveson (1998).

morally deserve, but to create a community in which people stand in relations of equality to others (1999a: 288-89).

Anderson argues that luck egalitarianism divides people into two main categories: victims of bad brute luck, and victims of bad option luck or bad choices.² Luck egalitarianism directs us to help the victims of bad brute luck. But such assistance comes packaged with demeaning judgments about the physical and mental attributes of the recipient. Victims of bad choices, on the other hand, are not entitled to assistance or compensation under the theory. Whether this means women who choose the unpaid work of care-giving over a lucrative career, or risk-loving mountaineers who tackle a demanding peak and find themselves stranded, luck egalitarianism requires agents to bear the costs of those choices alone, provided choices are fully voluntary and taken with an awareness of the likely consequences. According to Anderson, this norm means luck egalitarianism permits and even requires us to abandon needy people, at the same time as it licenses the accumulation of great wealth. Luck egalitarians “ask only that people start off with equal opportunities to achieve welfare or access to advantage, or that they start off with an equal share of resources. But they accept the justice of whatever inequalities result from adults’ voluntary choices” (1999a: 291). For Anderson, this is an untenable position for a theory purporting to articulate a vision of equality.

Objections to luck egalitarianism have been voiced by others reasonably regarded as ardent egalitarians.³ The criticisms tend to cluster around the following themes. First, the importance accorded to individual choice and personal responsibility in luck egalitarianism raises concerns. In general, luck egalitarianism depends on determining what portion of an individual’s advantage is due to her choices, and what portion due to unchosen circumstances. This is a deeply complicated exercise and many doubts are registered – including, it should be said, by luck egalitarians themselves – about whether it is possible to do so. More importantly, critics insist, the question arises whether it is *desirable* to do so, since it seems overly harsh for egalitarians to refuse to help someone in need just because the neediness arises from her own fault or negligence. Some wonder, in all this, what

² As will be discussed in chapter one, Ronald Dworkin (1981a; 1981b) develops and employs the concepts of ‘brute’ and ‘option’ luck in his theory.

³ These include Armstrong (2003; 2005); Hinton (2001); McKinnon (2003); Mason (2000); Matravers (2002); Miller (1997; 1995b); Phillips (1999; 2004; 2006); Price (1999); Ramsay (2005a); Scheffler (2003a; 2003b; 2005); Williams (2002a); Wolff (1998; 2002); and Young (2001).

has happened to the norm traditionally associated with egalitarianism: namely, equality of outcome. This thought leads on to a second, related, theme about the moral value that luck egalitarianism attaches to particular ends. As a political morality rooted in the liberal tradition, luck egalitarianism is committed to neutrality towards people's conceptions of the good. Some critics suggest, however, that some goods seem more important than others from the point of view of egalitarian justice. In some cases, this has translated into a desire for a more substantive form of egalitarianism which identifies objectively important goods or goods required for human flourishing. This sets up a tension with luck egalitarianism since it tends to treat all ends as morally equivalent, regarding individuals' preferences as authoritative and sovereign.

Third, while luck egalitarianism is not concerned exclusively with economic inequality, the attention paid to interpersonal comparisons of individual resources or welfare tends to encourage a focus on the distribution of private property. Critics argue that this ignores or obscures the non-material dimensions of inequality, such as the fact that middle-class white men predominate in positions and roles that command power, authority, and respect, while women and non-whites are disproportionately excluded. The ways in which social goods other than private property are shared (or not shared) around are also important issues for egalitarian justice. The fourth concern, voiced in various ways, asks: since when is the ideal of equality primarily about distribution anyway? What, if anything, does luck egalitarianism say about the hierarchical structures and institutions in society – political, cultural, as well as economic – that constitute some people as naturally superior to others? The suggestion here is that luck egalitarianism attributes too much importance to the concept of distribution and consequently fails to ask about, examine, or theorise the social relations of power that reproduce patterns of inequality.

The Project

This thesis examines the theory of luck egalitarianism and the growing critical literature it has recently attracted. I argue that luck egalitarianism represents a sophisticated discourse that has interrogated many interesting questions relating to human inequality. Nevertheless, the main concepts it employs to explore problems of inequality end up obscuring other urgent questions and issues, including those just

outlined. There is an important paradox here: if luck egalitarianism offers a radical doctrine aimed at eliminating many of the unjust and troubling inequalities we see before us today, why do considerable numbers of its apparently natural constituency – self-described egalitarians – reject its chief principles and vision? My thesis aims to identify, describe, and unravel this paradox, and does so at a particularly auspicious time. Luck egalitarianism has been the dominant discourse in egalitarian debates for more than twenty years. But the critical perspectives are themselves now well established, and indeed, have given rise to counter-responses from luck egalitarians and their followers. It is now possible to submit the criticisms and counter-criticisms to robust consideration.

The theory of luck egalitarianism is contested on at least three general levels: its overall vision or ideal of equality; the principles it describes and promotes; and the assumptions about human beings and society that underpin these. Throughout my analysis, certain questions about these components recur. First, with respect to the overall vision of equality, we can ask: What are the constitutive features of an equal society? Is the absence of certain types of people from certain sectors of the economy, government, or cultural activities compatible with this vision? Second, with respect to the principles articulated and promoted as the constitutive framework of, and means to, achieving that vision, we can ask: What value(s) does it place at the centre of the conception? Which ones are treated as less important and central, and what significance should be attached to that? Third, with respect to the sociological assumptions and theses that underpin the project, we can ask: To what causes does it attribute inequality? How does it account for the reproduction over time of various forms of inequality between social groups?

The first and last components in particular are not often presented explicitly by luck egalitarians, but must be inferred and extracted through careful reading of the texts. Specific objections to luck egalitarianism raise concerns at one, two, or all three general levels, since these are interconnected. The structure of the thesis is not therefore to consider the vision in one chapter, the principles in another, and the sociology in a third, but rather to treat these as structuring themes running throughout. As I have suggested, the recent literature is notable for the fact that challenges to luck egalitarianism are made in the name of equality itself, not some other political value such as liberty. The trick is to try to understand where, precisely, the rival

conceptions of egalitarianism diverge, and what is at stake in adopting one account over another.

A distinctive element of my analysis is its focus on feminism. The relationship between feminism and liberalism, while never easy, has at least one important success to its name: a sustained and sincere engagement between the two traditions has produced important advances on many key terms in political discourse, including individualism, freedom, rights, power, the public and private spheres, equality, and social justice. In the contemporary literature, attempts by feminists to challenge, alter and extend Rawls's theory of justice and his corresponding engagement with the feminist criticisms represent a leading example. This debate in itself has produced a significant body of literature,⁴ and it is only one strand within the influential and far-reaching feminist literature of recent decades.

Oddly, however, luck egalitarians and feminists have not engaged with one another in this same sustained and critical way. Even Anderson's critique is not written from a self-consciously feminist perspective, though she has written on specifically feminist topics elsewhere.⁵ With a few important and recent exceptions,⁶ feminists *qua* feminists have not engaged directly with luck egalitarians, and the latter seem to have repaid the compliment by largely ignoring the traditional feminist criticisms. Thus, throughout my analysis, I highlight feminist perspectives and demonstrate where critics could usefully draw on these to inform and sharpen their objections.

Before I describe the substantive arguments and structure of the thesis, it should be noted that there is one issue I do not address. This is the question of John Rawls's status vis-à-vis luck egalitarianism. As is well known, Rawls's major work, *A Theory of Justice* (1999), presents an egalitarian liberal theory. It describes two principles of justice. The principle of liberty stipulates that everyone has an "equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others" (1999: 53). The second principle concerns the distribution of social and economic advantages, and has two parts. 'Fair equality of opportunity' stipulates, as the name suggests, that positions and offices be open to all.

⁴ Contributions include Baier (Baier 1987); Card (Card 2001); Held (Held 1993); Kymlicka (Kymlicka 1991); Munoz-Dardé (1999); Nussbaum (Nussbaum 2003); Okin (Okin 1991, 1994); Rawls (Rawls 1993); and Smith (Smith 2004).

⁵ See, for example, Anderson (1990).

⁶ Including Levey (2005); Phillips (2004; 2006); Robeyns (2003a); Schwartzman (2000; 2006); and Young (2001).

The ‘difference principle’ stipulates that departures from equality should be to the advantage of the worst-off group. Rawls argues that these two principles of justice would be arrived at by parties who are placed behind a ‘veil of ignorance,’ deprived of knowledge of their particular circumstances, interests, and beliefs. This prevents the parties from knowing how they might stand to gain or lose from certain social arrangements, and so facilitates a disinterested and impartial selection of fundamental principles of justice to govern their collective life. These conditions of ignorance, impartiality, and rational choice define what Rawls calls the ‘original position.’

Some suggest that Rawls is straightforwardly the first luck egalitarian (e.g. Kymlicka 2002). Others argue that this is a misinterpretation of his theory, which constitutes its own unique category (e.g. Hinton 2001; McKinnon 2003; Scheffler 2003a). Each side is able to marshal evidence and arguments to support its case, and it may be more appropriate for a writer whose main point is *not* to contribute to this debate but rather to examine luck equality and *its* critics to make the judgment call. For the remainder of the thesis, I shall simply assume that Rawls is not a luck egalitarian. The advantages of this decision include brevity and clarity. Henceforth, when I use the term ‘luck egalitarianism’ I mean it to refer primarily to Ronald Dworkin, G.A.Cohen, Richard Arneson, and a few others less central to my analysis. The term ‘liberal egalitarianism’ will be reserved for a broader tradition of liberal conceptions of justice that includes both Rawls and his followers, plus Dworkin, Cohen, Arneson, and their followers.

The structure of the argument

Chapter One – Luck Egalitarianism: The theory of luck equality emerged around 1980 in Anglo-American political philosophy. In chapter one, I set out the theories of equality offered by Dworkin, Amartya Sen, Cohen, and Arneson. With the exception of Sen, these theorists are widely regarded as the most important representatives of luck egalitarianism. The literature is dominated by what is sometimes referred to as the ‘equality of what?’ debate after a seminal article by Sen (1982). This refers to theorists’ offering rival ways to identify and measure objectionable inequalities between individuals. The two most developed versions are the theory of equality of resources, which is propounded by Dworkin and others, and the theory of equality of welfare, modified versions of which are favoured by Cohen,

Arneson, and others. The assumption is that identifying the correct ‘currency’ or ‘space’ of equality will allow us to determine which individuals’ claims are most urgent and enable us to equalise people in the way that ultimately matters morally. From the luck equality perspective, this represents a, perhaps *the*, key task for the egalitarian project. In the first part of the chapter, I identify some of the major disagreements pursued by luck egalitarians. The second part then balances this by pointing out some of the important similarities in their views.

Chapter Two – Feminist Challenges to Liberal Conceptions of Justice and Luck Egalitarianism: In this chapter, I begin to fill the gap highlighted earlier by demonstrating how some traditional feminist criticisms of liberal thought apply specifically to luck egalitarianism. I focus on four critical themes: the male bias apparent in the liberal ‘self’; the problem of respecting individual choice given that a background of unequal power deforms women’s choices; the importance accorded to economic inequality within mainstream approaches to social justice and the corresponding marginalisation of cultural inequality; and the perceived limitations of the concept of distribution as the dominant paradigm of social justice. I argue that the concerns commonly raised by feminists apply just as well – and sometimes more so – to the luck egalitarian tradition. Moreover, I argue that these criticisms resonate in the specific objections to luck egalitarianism, even when these have not been engaged from explicitly feminist directions. Remaining chapters employ theories and concepts introduced in chapter two to illuminate and sometimes extend these objections.

Chapter Three – Gender Equality, Choice, and the Sexual Division of Labour: How does luck egalitarianism conceptualise the causes of inequality and are these accounts adequate? In exploring this question, I employ Andrew Mason’s (2000) argument that the luck egalitarian refusal to compensate inequalities traceable to agents’ genuine choices encounters difficulties when it comes to women’s choices to take up traditional feminine roles of mothering. Dworkin’s egalitarianism is too restrictive because it fails to take adequate account of the way that women’s choices are heavily socialised. Mason argues that in order to do justice to women, an account of equality such as Dworkin’s needs to be supplemented with an egalitarian ethos that precludes sexist socialisation. This conjecture leads to my second question: to what extent is the more substantive egalitarianism promoted by Mason compatible with neutrality between conceptions of the good? While siding with Mason and

others who argue that an unsupplemented luck egalitarianism cannot eliminate women's economic subordination and dependence, I argue that his line of thought edges us towards a perfectionist form of egalitarianism. This exposes a tension between liberal egalitarianism, which has tended to be anxious to avoid this, and feminism, which has been more receptive, in light of concerns about women's adaptive preferences.

Chapter Four – Respect and Types of Injustice: The conventional wisdom is that liberal political theory in general, and liberal egalitarianism in particular, is distinguished from other political traditions by its commitment to treating all persons with equal respect. Notwithstanding this, critics have argued that luck egalitarianism fails to treat all citizens with equal respect in the process of identifying objectionable inequalities. Two such arguments are made by Jonathan Wolff (1998; 2002) and Timothy Hinton (2001). In this chapter, I connect their 'respect objection' to a contemporary literature which argues that misrecognition, no less than economic inequality, is a key form of injustice. Drawing on Nancy Fraser's dualistic model of social justice, which argues that maldistribution and misrecognition are two irreducible harms that agents may suffer, I argue that this is echoed in the respect objection to luck egalitarianism. Furthermore, the respect objection must be rooted in this redistribution/recognition approach if it is to have real force against luck egalitarianism. Otherwise, the objection is reasonably understood as citing problems merely with the *implementation* of luck equality, not its central principles. I believe Wolff and Hinton intend a more radical critique of its principles, which implies that they should make their reliance on Fraser's dualistic framework (or something similar) explicit.

Chapter Five – Relational Equality, Citizenship, and Democracy: It is not obvious that luck egalitarianism is opposed to social or political hierarchies. This sounds like a hazardous claim, yet it is one that has been advanced, in different ways, by several critics. The idea behind these claims is that luck egalitarianism fails to appeal to a more fundamental understanding of equality as an ideal governing the social relationships between citizens and social groups. This chapter critically analyses this 'relational equality' objection. I demonstrate that Elizabeth Anderson, Samuel Scheffler, and David Miller articulate versions of this ideal and that there is a significant degree of overlap in their concerns. However, the ideal suffers from ambiguity and I attempt to tease out what theoretical work it does (or potentially can

do) in describing a vision of egalitarian justice. In section two, I outline an argument by Arneson that 'relational equality' can be assimilated to the 'equality of x' formulation that distributive egalitarians propose. I reject this interpretation as based on a misunderstanding, and argue that relational equality is better understood as regulating or controlling distributions. In section three, I argue that appeals to the qualities and virtues of citizens form a distinct strand of the notion of relational equality. Such appeals have been criticised for lack of substance. Although I find some merit in this claim, I argue that emphasising citizens' interactions is valid in light of the fact that such discussions are virtually absent from luck egalitarian theory. In section four, I argue that the most promising but so far least developed way to take the relational equality notion forward is to elaborate it as an argument about political equality, focusing on equal inclusion, voice, and participation as constitutive of a society in which citizens relate to one another as equals. I argue that Dworkin's conception of political equality is unsatisfactory since it appears to be compatible with the political marginalisation of some social groups.

Chapter Six – Sufficiency, Priority, and Pluralistic Egalitarianism: The chapters to this point will have argued that luck egalitarianism is inadequate in a number of important ways. By way of rebuttal, luck egalitarians contend that some rival conceptions tend to collapse into sufficiency positions. In this final chapter, I explore this counter-claim, focusing on Richard Arneson's contrast between his own prioritarian approach to distributive justice and what he calls moderate sufficiency. I argue that, in the traditional opposition between egalitarianism and sufficiency, egalitarianism emerges as superior. However, things are not so clear in the more complex opposition that Arneson proposes. Moderate sufficiency is the label he applies to a disparate group of theories, including, for our purposes here, Martha Nussbaum's capabilities approach and Elizabeth Anderson's democratic egalitarianism. I argue that we should reject Arneson's contention that these theories are predominantly sufficientarian in character, and suggest that 'pluralistic egalitarian' is a more accurate description. This does not deny that they cater to a principle of sufficiency. But it does establish that this is not their only or most significant moral commitment. Characterising Nussbaum and Anderson as pluralistic egalitarians highlights the parallels with egalitarians who favour unconditional basic income as a component of the egalitarian distributive project. Egalitarians should say that everyone is unconditionally entitled to have their basic

needs met, even if they have brought their neediness upon themselves. Though this is not the view that luck egalitarians and prioritarrians such as Arneson take, it is the right one.

The arguments in chapters three through six are somewhat self-contained, as each closely examines a particular objection to luck egalitarianism and the associated issues. At the same time, the argument these chapters make is cumulative. While I do not claim to have produced a wholly articulated rival theory of equality, my thesis sketches some of the constitutive visions, principles, and understandings of equality that such an alternative requires.

CHAPTER ONE

LUCK EGALITARIANISM

THE BASIC IDEAS of luck egalitarianism are now well known, for over the course of the past twenty-five years, it has established itself as a, perhaps *the*, dominant position within current debates on equality. Section one considers seminal contributions by Ronald Dworkin, G.A. Cohen, and Richard Arneson, who are regarded as leading representatives of the view. Work by Amartya Sen is also discussed since it has had a great impact on debates; however, I argue that he should not be regarded as a “core” luck egalitarian. Their essays offer a set of views about equality and distributive justice that intertwine and overlap in intricate patterns of claim and counterclaim, example and counterexample. From these texts comes much of the substance of luck egalitarianism, furnishing proponents with substantive claims with which to grapple, and critics with their main fodder for critique. What emerges from section one are some of the main differences that distinguish their theories. Section two then balances this by identifying some of the key similarities.

1. THE ‘EQUALITY OF WHAT?’ DEBATES

Ronald Dworkin and Equality of Resources

In his massively influential two-part essay on egalitarianism, Dworkin introduces and explores ‘welfarist’ and ‘resourcist’ conceptions of equality, a distinction that has defined much of the ensuing debate. Dworkin invites readers to imagine a father who is dividing his estate amongst his children, “one of whom is blind, another a playboy with expensive tastes, a third a prospective politician with expensive ambitions, another a poet with humble needs, another a sculptor who works in expensive material, and so forth” (1981a: 186). Assuming he loves his children equally, the father aims to divide his estate so that each child is equal in welfare or equally satisfied. This goal suggests he should divide his assets unequally since some of his children, such as the blind child, need extra to ensure their prospects in life are as good as their siblings. The important consideration is how many resources does it take to ensure each person is equally well off? However, the playboy with expensive tastes creates a problem for the equal-welfare ideal. Given a finite amount of resources, and his voracious appetite for the good things in life,

resources might need to be siphoned away from the low-maintenance poet or the blind sibling in order to keep him as happy as the others. This thought leads us towards an ideal of equality of resources: each should get an equal amount of resources and people's expensive tastes should be treated as their own responsibility (186-88). This hypothetical example highlights in a simple way the intuitive appeal of both basic ideals, but neither emerges as clearly superior. Further analysis is required.

Dworkin begins with the ideal of equality of welfare.⁷ Welfarist egalitarianism must determine what sort of preferences to count in assessing people's situation. He distinguishes three kinds of preferences: *political*, which are preferences about how the goods of a society should be distributed amongst its members; *impersonal*, which are preferences about "things other than their own or other people's lives or situations" (192); and *personal*, which are preferences about the situation of the agent herself. The most expansive version holds that all three kinds of preferences should count in interpersonal comparisons; thus that all preferences should be equally fulfilled to the extent possible. This ideal swiftly encounters what is known as the 'offensive tastes' objection. Imagine that society is arranged so that all racial groups have roughly the same amount. If someone has a political preference that blacks get less than whites, then unrestricted welfare equality must award extra money to the bigot to spend on his personal preferences so that his overall satisfaction is equal with others.⁸ Dworkin argues that this problem cannot be avoided by simply outlawing offensive tastes. Even non-offensive tastes can lead to counter-intuitive results, from an egalitarian perspective. Consider a society where some hold the benevolent view that orphans should receive a little extra in life. Under unrestricted equality of success, the result is either that orphans will then be better off at the expense of other groups, say cripples; or, if this is ruled

⁷ Dworkin identifies three versions of welfarism: 'success,' 'conscious state,' and 'objectivist' welfarism. He devotes most attention to the first two, commonly known in the literature as 'preference satisfaction' and 'hedonistic' or 'hedonic' welfarist theories respectively. Success theories interpret welfare as a "matter of [someone's] success in fulfilling his preferences, goals, and ambitions, and so equality of success... recommends distribution and transfer of resources until no further transfer can decrease the extent to which people differ in such success" (191). Conscious state theories interpret welfare as the pursuit of enjoyment or pleasure and the avoidance of pain or dissatisfaction, and so recommend that people should be as equal as possible in enjoyment (221). In examining the three versions, Dworkin's method is to move progressively from the least to most restricted, revealing problems at each stage. Since the differences between these versions are not important for my purposes, I assume the 'success' (or preference-satisfaction) version throughout the discussion.

⁸ See also Rawls's version of the offensive taste objection (1999: 27); and Cohen's (1989: 912).

out for egalitarian reasons, “those who care more about orphans than cripples will be given extra resources to make up for the failure to fulfil this discrete preference” (200).

A more restricted version of welfare equality – one that says equalise only people’s impersonal and personal preferences – faces a different problem, according to Dworkin. Here we encounter Charles who desperately wants life to be discovered on Mars. If we count impersonal preferences, Charles is going to have to be given extra to spend on his personal preferences to bring him to the same level as everyone else since his Mars preference is never going to be satisfied. A welfare egalitarian might reply that we should then rule out impossible impersonal preferences. In response to this move, Dworkin supplies Charles with a different preference: that the habitat of the rare snail-darter be preserved. Charles’s preference is not impossible for his community to achieve, but if it refuses, then this will entail the same costs as before – channelling a large amount of resources to Charles to make up for that disappointment. Dworkin identifies two problems with this attempt to defend the ideal. First, it violates “conventional ideals of political equality” because the state would be taking excessive care to ensure that Charles approves of the world to the same level as everyone else even though his position is “eccentric” (203). Second, and more importantly, the welfarist substitutes the snail darter for the Mars preference on the grounds that the first is a *reasonable*, though eccentric, preference to have. But in doing so, he has had to import “an independent theory about when an impersonal preference is reasonable” (203). In other words, welfarist ideals eventually have to appeal to a notion of fair shares, which makes the ideal self-defeating and collapses the distinction between equality of welfare and equality of resources.

This leaves us with the most restricted version of welfarist equality, which recommends taking into account only individuals’ personal preference satisfaction. This proposal is commonly taken to be the core welfarist view, and is intuitively appealing, as Dworkin notes, since it avoids a “fetishistic fascination” for equalising money, which is only instrumentally important to people, and instead appears to equalise them in a way that matters to everyone (189). The problem with it, however, is that not everyone attaches ultimate value to the satisfaction of their personal preferences. “People do not care equally about the fulfillment of their personal preferences as opposed to their political convictions and impersonal goals”

(208). Thus, it contradicts what was taken to be its central appeal; namely, that it promises to make people's "lives equally desirable to them" (189).

Dworkin's two final objections to equality of welfare, which receive by far the most discussion in the literature, revisit the issues sketched in the original hypothetical example. The first is the so-called 'expensive tastes' objection. Imagine Louis who requires champagne to be happy while others are satisfied with cheap beer. Straight equality of welfare says that insofar as the expensive taste reduces Louis's welfare (because he cannot afford a regular supply of champagne), we should give him extra resources. But, Dworkin suggests, egalitarians will rightly balk at this conclusion. People are not entitled to receive compensation "just because their tastes or ambitions are expensive to satisfy" (2003: 192). Or, to put it another way, egalitarians hold that while Louis "is entitled to acquire more expensive tastes, he is not entitled to more resources than others merely because his ambitions are more costly to attain" (Clayton and Williams 1999: 449). We should reject equality of welfare since it panders to expensive tastes.

As decisive as this objection seems, a fairly simple response is available: instead of arguing for straight equality of welfare, we could move to *equality of opportunity for welfare*. On this account, if Louis chooses a lifestyle that yields lower welfare, but his opportunity for welfare is the same, no extra funds will be forthcoming. Cohen and Arneson argue for this adjustment, as discussed below.

The second major objection to equality of welfare addresses the problem of handicaps.⁹ According to Dworkin, handicaps or disabilities give the ideal of equality of welfare its most immediate intuitive appeal: "When the question arises how wealth should be distributed among children, for example, those who are seriously physically or mentally handicapped do seem to have, in all fairness, a claim to more than others. The ideal of equality of welfare may seem a plausible explanation of why this is so. Because they are handicapped, the blind need more resources to achieve equal welfare" (189). However, this thought is misleading. If

⁹ Reflecting the terminology of the day, Dworkin uses the term 'handicap' throughout his analyses, and many other political theorists who have commented upon or enlarged his work preserve that term. However, 'handicap' is now regarded by many as an outmoded term, and I shall use the term 'disability,' except, of course, when 'handicap' appears in direct quotations. Although this is not the place for an analysis of the implicit assumptions about people with disabilities that appear in the luck egalitarian literature, it seems worth pointing out that, at one point, Dworkin explicitly contrasts 'the handicapped' with 'the healthy' (1981a: 241), which is a very problematic – and revealing – distinction.

welfarists encounter individuals such as Tiny Tim, who is disabled, poor, but happy, and Scrooge, who is able-bodied, rich, but miserable, they are committed to saying that some of Tim's resources should be transferred to Scrooge to boost his welfare (241), which seems unappealing. (By way of preview, Cohen argues that the Tim/Scrooge example also defeats equality of opportunity for welfare since Tim, given his cheery disposition, has more opportunity for welfare than Scrooge (1989). This is one reason why Cohen argues equality of opportunity for welfare is not the best version of luck egalitarianism.) Moreover, Dworkin suggests, even if Tiny Tim had the same amount of money as everyone else, and because of his cheery disposition, has above-average welfare, "many" people will hold that he should get extra resources, if needed, to buy special equipment to offset the disadvantage caused by his disability (242).¹⁰ The upshot, for Dworkin, is that equality of welfare entirely fails to offer a satisfying account of the ideal of equality, and even where it seems likeliest to explain our intuitions, it fails to do so upon close examination.

With the ground well-prepared by his criticisms of welfarist equality, Dworkin articulates the ideal of equality of resources in part two of his essay.¹¹ This proceeds through the elaboration of two devices: an auction and a hypothetical insurance market. The auction takes place amongst a group of shipwreck survivors who wash up on a desert island. They decide to divide the resources of the island equally between them by giving each "immigrant" an equal number of clamshells with which to bid for their favourite resources (285). This models the initial equality of economic power that Dworkin argues is a precondition to a fair distribution of resources. The auction involves bundles of all the island's resources that can be possessed privately by individuals. The internal composition of the bundles is itself a product of people's choices about what they would like to possess. It is especially important to people that the bundles have attractive combinations the goods we put

¹⁰ A further criticism of welfare egalitarianism that Dworkin articulates concerns the unfortunate individual whose handicap is so extreme that even if all available resources are channelled to her, she still does not attain a noticeable improvement in welfare. Dworkin says not only is this implication unfair to other members of society, it is not a conclusion that egalitarians would endorse, even in principle. He argues that equality of resources provides a more satisfactory guide to handling this problem. Although Cohen does not reveal his own position on whether all resources should go to the victim, he rejects Dworkin's claim that egalitarians would counsel against such a transfer (1989). This debate will not be pursued further here, but it reappears in chapter six under discussions about the merits and drawbacks of egalitarian, prioritarian, and sufficiency views. See Miriam Cohen-Christofidis (2004) for a related discussion.

¹¹ Brighouse (1996) and Scheffler (2003a) point out that he doesn't so much *argue* for it as simply explain and describe it.

towards leisure and productive activities. The overall characteristics of the island itself, and its people, are not themselves the subject of justice, but rather its parameters. To take an extreme example, if the island contains only plovers' eggs and you detest plovers' eggs, you cannot complain on grounds of justice when you get your fair share. As Dworkin observes, "the contingent facts of raw material and the distribution of tastes are not grounds on which someone might challenge a distribution as unequal. They are rather background facts that determine what equality of resources, in these circumstances, is..." (289). This stipulation seems natural in the case of the hypothetical island auction, but when carried into a real market economy its implications have proved controversial, as we will see.

The auction proceeds until it meets what Dworkin calls the 'envy test': "No division of resources is an equal division if, once the division is complete, any immigrant would prefer someone else's bundles of resources to his bundle" (285). This method ensures that everyone has what he or she really wants, at a cost that is "fixed by asking how important, in fact, that resource is for others" (289). But imagine a year goes by. One person has amassed wealth through dedicated drudgery on her tomato farm while another has sunbathed, permitting her resources to dwindle to nothing. The sunbather may envy the farmer but this shows not that they are unequal now, but rather that the envy test should not be applied at any one point in time. Instead, it is about whether or not we envy one another's total bundle of resources over the course of a whole life. One chooses a life of wealth and drudgery, and another a life of leisure and frugality (304-06). Dworkin writes that we want "equality of resources devoted to whole lives...[Our theory] argues only that resources available to [a person] at any moment must be a function of resources available or consumed by him at others, so that the explanation of why someone has less money now may be that he has consumed expensive leisure earlier" (310-11). Every islander eventually ends up with the items and lifestyle they each want at a price that reflects their value to others. As Jean Hampton notes, although people's "different tastes will convince them that some of them have done better than others," the "important point is that all of them will have had the same chance as the others, with the same initial resources, to secure the satisfaction of their desires as best they can and thus to be responsible for how they have done so" (1997: 156).

The island auction scenario presumes that the immigrants are largely identical in terms of their talents and abilities; they differ mainly in their tastes. The wealth

inequality between the gardener and the leisure-lover does not bother us since we presume that they are equally able to work and make money if they choose. If we are informed, however, that someone is poor not because he chose to sunbathe all year but because he is disabled, we will feel that the inequality is unfair. We need a different device to deal with inequalities that arise from unchosen differences in people's natural abilities and talents. Dworkin believes a market is an integral feature of any modern theory of justice, but he is aware that the market will be unkind to those who are disabled, sick, or possess few and limited talents:

[P]eople are not equal in raw skill or intelligence or other native capacities; on the contrary, they differ greatly, through no choice of their own, in the various capacities that the market tends to reward. So some people who are perfectly willing, even anxious, to make exactly the choices about work and consumption and savings that other people make end up with fewer resources, and no plausible theory of equality can accept this as fair (1985: 207).

How should we correct for differential abilities and talents in a market economy that exploits them to the advantage of some and the disadvantage of others?

To address these problems, Dworkin proposes a hypothetical insurance market as a "supplement" to the auction (1981b: 301). There are two such markets: one is geared to deal with disabilities and health-related differences, the other with differences in native talents and skills. Although these insurance markets are hypothetical, as Justine Burley explains, the idea is that in a "society governed by equality of resources, what an individual is compensated for, and by how much, is modelled on the results of the appropriate hypothetical insurance scheme" (2004: xiv). Let us focus first on the scheme for disabilities. Straight equality of resources, which assigns equal bundles to all, fails to recognise that someone with a "serious handicap faces his life with what we concede to be fewer resources" (Dworkin 1981b: 302). In order to ensure that people with disabilities get a fair amount, Dworkin proposes that we imagine all individuals facing the same risk of developing a physical or mental disability at some point in their lives. We suppose that insurance is available, and ask how much insurance coverage against disabilities the "average member of the community" would purchase. Equipped with these averages for different disabilities, we then pay out that amount to people who actually develop disabilities over the course of their lives. The funds for the compensation come from

“taxation or [another] compulsory process” (298). We now have a system that retains the initial appeal of allowing people to choose their bundles of resources according to their own values and priorities, while at the same time mitigating the differences in wealth that unchosen disabilities produce. As Andrew Williams notes, “unlike egalitarians who regard market institutions as threats to justice, to be tolerated for reasons of efficiency, Dworkin insists that the justice of a distribution of privately owned resources depends on whether it could have emerged from a hypothetical market process which is sensitive to individuals’ values, but corrects forms of unfairness present in real markets” (2002b: 380).

Interestingly, Dworkin argues that the hypothetical insurance market for disabilities should be extended to obsessions, which are strong preferences or tastes that people wish they did not have and which interfere with their life goals. Most tastes and preferences are not like this – and, of course, what is a disadvantageous craving to some is a cherished personality quirk to others. But where such unwanted cravings do exist, they are better understood as analogous to a handicap: “those who see their sexual desires or their taste for opera as unwanted disadvantages will class these features of their body or mind or personality firmly as [an unlucky circumstance]. These are, for them, handicaps, and are therefore suitable for the regime proposed for handicaps generally” (303). This introduces some flexibility into the strong distinction between tastes and circumstances that equality of resources generally attempts to impose. Tastes are chosen, so costs associated with them fall to the agent; obsessions are not so their costs should be neutralised by society. But isn’t picking up the tab for the costs of people’s ‘obsessions’ tantamount to pandering to expensive tastes, which Dworkin firmly rejects? According to Dworkin, obsessions are akin to handicaps, not tastes, because people dis-identify and renounce obsessions, but they identify with and endorse their tastes as part of their personality. Cohen, Arneson, and others argue that Dworkin’s appeal to ‘identification’ is dubious; we consider those issues below.

The hypothetical insurance market for talents is similar to that proposed for disabilities. Dworkin notes that talents are not exactly like disabilities. Whereas severe mental and physical disabilities pose barriers to individuals’ realising their ambitions, individuals’ talents help to inform the ambitions they select. As Dworkin notes, they have a “reciprocal influence” on each other (313). Nevertheless unchosen differences in talent create objectionable inequalities in a market society in

a similar way to unchosen disabilities, so it is not unreasonable to think that a hypothetical insurance market is also a good way to address these. The hypothetical insurance market proposed for talents is very complex, but the basic elements are as follows: individuals know their “tastes, ambitions, talents, and attitudes toward risk” and they know the projected income structure for their society (317). But they do not know the relation between the two; they are ignorant as to what their own personal economic rents will be. People buy insurance that compensates them for the difference in income between the amount they are actually afforded to make by virtue of their (God-given) talents, and the amount they hypothetically would have chosen to make, based on the information they have about themselves and their society (317). Although it is more complicated than the basic auction, agents determine an optimal balance of work and leisure according to their own values, and are made responsible for these choices through their hypothetical insurance purchases.

Whether buying insurance related to talents or handicaps, individuals’ hypothetical insurance choices model public policies of health care provision and income tax. As Kymlicka explains, in the real world, the tax system will duplicate the results of people’s hypothetical choices. “Income tax would be a way of collecting the premiums that people hypothetically agree to pay, and the various welfare, medicare, and unemployment schemes would be ways of paying out the coverage to those who turned out to suffer from the natural disadvantages covered by the insurance” (2002: 77). In real life, if and when a person suffers something she would have insured herself against, the state will pay her compensation at the rate that the insurance would have paid out.

Some Dworkinian terms help tie the whole theory together. With its two devices, Dworkin’s equality of resources ultimately produces a distribution that he calls ‘ambition-sensitive’ but ‘endowment-insensitive’ (311). People’s prospects should not be allowed to differ just because of chance differences in their endowments or circumstances, but differences traceable to ambitions and choices are acceptable. Another way Dworkin puts this is to affirm that equality of resources “assigns [someone’s] tastes and ambitions to his person, and his physical and mental powers to his circumstances” (302), rendering inequalities traceable to the second category only as eligible for compensation. It should be noted that this taxonomy omits ‘talents.’ Dworkin has noted that talents are not purely accidental, but in effect

he assigns talents to the category of unchosen 'endowment' since he is prepared to compensate for inequalities arising from them.

The concepts of option luck and brute luck are also important. According to Dworkin, the first is "a matter of how deliberate and calculated gambles turn out," while the latter is "a matter of how risks fall out that are not in that sense deliberate gambles" (1981b: 293). Insurance provides a link between the two kinds of luck because the "decision to buy or reject catastrophe insurance is a calculated gamble" (293). Thus, it is consistent with equality of resources that two accident victims blinded in an accident should have different outcomes if one of them chose not to buy insurance against this catastrophe. Assuming that both had an equal opportunity to insure against the catastrophe and that each had the same and correct information about the probabilities of it occurring, we have to conclude that the choice of one not to insure simply signals that sight was not as important to him as the thing upon which he spent his resources. Although this might seem harsh, it is, in Dworkin's analysis, just. Equality of resources assumes that agents are equally endowed with reason and knowledge about the probability of certain outcomes, and are therefore in an equal position to choose whether to take gambles or not. They express their willingness to accept the risks of gambles – or the size of the risk – with their insurance-purchasing decisions (296-97). Ultimately, Dworkin believes that his conception of egalitarianism demonstrates that the value of equality can be successfully combined with the liberal emphasis on individual choice and personal responsibility.

Amartya Sen and Equality of Capability

In harmony with Dworkin, Sen takes the view that straight welfarist versions of egalitarianism are unsatisfactory. His famous example concerns the "cripple" who is nevertheless high in welfare because "he has a jolly disposition" or because "his heart leaps up whenever he sees a rainbow in the sky" (1982: 367). Despite his disability, the cripple is liable to be overlooked by welfarist equality since his welfare is high. Indeed, resources could be subtracted from his stock since he evidently has less need for them than someone with a sour disposition. More generally, according to Sen, welfarist equality fails to interrogate the background conditions that have led to a person's current state. Compare someone who is bred for a luxurious life replete with great material wealth and endless opportunities, with

someone who grows up on the edge of material adequacy, often lacking adequate food, shelter, clothing, education, and so on. The latter may not develop desires and preferences for the things he needs to have a flourishing life. A subjective egalitarianism like welfarism, which relies on people's mental evaluations of their situations, cannot register the deprivations this person suffers if he has adapted himself to his reduced circumstances. Adaptive preferences loom large in Sen's considerations of the currency of equality perhaps because much of his scholarship is in the field of development economics.

Although there are problems with welfarist egalitarianism, Sen argues that resourcist alternatives are not perfect either. An equality of resources approach directs our attention to people's holdings of goods or things, which Sen terms 'fetishistic': "Rawls takes primary goods as the embodiment of advantage, rather than taking advantage to be a *relationship* between persons and goods" (1982: 366).¹² The amounts of goods people hold might bear little relation to what they can do and be with them. The diversity of people's needs – "varying with health, longevity, climatic conditions, location, work conditions, temperament and even body size" (366) – means that the same amount of goods in the hands of two different individuals might have startlingly different impacts on their wellbeing. Call this the problem of 'variable resource-conversion ability.' Provided with identical baskets of food, for instance, a pregnant woman would derive less wellbeing and capability from hers than a non-pregnant woman. Sen argues that resource equality overlooks this problem.

Resources are obviously important to how people's lives go, but they do not constitute the right "space" for interpersonal comparison. According to Sen, primary goods or resources only matter to us indirectly, for the role they play in the real freedom or capability to pursue one's valued ends. The right space of comparison is "basic capability equality" (368). The capability approach distinguishes between functionings and capabilities. Functionings refer to the actual doings and beings that a person executes or enjoys, while capability refers to the overall set of available combinations of functionings. Sen also distinguishes between elementary functionings, such as being nourished and having good health, and complex functionings, such as happiness, self-respect, and taking part in the life of the

¹² In later works (e.g. 1990; 1985), Sen includes within the scope of his critique Dworkin's equality of resources ideal as well.

community (1992: 39-40). Thus, Sen holds that we should judge a person's position in a social arrangement using two perspectives: "(1) the actual achievement, and (2) the freedom to achieve. Achievement is concerned with what we *manage* to accomplish, and freedom with the *real opportunity* to accomplish what we value. The two need not be congruent" (1992: 31). In essence, Sen argues from the point of view of equality, interpersonal comparisons should register both what goods do to human beings and what people are able to do and be with them. He suggests that his proposal can be seen as a "natural extension of Rawls' view," but that it shifts attention from "goods to what goods do to human beings" (368). Ultimately, Sen asserts, capability equality focuses on what really matters to us: our real freedom to achieve the ends we have reason to value.

Someone might wonder, however, if this approach represents such a big departure from a resourcist approach after all. Sen emphasises that "the conversion of ... primary goods and resources into freedom to select a particular life and to achieve may vary from person to person," and thus, "equality in holdings of primary goods or resources can go hand in hand with serious inequalities in actual freedoms enjoyed by different persons" (Sen 1990: 115). This objection seems to embarrass straight equality of resources which assigns identical bundles to everyone. But Dworkin recognises the inadequacy of this scheme, and responds to the problem through allowing individuals to insure against disability and other factors which interfere with their achieving their aims. How is what Sen proposes different from equality of resources?

The answer to this is not straightforward. Addressing the question from the perspective of the currency debates, some writers maintain that capability equality distinguishes itself from resource equality because it takes into account the effects of prevailing social attitudes and practices on people's prospects (e.g. Robeyns 2003a; Williams 2002a). For example, in some societies, men and boys are favoured over women and girls at mealtimes, leading to malnutrition for females. As a straightforward resource disadvantage, both approaches would register this difference. However, women are sometimes prevented from flourishing because of social norms discouraging them from pursuing certain occupations or doing certain things available to men. Some argue that the capability approach is sensitive to

inequalities traceable to these cultural and social factors whereas equality of resources is not.¹³

Dworkin's view is that, as it has been expressed to date, Sen's capability approach suffers from an ambiguity (2000: chapter 7). Some of Sen's passages imply that he is interested in equalising people's 'complex' functioning such as happiness; if this is right, he essentially argues for a form of equality of welfare. On the other hand, Dworkin argues, it is possible to derive an interpretation of capability equality that is virtually identical to resource equality. And since Sen is expressly interested in moving away from welfarist approaches, this seems a reasonable interpretation. Specifically with regard to the putative inability of resource equality to respond to certain gender inequalities, Dworkin argues that his overall egalitarian view supports the same sort of programmes to empower women in societies with traditional gender practices as the capability approach (2002). I look at this debate in detail in chapter three.

In any event, whatever the differences between the two approaches turn out to be, these discussions tend to be conducted from within a shared frame of reference that takes for granted certain assumptions underpinning liberal egalitarianism, such as the notion that the 'equality of what?' question captures what is really at stake in egalitarian politics. From a perspective wider than the currency debate, the differences between Sen's approach and those articulated by Dworkin and the other luck egalitarians to be discussed here proliferate. For starters, Sen does not appear to be quite as wrapped up in the intricacies of the 'expensive tastes' debate as other theorists. Dworkin and Cohen have batted the problem of 'expensive tastes' back and forth in a series of articles of ever-increasing complexity,¹⁴ while Sen "maintains a peculiar aloofness" from this debate (Browne and Stears 2005: 357). Moreover, Sen's emphasis on the importance of agents' freedom seems to set him apart.¹⁵ While this issue is too complex to explore here, this view chimes with Sen's own

¹³ In the case of individuals with disabilities so severe that it will be very costly to equalise them, Williams (2002a) suggests that Sen's programme would be more radical, as in more redistributive, than Dworkin's since he recommends "redressing such inequalities only to the extent required to mimic the operation of a fair hypothetical insurance market" (Williams 2002a: 28). Although he is not considering the similarities and differences between Dworkin's and Sen's theories, Kymlicka's (2002: 78) analysis of equality of resources's commitment to the severely disabled supports Williams's interpretation.

¹⁴ For Dworkin's side, see (1981a; 1981b; 2000; 2004). For Cohen's side, see (1993; 1989; 2004).

¹⁵ See, for example, Agarwal, Humphries, and Robeyns (2003) and other contributors to the special edition of *Feminist Economics* (2003, Vol 9 No 2/3) on Sen's work.

perception of the difference between his approach and Rawls's and Dworkin's resourcism. While they focus on the means to freedom, Sen argues that he focuses on freedom itself (1990: 115). Finally, Sen's explicit and pointed attention to gender also sets him apart from luck egalitarians. That women are disadvantaged compared to men in all societies (though in diverse ways and with diverse consequences), has not escaped the notice of luck egalitarians.¹⁶ Yet of the putative luck egalitarians, Sen alone insistently presents gender differences, and specifically *bodily* differences between women and men, as a vital factor to consider when we try to select the most satisfactory account of human advantage (see, for example, Sen 1995; 1990).¹⁷ "Messy" topics like pregnancy and neonatal care – and what these things do to the capacity of agents to pursue lives they have reason to value in societies which routinely make no special provisions for them – do not appear, by contrast, in Dworkin's discourse of resource equality. Sen's feminism sets him apart from other theorists who have pursued the 'equality of what' question, and it likely helps to account for the capability approach's popularity within feminist circles,¹⁸ in contrast to the other versions.

This is not to deny the relevance of Sen's work to luck egalitarianism. From the perspective of the currency debate, capability equality certainly figures as an important contribution, alongside primary goods, welfare, resources, opportunity for welfare and access to advantage. Like the other writers considered here, Sen has situated his work on distributive justice in the "post-Rawlsian" liberal egalitarian tradition. Additionally, both the essence of the existing egalitarian literature and the shape of future contributions to it were neatly captured by Sen's question, 'equality of what?'. Perhaps most importantly, Sen's contributions are an important reference point in the subsequent development of the luck egalitarian tradition by writers such as Dworkin, Cohen, and Arneson, who are commonly regarded as central figures in

¹⁶ See for example, Dworkin (2002) wherein he acknowledges sexist pressures on women to assume sole responsibility for the care of children to be unjust; Cohen (1997: 4) wherein he says he "endorses" the substance of the feminist slogan "the personal is political"; and Arneson (1997) wherein he suggests that social norms around sex roles lead to unfairness. Egalitarian philosophers (e.g. Matravers 2002: 566) sometimes credit Sen (1985) with introducing the problem of the 'tamed housewife' specifically to egalitarian debates. However, as far as I am aware, Thomas Hill (1973) first introduced the figure – he called her the Deferential Wife – to contemporary moral philosophy more broadly.

¹⁷ Sen suggests, for example, that other theories of equality typically "assume away" the biological differences between women and men, which "induce[s] some systematic errors in understanding the correspondence between the space of primary goods and that of freedoms to achieve" (1995: 264).

¹⁸ See, for example, Anderson (1999); Burtner (2000); Nussbaum (2000a; 1999); Robeyns (Robeyns 2003a; 2003b); and the special issue of *Feminist Economics* mentioned in the previous note.

the tradition. Sen's contributions are constitutive of the luck egalitarian tradition in their own right and also because they have prompted others to clarify and harden aspects of their competing approaches. However, for the reasons set out in the preceding paragraph, I shall not include Sen as a "core" luck egalitarian in the rest of the thesis.

Welfarist Challenges to Equality of Resources

In this section and the next, we consider the work of two theorists who are not convinced that Dworkin has discredited welfare egalitarianism as an appealing conception of equality, and have, as a result, engaged very closely with his claims. Although Cohen and Arneson reject straight equality of welfare because it panders to expensive tastes, and therefore ignores personal responsibility. "Individuals can arrive at different welfare levels due to choices they make for which they alone should be held responsible," yet equality of welfare insists on overriding the effects of these choices by re-establishing equal welfare (Arneson 1989: 83). However, they believe modified versions of the ideal are appealing.

Cohen and Arneson attempt to problematise the "cut" that Dworkin makes between a person and his resources. As noted, Dworkin distinguishes the person (including his tastes, preferences and ambitions, in other words, his personality), and his resources (comprised of his social circumstances and native talents and abilities). On Dworkin's view, shares should not be unequal because of resource differences, but are allowed to vary according to people's personalities, expressed through their tastes and ambitions. Cohen and Arneson argue that Dworkin's cut is inconsistent with his own stated commitment to ambition-sensitivity and endowment-insensitivity. Cohen's counter-example features Paul, whose passion is photography, and Fred, whose favourite hobby is fishing. The activities are not equally available to Paul and Fred because, in their economy, photography just happens to be more expensive to pursue. Cohen states that the "egalitarian thing to do is to subsidize Paul's photography" (1989: 923) since he is worse off in a way that is beyond his control; his disadvantage is rooted in their society's market economy. Arneson's similar counter-example features a government which has agreed to pay benefits to two native tribes who are equally badly off. The tribes are identical except that one group's important religious ceremonies involve alcohol while the other group's ceremonies require peyote. If the market price of peyote should suddenly rise while

alcohol remains cheap, members of the first group seem entitled to claim an increase in their benefit payments to help cover the new costs.¹⁹

Dworkin would reject subsidising Paul and the tribe. Recall that, for his theory, the contingent facts of a society, including its available resources and the desires of its population, which factor into its price system, are not grounds on which someone might challenge a distribution as unequal. Cohen, however, argues that egalitarianism should try to insulate people's fates from the arbitrary effects of the market, meaning that his account "mandates less market pricing" (923). When the expensiveness of a taste is attributable to the contingent effects of the market or the distribution of natural resources, it is inconsistent with a choice-sensitive egalitarianism to burden an individual with its cost.

A second way that equality of resources, as developed by Dworkin, is unfaithful to choice-sensitivity is in the area of unchosen tastes. Cohen agrees with Dworkin that Louis's *deliberately* cultivated taste for champagne should not be compensated because Louis is responsible for his condition. But what about Louis II, who was schooled by his parents into a taste for champagne, unaware of what it would cost him later in life?²⁰ According to Cohen, "Dworkin says: sorry, Louis, we egalitarians do not finance expensive tastes; whereas I say: sorry, Louis, we egalitarians do not finance expensive tastes which people choose to develop" (1989: 923). The counter-example suggests a shift from straight equality of welfare to equality of opportunity for welfare: the latter dismisses Louis I's claims on the grounds that he chose the taste, but compensates Louis II since he blamelessly found himself with the taste.

According to Cohen, the upshot is, we should ask whether an individual could have done or could now do anything about his disadvantage: "Whatever number of dimensions the space of disadvantage may have, egalitarianism, on my reading, cuts through each of its dimensions, judging certain inequalities of advantage as acceptable and others as not, its touchstone being a set of questions about the

¹⁹ A parallel example from David Miller (1990) also features intoxicating commodities. Criticising Dworkin's theory, Miller writes, "We have already said that, given my bundle of goods, if I choose to cultivate a taste for champagne and so have less welfare overall, that is my responsibility. But the problem now is one of a general shift from, say, beer-drinking to wine-drinking, which will enhance the value of all bundles of goods containing vineyards and depress the value of all bundles of goods containing hop-plantations. It will be difficult for an egalitarian to agree that I should lose out because of changes in *other people's* tastes (supposing I own a hop-plantation)" (1990: 89; italics in original).

²⁰ It is Matt Matravers (2002) not Cohen, who uses the Louis I and II motif which I adopt here.

responsibility or lack of it of the disadvantaged agent” (921). In other words, it should be immaterial for egalitarians if an agent suffers a resource or welfare deficit. What matters is if he is responsible for those deficits because his voluntary choices and actions produced them. Paul and Louis II have involuntary expensive tastes, and if Dworkin really wants to be consistent on the role of choice in determining distributive shares, he should accept that these examples demonstrate that some expensive tastes ought to be compensated.

However, Dworkin anticipates that a partisan of welfare equality, by appealing to the role of choice and deliberateness, can claim to escape the expensive taste objection, effecting a move from straight equality of welfare to equality of opportunity for welfare. But consider the situation of Jude, a man who has fewer resources than everyone else but is satisfied with his life until he reads Hemingway and acquires a taste to travel to Spain to see the bullfights. Should he be given the funds he requires to satisfy his longing? Dworkin suggests that egalitarians should say yes, in light of the fact that he had less than his fair share of resources to begin with, and “as things fall out,” will still have less than anyone else after the transfer (1981a: 239). But, Dworkin argues, if welfare egalitarians grant this request, they will be inconsistent. On one hand, they have refused to subsidise Louis’s deliberately cultivated expensive taste, but now they appear to wish to subsidise Jude’s expensive taste. “The reason Louis is undeserving of an increase is simply that the taste he has cultivated is expensive. Jude’s new taste may be just as expensive. The difference is that Louis asks that more than an equal share of social resources be put at the disposal of his life while Jude asks only that something closer to an equal share be put at the disposal of his” (Dworkin 1981a: 239).²¹

Cohen’s response is as follows. He concedes that even equality of opportunity for welfare falls before the case of Jude: a “believer in equality of opportunity for welfare has to keep Jude poor, since he did not have to become a bullfight-lover” (1989: 925). However, he believes his own theory, equality of access to advantage, survives. It would award Jude the “funds he needs to travel to Spain” but would also require Jude to “accept some deduction from the normal

²¹ Dworkin omits stating a crucial assumption necessary to make the examples tell against equality of opportunity for welfare. In his account, it is unclear if Jude deliberately cultivated his new taste for bullfighting, or if it snuck up on him. If it is the latter, then equality of opportunity welfarists can subsidise Jude with no inconsistency. However, Williams’s account of Dworkin’s dilemma explicitly supplies the key missing assumption that Jude *consciously cultivated* the new desire, which Williams evidently takes to be implicit in Dworkin’s (2002: 379).

resource stipend because of his fortunate high ability to get welfare out of resources” (925). He suggests, in other words, that it would award more to Jude than equality of opportunity for welfare would, but less than equality of resources. Not too hot, not too cold; just right. This is an uncharacteristically vague response by Cohen. He suggests that his particular response to Jude is derived from the general principle of equality of access to advantage (925), but does not explain how. There is no way to get a sense of the amount of resources Jude would be assigned, relative to others, under his scheme – just the travel money? Slightly less than what others have? It is hard to see how equality of access to advantage would define a non-arbitrary level of subsidy to Jude.²²

Cohen does not address directly what Matthew Clayton and Andrew Williams (1999: 449) deem to be a more serious implication raised by the Louis/Jude dilemma, although it is alluded to in his remark about Jude’s good fortune in converting resources to welfare. If there is any move by egalitarians towards “keeping Jude poor,” as Cohen says – and the idea is that equality of opportunity for welfare does so, and equality of access to advantage would keep him poorer than Dworkin’s scheme – this raises the issue of welfare egalitarians’ response to adaptive preferences. It is consistent with equality of opportunity for welfare to grant Jude’s request if his originally cheap tastes are traceable to his deprived childhood. He simply found himself in this unfortunate circumstance, and therefore cannot be held consequentially responsible for the welfare loss that accompanies the shift from his cheap or adaptive preferences to his new, more enlightened ones. However, where adaptive preferences are absent – his cheap tastes are genuine – welfare egalitarianism is committed to withholding resources. “To do so is unobjectionable, welfarists claim, since it would be unjust to ignore her good fortune in being able to convert resources into utility more effectively than others” (Clayton and Williams 1999: 450).

Interestingly, although they are not explicit about this, Clayton and Williams convey the sense that it is perverse for egalitarians to regard being endowed with cheap tastes as a type of good fortune. Yet, this is clearly the intuition behind Cohen’s remark. And I submit that it is not foreign to other egalitarians – me, for

²² This is an ironic outcome, since one of the main appeals of luck egalitarian approaches to equality is said to be their non-arbitrariness (see Arneson (2002) for assertions to this effect, but Wolff (1998) for doubts). This issue will be touched on in chapter six.

one. Recently, my friend and I were busy congratulating ourselves on the fact that, because neither one of us has ever known true riches (by western standards), we find ourselves thrilled to bits for a week with something as humble as a box of new stationary. Clayton and Williams do not offer any arguments as to why the more natural or acceptable response from *egalitarians* is to think that having cheap tastes is *bad* fortune.

This omission highlights the need for egalitarian theories that rely heavily on individual choice to provide an account of healthy preference-formation. In equality of resources, citizens have, by hypothesis, authentic preferences. In much of the essay, there is a tendency not to examine the origin of preferences and ambitions. Rather, it discusses and compares adults whose ambitions are in place at the moment we encounter them, such as Adrian who wants to be a farmer and Bruce who wants to play tennis (305). Cohen criticises this omission in Dworkin, suggesting at one point that people do not straightforwardly choose their ambitions, as Dworkin implies. But he does not provide an account of healthy preference formation. Arneson defines ‘ideally considered preferences’ (1989: 83), but he too does not discuss what social conditions would facilitate individuals’ forming these authentic preferences. Luck egalitarians’ principled commitments to autonomy and authentic preferences are not a substitute for providing a substantial account of how autonomy is defined and, especially, how it is acquired and protected. I discuss the nature of preference formation and adaptive tastes, and satisfactory egalitarian responses to them, in chapters two and three.

As noted above, Dworkin argues that equality of resources compensates those who suffer from obsessions. He justifies what might at first appear to be a concession to expensive tastes by arguing that people renounce their obsessions, whereas they embrace and identify with their tastes. It seems that few egalitarians have been persuaded by this, and I find myself in agreement with them (see, for example, Arneson 1989: 81; Cohen 1989: 925-927; Matravers 2002).²³ The appeal of equality of resources when it encounters the disabled person who requires a wheelchair to get around is that it says we must supply that person with the additional resources to compensate for the deficiency in her native endowments so that she then has the same amount of resources as everyone else to pursue her life

²³ Matravers’s analysis (2002) is exceptionally helpful in tracing the intricacies of the expensive taste debates, and interpreting Dworkin’s complex position on the subject.

plans. In the case of the person afflicted with an overactive libido, the thought appears to be that we will give him extra money to buy the chocolates and flowers he needs to woo the women he requires to satisfy his sex drive, so that he can then get on with the rest of his life and the plans to which he actually attributes value. This differs from welfare egalitarianism – we are not asking about his mental state; we just want to know that the extra resources let him meet the extra burdens flowing from his ‘disability.’ But who cares? It still sounds a lot like having one’s cake and eating it too, and I submit that few egalitarians will sympathise with Dworkin’s apparent inclination to channel extra resources to the sex maniac. It does not seem fair for someone to complain that something is an unwanted craving and get the resources needed to satisfy it, while at another level it appears that he is simply enjoying the fruits of the addiction. As Matt Matravers puts it, “it is not clear that consequential responsibility disappears with the agent’s renouncing some aspect of his personality. A selfish person who behaves shoddily to another is not necessarily relieved of responsibility for this by saying how much he wishes he were not selfish, even if he is sincere” (2002: 568). Dworkin’s other illustrative example of an expensive-taste-cum-craving, a person with a taste for opera, is also unpersuasive. In offering compensation to the opera-obsession-plagued person, equality of resources supposes that what she regrets is the taste for opera itself. This seems to be a misreading of the situation. It seems more likely that what she actually regrets is the fact that her taste for opera is expensive (Cohen 1989: 925-27).

Even though equality of resources is unpersuasive on this issue, it has the advantage of providing at least some sort of limit to the types of inequalities that warrant compensation. The stricter adherence to the chance/choice distinction that Cohen counsels faces two problems. The first is the impossibility of distinguishing what portion of a person’s disadvantage is due to choice and what portion to chance. Cohen differs from Dworkin in that he more clearly represents tastes and ambitions as a mixture of choice and circumstance. Indeed, he famously suggests that making choice central to distributive justice “lands political philosophy in the morass of the free will problem” (1989: 934). Nevertheless, he appears committed to this trajectory. It seems hard to understand why Cohen is so fixed on choice if he believes that ascertaining the effects of choice in a person’s situation is extremely difficult or impossible. Maureen Ramsay argues that there

seems to be little point in insisting that it is unjust for people to be disadvantaged in ways that they did not freely choose, while highlighting that what is chosen is indeterminate. If distinguishing choice is so ‘awesomely difficult’ and ‘genuine choice may be a chimera,’ then it is not clear why Cohen believes that the issue is so indispensable to a defensible egalitarian theory... Cohen’s commitment to responsibility could be seen as contingent on a positive answer to the question of genuine choice. But, if there is one, he has not provided it and his emphasis on choice and responsibility goes against the grain of his own arguments which imply the likelihood of a negative answer to that question (2005a: 441-42).

The other problem concerns where to draw the limits on what is compensated under a welfarist version of egalitarianism. Cohen promotes a version of egalitarianism that compensates for disadvantage, regardless of what sort it is, provided it is unchosen. Consider an exchange between anti-egalitarian John Kekes (1997) and Rawlsian egalitarian Linda Barclay (1999). Kekes argues that egalitarians’ zeal to compensate people for all kinds of inequalities leads to absurdity. His example: egalitarianism must hold that men be compensated for the fact that, on average, they have shorter life spans than women, and women should be ushered into the sorts of stressful and dangerous jobs and roles that contribute to men’s shortened life expectancy. Barclay replies that Kekes (who, interestingly, refers mainly to Rawls but in my view would have been more on target if he had cited the luck egalitarians’ views) has failed to notice the Rawlsian emphasis on equalising primary *social* goods. She writes: “A man might not like the way his wife cooks his dinner either, but this fact would not generally be considered a matter of national priority, something to be addressed by the constitution, parliament, or the judiciary... *Not all of the things that people want or need can or should be addressed at the political level*” (1999: 89, italics added). To move to a more general level, the point is, we should also view inequalities from the perspective of what citizens can reasonably be asked to compensate other citizens for. (This is an important theme within Anderson’s critique, as will be discussed in chapter six.) The chance/choice egalitarianisms canvassed here do not address this point.

Alternative Currencies of Equality

Cohen and Arneson believe we should not eschew welfarism altogether since it still seems to tug on our sympathies as egalitarians. Dworkin is wrong to argue that involuntary *resource* deficits entirely occupy the space of egalitarian concern. To show this, Cohen presents a character who has involuntary resource *and* involuntary welfare deficits: a man who does not have the use of his legs. “To get around, he needs an expensive wheelchair. Egalitarians will be disposed to recommend that he be given one. And they will be so disposed before they have asked about the welfare level to which the man’s paralysis reduces him” (1989: 917). So this character confirms Dworkin’s claim that what induces egalitarian action on his behalf is just his involuntary resource-deficit. But, Cohen announces, “I have not completed my description of the man’s misfortune. There is also something wrong with his arms. He is not less able to move them than most people are: I shall assume, to make my point more vivid, that he is especially good at moving them. But there is, nevertheless, something seriously wrong with them...: after he moves them, he suffers severe pain in his arm muscles” (918). Egalitarians will also be moved to compensate the man for this disadvantage; for example, by supplying expensive medicine which suppresses the pain that otherwise would follow arm movement. Cohen argues that this dispensation is a response to the man’s involuntary welfare deficit. “A would-be resource egalitarian who said, ‘Compensation is in order here because the man lacks the resource of being able to avoid pain’ would be invoking the idea of equality of opportunity for welfare even if he would be using resourcist language to explain it” (919). There are situations where, really, our response to people’s misfortune is a response to their welfare disadvantage, and that response goes all the way down, as it were, and is not grounded on resourcist intuitions (923-24).

Though Dworkin’s critique of welfare egalitarianism is powerful, according to Cohen, there appear to be good reasons to keep welfare alive as a metric of egalitarian concern. Or, as Arneson (1989) puts it in his own critique of Dworkin, the problems with welfare equality should not “stampede” us in the direction of equality of resources, since the latter too has problems.

Cohen calls his approach “equality of access to advantage.” While his view resembles Sen’s in significant ways, he also hopes to clear up an ambiguity which, in his view, dogs Sen’s contribution. ‘Access’ is a wider concept than opportunity; it

describes when someone has both the opportunity and the capability or wherewithal to do something. Thus, a person “enjoys access to something which he does not have only if he has both the opportunity and the capacity to obtain it” (1989: 941). To adapt an example from Cohen, imagine two people who are both *capable* of swimming, but only one of whom has the opportunity to swim because there is a pool in her neighbourhood. Or, imagine that both have the opportunity, but one lacks the capability because of a physical disability. These scenes point to different spaces or types of inequality.

According to Cohen, Sen identifies two dimensions of assessment that warrant egalitarian concern when comparing individuals’ situations in the world, but he then puts both these dimensions under the single name “capability” (942). Sen’s major contribution is this: he “pleaded for a metric of well-being which measured something falling *between* primary goods and utility” (942). This metric should be called ‘midfare,’ not capability, in order to avoid confusion. Midfare is a metric of equality that captures what “goods do to (or for) human beings, in abstraction from the utility [the goods] confer on them” (943). According to Cohen:

It is ... false that the normatively relevant effect on a person of his bundle of primary goods depends entirely on his mental reaction to what they do for him. There is also what welfarists ignore: what they do for him, what he gets out of them, apart from his mental reaction to or personal evaluation of that service. Consequently, Sen was right that, in the enterprise of assessing a person’s well-being, we must consider his condition or state in abstraction from its utility for him. We must look at something which is ‘posterior’ to ‘having goods’ and ‘prior’ to ‘having utility.’ We must look, for example, at his nutrition level, and not just, as Rawlsians do, at his food supply, or as welfarists do, at the utility he derives from eating food (943).

Cohen argues that this intermediate dimension of comparison – midfare – is the right egalitarian metric. However Sen’s view is too “athletic.” He focuses too much on the fact that people want goods in order to do something with them. That is important, Cohen agrees, but goods can do good for people even if they don’t actively do anything with them. Supplied with nutritious food, an infant and an adult each derives welfare from the food even though only the adult actively feeds himself. Plenty of advantages *are* advantages for people without their volition or choice coming into it. According to Cohen, midfare is a “heterogeneous collocation” of

advantage whose heterogeneity arises because “goods do categorically various things for people” (18). Sen basically got it right – he identified midfare as a crucial dimension for comparing advantage – but he confused the issue by using that concept interchangeably with capability, which is a different thing, and is properly understood as a subcategory to midfare.

One of the most helpful explanations of Cohen’s argument is his description of midfare as an intermediate position between goods and utility. “Each terminus of the goods-midfare-utility sequence has seemed to some the right focus for assessment of a person’s situation from an egalitarian point of view. Rawlsians look at the beginning of the sequence and welfarists look at its end. Welfarists think that the Rawlsian measure is too objective, that it takes too little account of distinguishing facts about individuals. Rawlsians think that the welfare measure is too subjective, that it takes too much account of just such facts” (18-19). Because midfare is heterogeneous, it takes on board both concerns. It retains an objective measure of advantage, insofar as it captures what goods like food do to people regardless of their mental evaluation of that benefit. But it also retains the fact that advantage comparisons between people are a subjective affair since people’s physical and aspirational diversity means that they will have diverse rankings of the importance of different sorts of achievements.

Arneson argues for equality of opportunity for welfare, which obtains when “all persons face effectively equivalent arrays of options” and where the expected value of each person’s best set of options is the same as everyone else’s best set of options (85-86). (Notice that this resembles Dworkin’s envy test, in that it takes people’s own estimations of their ideal life as the standard.) The way we discover whether such a state of affairs obtains is by constructing a decision tree for each individual that gives a complete life history. “Given that one or another choice is made and one or another outcome realized, the agent would then face another array of choices, then another, and so on” (85). Everyone will have multiple life paths with differing amounts of value that each person attaches to each path. An individual’s first choice or preferred life path should be of equivalent value to every other individual’s first preference, and the second-best to every other’s second-best, and so on. The following is a good description of the norm: “when an age cohort reaches the onset of responsible adulthood, they enjoy equal opportunity for welfare when, for each of them, the best sequence of choices that it would be reasonable to

expect the person to follow would yield the same expected welfare for all, the second-best sequence of choices would also yield the same expected welfare for all, and so on through the array of lifetime choice sequences each face” (1999: 488). When equality of opportunity for welfare obtains, then any inequalities we see between individuals must be the product of choices for which they can properly be held personally responsible.

Equality of opportunity for welfare immediately encounters the worries about adaptive preferences touched on earlier. The norm is entirely subjective: what counts is each individuals’ mental evaluations of the value of the various life plans before them at the age of maturity. But consider an individual whose family background is bad. His parents have managed to stay just on the right side of criminal neglect: his nutrition, schooling, and playtime activities are just barely adequate. The array of life plans that he confronts at the onset of adulthood will be much more limited than the array more advantaged members of his cohort face. But equality of opportunity for welfare cannot register this difference if, as we might expect since he has known nothing better, he rates his best sequence of choices as equal in welfare value to the best sequence of choices facing someone from the most privileged background. People accommodate themselves to the options they perceive as within their grasp, and will also come to attach value to those options. Egalitarians should not necessarily respect these judgments when such differences in background conditions are suspected. Arneson does not consider this problem with his norm in the two main articles that express the ideal (1989; 1999)

In recent years, Arneson has endorsed what he calls ‘responsibility-catering prioritarianism’ or RCP for short (2000a; 2000b; 2002; 2004). In general, egalitarianism and prioritarianism are closely related moral views which hold that we should try to make the situations of disadvantaged persons better. Egalitarianism focuses on the gap between those who are well-off and those who are badly-off. In a choice between a world where everyone is doing moderately well and a world where half are doing moderately well and half quite well, the principle of equality says we should prefer the first. This view leaves equality open to the levelling down objection since it would prefer to waste resources rather than permit an inequality. Priority is concerned not with the gap or relative position of agents but their absolute positions. It says that benefiting people matters more the worse off they are. Inequality is not to be avoided at all costs. If, for some reason benefits can only go

to more advantaged individuals and this distribution does not worsen the absolute position of the worst off group, then priority approves this. Equality does not since it widens the gap.²⁴ Arneson writes, “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” (2000a: 343). At the level of policy, however, the views tend to converge. Both doctrines will recommend policies that transfer resources from the better off to the worse off. The gap between the groups will therefore start to close and individuals’ conditions begin to converge.²⁵

According to Arneson, prioritarianism holds that “institutions and practices should be set and actions chosen to maximize moral value, with the stipulation that the moral value of obtaining a benefit for a person is greater, the greater the well-being gain that the person would get from it, and greater, the lower the person’s lifetime expectation of well-being prior to receipt of the benefit” (2000a: 343). Given two individuals A and B who are equally badly off, we will help the one who can be helped most by the benefit. This preserves Arneson’s concern (also evident in his promotion of equality of opportunity for welfare) to keep a welfarist dimension in egalitarianism, by making the standard utilitarian assumption that the worse-off a person is, the more utility he or she stands to gain from aid. He adds to this a principle of responsibility-catering, which responds to the degree of responsibility a person bears for her condition. Suppose that you and I are equally badly off, and a benefit from the state will increase our well-being by the same amount. But suppose that the benefit can only go to one of us. You are badly off because you were struck by lightning, while I am badly off because I freely gambled away all my money at the races. RCP says that the benefit should go to you in light of the fact that you are not responsible for being in a bad way, whereas I am. Overall, Arneson’s view gives a “version of weighted well being in which the moral value of well-being increments that we might obtain are adjusted twice – once to give priority to the worse off, and again to reflect the degree of responsibility of each individual for her present condition” (2000: 96-97). (I discuss Arneson’s work in chapter six).

²⁴ For an influential discussion of equality and priority, see Derek Parfitt (1998).

²⁵ However, it should be noted that egalitarians would want to set a ceiling on sky-high incomes, and would think this is independently important, whereas prioritarians give no special consideration to this. Following the principle of Pareto optimality, prioritarians hold that when it is possible to move to a distribution that improves some people’s prospects without diminishing the prospects of anyone else, we should do so. I am grateful to Anne Phillips for this point.

On my reading of his work, Arneson has preserved one key aspect of his earlier view and becomes somewhat ambiguous about another. The element preserved is a principle of responsibility. In his earlier account, he said that “people share equal opportunity for welfare just in case there is some time at which their opportunities are equal and if any inequalities in their opportunities at later times are due to their voluntary choice or differentially negligent behavior for which they are rightly deemed personally responsible” (86). We have seen that in RCP, awards to needy individuals are to be tailored according to how responsible they are for their situation. In cases where the difference in welfare between them is not huge, RCP might even select a better off individual for attention before a worse off individual if the latter has been grossly negligent and the former has not.

The more ambiguous element, in making the shift from equality of opportunity for welfare to RCP, is how much and in what way individuals’ subjective evaluations matter. In his older view, Arneson argued that it was individuals’ own evaluations of the life options before them that mattered in determining whether they are equal or not. It is not as clear in RCP how individuals’ mental evaluations factor in. Arneson holds that there is an external standard for determining how badly off individuals are relative to one another. In RCP, we compare people according to “the quality of life that individuals reach by these means [tools and means and opportunities], in other words their level of well-being, where this is identified neither with bare preference satisfaction nor enjoyment but with achievement of what is objectively worthwhile or choiceworthy in human life” (341). Even though Arneson invokes a standard of what is “objectively” worthwhile for a human life, presumably, individuals must be able to decide for themselves what they consider to be worthwhile achievements and goals in their own lives, even if those are now to be selected from within a narrower range.

For the rest of the thesis, I will usually assume that RCP represents Arneson’s preferred approach to distributive justice. As he notes, RCP is not, strictly speaking, an egalitarian doctrine (2000a). However, I think it is valid to treat Arneson as a representative of luck egalitarian views since he has stepped forward in several articles to defend egalitarianism, and specifically, luck egalitarianism, from its so-called “enemies” (Arneson 2000a; 2000b; 2002; 2004).

2. KEY SHARED ELEMENTS IN LUCK EGALITARIAN THEORIES

If we stand back a bit from the differences that have emerged amongst these egalitarian thinkers, the shared elements in their theories and approaches come to the fore. As variants of the broader doctrine of liberal egalitarianism, it is noticeable that they attempt to combine or balance classical liberalism's commitment to liberty of choice and respecting the autonomy of the individual, on the one hand, and traditional egalitarianism's commitment to making people equal. This combination therefore produces departures from what are perceived as the core or definitive values and norms of the two origin traditions. Luck egalitarians' departures from classical liberal positions – particularly the emphasis on individual liberties as being threatened by state interference – prompt Gerald Gaus (Gaus 2000a) to label it 'revisionist liberalism.' 'Liberty reduced to equality' is Gaus's (not entirely approving) characterisation of Dworkin's liberalism (2000a: 166). From the traditional egalitarian perspective, on the other hand, it looks as if luck egalitarians do too much pruning of the ideal of equality amongst citizens in order to accommodate the liberty of choice.²⁶ Luck egalitarianism not only permits but actually requires people's incomes to be unequal according to their choices. If, from the classical liberal perspective, luck egalitarianism can be summed up by the slogan, 'Liberty reduced to equality,' the verdict from traditional egalitarians might be: 'Equal outcomes reduced to equal opportunities.'

The Chance/Choice Distinction

The luck egalitarian views canvassed here all assert that the chance/choice distinction is fundamental to egalitarian political morality, giving rise to its most basic commitment: to eliminate inequalities that are traceable to people's unchosen

²⁶ John Baker, for example, commenting on the recent egalitarian literature writes that these views are "philosophically forceful, but each seems to allow for greater inequalities of overall condition, however that is defined, than many egalitarians would hope for. For such [old] egalitarians, the core idea is 'equality of outcome' as opposed to either the forms of equal opportunity promoted by Arneson, Cohen and Dworkin, or the inequality of outcome expressed by the Difference Principle" (Baker 1992: 104). For observations along the lines that 'old egalitarians' favour equal outcomes in some form while 'new egalitarians' favour equal opportunities in some form, see also Phillips (1999: preface; 2004); Dworkin (2000: 1-7); Vallentyne (2002: 529); and Brown (2005b). Some posit that there is a valid distinction between old and new egalitarians, but call into question its sharpness.

circumstances; traceable, that is, to luck.²⁷ The following statements are representative of those appeals. According to Dworkin, “the distinction between people’s choices and their circumstances is of central importance to justice.” He continues that “people are entitled to receive some form of compensation when they are handicapped or lack marketable talent, but not when and just because their tastes or ambitions are expensive to satisfy” (2003: 192). Arneson asserts that in “the ideal luck egalitarian society, there are no inequalities in people’s life prospects except those that arise through processes of voluntary choice or faulty conduct, for which the agents involved can reasonably be held responsible” (Arneson 2000a: 339). Cohen contends that “a large part of the fundamental egalitarian aim is to extinguish the influence of brute luck on distribution. Brute luck is an enemy of just equality, and, since effects of genuine choice contrasts with brute luck, genuine choice excuses otherwise unacceptable inequalities” (1989: 931). Their emphasis on extinguishing the effects of luck is what, in Anderson’s view, makes the term ‘luck egalitarianism’ so fitting. As we have seen, there are differences of opinion about how this fundamental egalitarian ambition should be interpreted and realised. Nevertheless, the general norm is clear enough, and clearly rests on an assumption that, in theory at least, it is possible to distinguish between inequalities that should be eliminated because of their origins in chance, and inequalities that are acceptable because of their origins in agents’ choices about how to live their lives. This core intuition is what distinguishes the approach, for example, from David Miller’s (1999) theory of justice which permits individuals’ distributive shares to vary according to some unchosen circumstances, such as personal talents.

A principle of individual responsibility arises out of this general luck egalitarian ambition. Provided an agent has been equipped with what is necessary to make rational decisions and choices (such as relevant facts, reasoning skills, and time to deliberate calmly and thoroughly about the potential effects of one’s choices and actions), then he should be the sole bearer of the consequences of his choices. Luck egalitarians also share the view that incorporating this responsibility principle into the heart of the egalitarian project is to be applauded. Dworkin, for example, suggests that it is a crowning achievement of contemporary egalitarians that they have achieved (or nearly achieved) a “unified account of equality and responsibility

²⁷ Or, to put it another way, we could say that the aim is to ensure that only inequalities traceable to people’s choices remain. Accordingly, Smilansky (2003) calls the tradition ‘choice-egalitarianism.’

that respects both” (2000: 7). Cohen, commenting on Dworkin’s theory, writes that he has “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).²⁸

Other egalitarians have worried about both aspects of this: both the centrality now accorded to the principle of responsibility in the egalitarian project, and whether its instalment is cause for celebration. Some wonder, for example, if agents should be required to be the sole bearers of the burdens of their choices even if they have been deliberately and rationally chosen by the agent (Mason 2000; Phillips 2004). Others suggest that the evident complexity of coming up with a reliable account of individual responsibility detains egalitarians unnecessarily when they could be focusing their efforts elsewhere (McKinnon 2003; Ramsay 2005a). These concerns constitute one of the most significant areas of critique and some will be addressed in chapter three.

A commonality in the positions defended by Dworkin, Cohen, and Arneson is that we should condemn and try to ameliorate inequalities that are traceable purely to bad brute luck. As we have seen, disability and having meagre native talents are the archetypal examples of the sort of bad luck that generates objectionable inequality. This luck-centric characterisation of the source of objectionable inequality encounters at least three important, and interrelated, objections. The first is that it creates an over-large category of objectionable inequalities. Some egalitarians believe that not all inequalities that are the effects of differences in luck are morally bad, thereby warranting redistribution. This, for example, is Miller’s view. Differences in native powers are differences in our luck, but he argues that we are entitled to keep some of the benefits that flow from our powers, even if we had no control over what talents we are born with (1999). The second is that it illegitimately presumes that certain differences in luck represent lamentable misfortunes, rather than merely ordinary human difference and variety. This is clear in its assumption that disabilities are generally to be regarded as misfortunes (Anderson 1999a; Young 1990).

²⁸ Similarly, John Roemer writes: ‘One, if not *the*, major accomplishment of egalitarian theory since Rawls’s reinvention of the field thirty years ago, is the inclusion of considerations of responsibility’ (2002a: 470).

The third is that the catch-all category of ‘luck’ is under-specified. It treats as morally equivalent inequalities that have morally different causes. The unhappiness caused by having a hooked nose is regarded as equivalent to the unhappiness caused by involuntary homelessness (Anderson 1999a). The inequality resulting from low native skills is treated as equivalent to the inequality resulting from racist employment discrimination. These examples point to different axes of objectionable inequality – natural and social. Moreover, within the latter, there are inequalities directly caused by individual wrongdoers (e.g. bigots or neglectful parents) and there are inequalities whose cause is also social wrongdoing, but is more diffuse, not traceable to a single individual, or social practice or institution. The uncritical use of the category of luck to identify objectionable inequalities empties it of the concept of wrongdoing, and more generally, it deprives us of the opportunity to think carefully about the morally relevant differences between both different types of inequalities and their different origins.

It should be noted that someone who makes these criticisms is not committed to saying that luck-based inequalities are morally *unobjectionable*. This is the erroneous conclusion that Arneson appears to draw in an essay defending the core ideal of luck egalitarianism. He writes that the “difference between human misery caused by natural disaster such as a flood and human misery caused by social interactions does not for RCP mark the line between a space wherein social coercion [for the purposes of redistribution] is prohibited and a space wherein social coercion might be morally acceptable” (2000a: 346). He thereby implies that the opposite norm – that natural disasters producing inequality do not warrant distribution – can be attributed to Anderson. This is false, as will be demonstrated in chapter six. (By way of preview, Anderson would appeal to norms of basic capability and a minimum threshold of human functioning to ground redistribution to a flood victim, for example.) Someone can reasonably and consistently criticise the way luck egalitarians lump all natural and social misfortunes and evils into the general category of luck without thereby having to be insensitive to luck-caused inequality. In general, the conceptual and moral difficulties encountered by an egalitarian approach that seeks to attribute the cause of all objectionable inequalities to a single factor, luck, indicates that egalitarians should prefer a more pluralistic approach to justice. I will argue this in subsequent chapters.

Finally, luck egalitarianism constitutes a highly individualised approach to the problem of inequality. This is revealed by the previous set of objections, which note that individualised sources of inequality, such as agents' discrete choices to choose this occupation or that hobby, are run together with social sources of inequality. This ill-equips the project to conceptualise and address some of the most pressing problems of contemporary social inequality, including gender and racial hierarchies (Anderson 1999a; Armstrong 2003; Hinton 2001; Levey 2005; Mason 2000; Phillips 1999; 2004; Robeyns 2003a; Scheffler 2003a; 2003b; 2005; Schwartzman 2000; Williams 2002). This is clearly a major and wide-ranging critique. The following sections point out other aspects of this criticism, while chapters two through four investigate it in further depth.

Eliminating Luck's Effects

In the luck egalitarian discourse, much effort goes into articulating and defining the norm of equal distribution that the theory recommends. By contrast, relatively little effort goes into saying anything about how that norm would be implemented and executed. This is not a point only about the implementation of luck egalitarian norms through public policies in real societies, although that too is a neglected area within the literature. The point, rather, is that the issue is neglected even at the *theoretical* level. One way this neglect reveals itself is in the ambiguities and slippages in the language concerning how to address inequalities deemed objectionable by the preferred norm.

Arguably, 'redistribution' is the most popular theoretical concept used in this regard by luck egalitarians. In many places, luck egalitarians refer to the redistribution or transfers that must take place between individuals to correct for the undeserved inequalities. However, other concepts appear regularly too, and tend to be used interchangeably with one another. Referring back to the expressions of the luck egalitarian ambition, for example, we see that Dworkin argues that "people are entitled to receive some form of *compensation*" for undeserved inequalities, while Cohen refers to the commitment to "*extinguish*" inequalities that are unchosen. This latter term is particularly capacious. It could mean giving Louis II a case of champagne itself, or the funds to buy his champagne, or the chance to enrol in a re-education programme to school him out of his expensive taste.

To this observation, someone might reasonably say: so what? What is the big deal if luck egalitarians tend to use ‘redistribute’ interchangeably with ‘compensate,’ ‘subsidise,’ ‘eliminate’ and the others? Everyone knows what is intended, and the bottom line is the same: in some way to improve the prospects of a person who has been identified as deserving of aid. This response does not seem right, however, since there are important theoretical as well as moral differences in these different forms of remedy. ‘Redistribution,’ for example, is a fairly neutral term, relative to some of the others (although evidently not in the minds of many New Labour politicians (Levitas 1998). ‘Compensation,’ on the other hand, implies that the recipient has suffered a misfortune, and furthermore, implies that the misfortune will not be eliminated, but rather, the person will be given enough money so that she becomes indifferent to it. Some of these issues will be taken up in chapter four, but for now, the general point is simply that treating these concepts as interchangeable, as luck egalitarians tend to do, is unfortunate because each one does carry particular implications (Wolff 2002, 2003).

One reason these conceptual slippages and ambiguities in luck egalitarian discourse may occur is because, in a perfectly realised luck egalitarian world, the task of remedying inequalities would seldom arise anyway. In many ways, luck egalitarianism simply detours around the problems of how we correct unjust inequalities. This detour takes the form of a canonical moment of perfect equality – another feature common to the theories under consideration here. The idea is that we need not worry our heads about how to ‘extinguish’ or ‘subsidise’ unjust inequalities if the only inequalities that arise are deemed acceptable from the point of view of the ideal. This canonical moment is explicit in Dworkin’s theory (the auction and hypothetical insurance markets are both examples) and in Arneson’s equality of opportunity for welfare, and is implied by Cohen’s equality of access to advantage. Thus, as Arneson writes, “in the ideal luck egalitarian society, there are no inequalities in people’s life prospects” except those that arise through choice; consequently, there is no need for redistribution or eliminating of inequalities after that canonical moment.

The device of the canonical moment of equality encounters several objections. Clare Chambers (2005) notes that the canonical moment of equal opportunity (or MEO) is usually imagined to occur “at age 18, when applications for universities or jobs are submitted” (4). And, indeed, Arneson asserts that it is the

moment of majority in his theory. She argues that this approach, which “reaches ever backwards into people’s histories, investigating their backgrounds, the advantages they have previously enjoyed, and even their genetic endowments, obscures the fact that chains of equality-of-opportunity-upsetting events reach into the future as well as the past” (4). The imaginary and arbitrarily located MEO imposes a problematic division between two halves of an individual’s life. Misfortunes in the first half, before the MEO, are rectified by luck egalitarians’ schemes, while misfortunes that befall the individual after the MEO are deemed acceptable. A similar objection is made by Kasper Lippert-Rasmussen (1999) to Arneson’s equality of opportunity for welfare. Suppose that two people make their most prudent choice of life plan and that within each sequence of life choices, each faces the unavoidable risk that a volcano near her house will erupt. In the end, only one volcano erupts, killing the nearby resident. The objection says that equality of opportunity for welfare does not care about this inequality since the two enjoyed perfect equality at the onset of adulthood. Arneson’s reply to the critique accepts the basic point. He argues that the theory can be amended to take into account unavoidable risks that fall out differently for agents. It does this by stipulating that “any windfall gains that some agents get and sheer misfortunes that others suffer are fully offset by compensation after the fact, so that it remains true that agents who behave with comparable prudence will gain the same level of welfare (utility) over the course of their lives” (1999: 490). In the rest of the article, Arneson reaffirms that equality of opportunity for welfare must “offset by transfer and compensation after the fact” any brute luck inequalities that arise between agents that could not have been handled through agents’ informed choices at the canonical moment (1999: 493).

Arneson’s response – transfer and compensation “after the fact” – helpfully turns us toward the other objection to this aspect of luck egalitarianism. Will Kymlicka suggests that the tendency for compensation after objectionable inequalities have emerged is in keeping with the overall conservatism of luck egalitarianism. Rather than tackle the social institutions which reproduce inequalities, luck egalitarians merely advocate increased transfer payments to the unfortunate (Kymlicka 2002: 88-94). By focusing on the apparently radical aim of making distributive shares reflect only people’s choices, luck egalitarians have largely failed to challenge the social structures within which people make choices

and to notice how those structures systematically make different menus of choice available to different types of people. In a socialist literature, this complaint will focus, for example, on how a capitalist division of labour represents a certain, limited, set of options for working-class people and their offspring. Feminist versions will note that gender structures shape and constrain women's and men's choices, helping to reproduce a gender order. Whether the interest is in class, gender, or other social structures, the point is that these questions about inequality prevention differ markedly from the luck egalitarian emphasis on compensation after the fact. And even if we accept that an individual's inequality warrants compensation, and put the radical restructuring of social institutions on hold for another day, why is it usually the tacit assumption of luck egalitarians that *financial* compensation is the best form? (Wolff 2002; 2003). The general point to notice here is that there is a tension in luck egalitarianism between the assumption that undeserved inequalities will not even emerge under a perfectly realised norm, and the tendency to speak of 'compensation' for inequality after it has emerged. In chapters two through four, I demonstrate different ways in which luck egalitarianism is unable to challenge these deep, structural inequalities.

The Luck Egalitarian Style

As a specific normative project within the more general tradition of Anglo-American analytical political philosophy, luck egalitarian writings share stylistic methods and features that characterize that tradition. I focus on two features here. The first is the tendency to employ artificial scenarios and hypothetical examples – usually featuring one or two individuals – rather than real world problems of inequality. Examples of this are abundant. Dworkin's account contrasts Adrian the tomato gardener with Bruce the tennis player; Cohen contrasts Paul the photographer and Fred the fisherman; and Arneson, the two Indian tribes requiring peyote or alcohol for their religious ceremonies (perhaps not as artificial as the others). In terms of lone individuals, Dworkin's Louis, the man with expensive 'champagne' tastes, is probably the most famous, but there are many others, including,

memorably, Cohen's wheelchair-bound man with the inexplicably robust but painful arms. Why are these strikingly artificial (even, implausible) scenarios so popular?²⁹

In the main luck egalitarian texts discussed in section one, explanations of the methodological style are scarce. Dworkin writes that he "uses examples mainly in the standard philosophical way – as artificial cases invented to illustrate and test theoretical hypotheses" (2000: 3). Eric Rakowski, who defends a version of equality of resources similar to Dworkin's, has remarked that beginning with "artificially similar cases is useful, for they capture an important truth. Although we come into the world at different times, and somebody was always there before us, we enter in the same way, without any more right to the bounty of nature than anyone else who sees daylight for the first time" (1991: 274). Between them, these suggest at least three rationales for the style. First, it simply reflects philosophical convention. Second, artificial scenarios permit us to clarify and compare important moral principles. Third, and more specifically related to egalitarian theory, artificial scenarios permit us to recognise unfairness.

Jonathan Wolff and others have queried the methodological style of luck egalitarianism (Wolff 1998; see also Anderson 1999a; McKinnon 2003), and some aspects of their criticisms will be considered in chapter four. For now, I want to make a different point: that the individualistic and artificial examples are problematic because they obscure what is wrong with the very phenomena they ostensibly challenge. As indicated in the discussion on luck, luck egalitarianism seems to involve a misdiagnosis of objectionable inequalities by virtue of the fact that it appeals to 'bad luck' for all such inequalities, whether they are caused by genetics, floods, or human wrongdoing. The language we use shapes our understanding of the social phenomena we criticise. Unfortunately, luck egalitarian language is ultimately unhelpful in getting to grips with some aspects of contemporary inequalities and why we feel they are unjust.

Consider, as a parallel, the account that feminist academic Carol Cohn (1987) gives of the changes in her thinking and personality as she immerses herself for a year in the world of American defense intellectuals. Defense intellectuals create the theory that informs and legitimates nuclear strategic practice. Cohn's experiences

²⁹ Their artificiality is not the only worry. As one reader put it, the examples tend to be about 'Fred' and 'Paul' rather than, say, Rashmi and Xambi, and about stuff like champagne and trips to Spain, which seem to point to pretty obvious cultural and class biases. Some of these issues are touched on in chapter four.

are compelling. She describes herself going through four stages: listening to the language of defense; learning to speak the language; engaging in dialogue; and a final stage she calls ‘the terror’ wherein she wakes up to the changes that have occurred in her own thinking about nuclear weapons and nuclear war. What makes the article so compelling is that it is not what some might expect: a feminist scolding male warmongers for the sexualised, patriarchal imagery of nuclear weapons. Instead, she documents the pleasure she takes in learning the “technostrategic” language of nuclear war and in becoming a member in an “elite and privileged group” who use that language (1987: 717). She becomes skilled in technostrategic language and soon abandons an earlier vow to speak plain English to defense intellectuals. But learning the specialised language *changes* her, and changes her in ways that she ultimately finds alarming:

the better I got at engaging in this discourse, the more impossible it became for me to express my own ideas, my own values. I could adopt the language and gain a wealth of new concepts and reasoning strategies – but at the same time as the language gave me access to things I had been unable to speak about before, it radically excluded others. I could not use the language to express my own concerns because it was physically impossible. This language does not allow certain questions to be asked or certain values to be expressed (1987: 708).

One of the most disturbing elisions, from Cohn’s point of view, is the fact that the terrible human suffering, mutilation, and death which nuclear warheads portend, is always obscured by technostrategic talk of ‘collateral damage.’

The language of luck egalitarianism is clearly very different from the language of nuclear defense, but it can function in similar ways and have similar effects on those who use it. Certainly, I could recognise what Cohn meant when she discussed the thrill and pleasure of becoming competent in a specialised language that is “abstract, sanitized, full of euphemisms; language that is sexy and fun to use” (715). When a speaker at a conference on egalitarianism mentions plovers’ eggs, there is a similar *frisson* that comes with being possessed of a specialised, elite knowledge. But, as Cohn observes, alongside the pleasure there is also alarm. The language of luck egalitarianism, like the language Cohn learned, does not allow certain questions to be asked, without, as she says, the questioner appearing “a soft-headed activist” (708). It does not allow certain values to be expressed. Wolff and

Anderson make this point in relation to the value of respect, but the point can be generalised. The concepts of “oppression” and “domination” are rarely used in the language of luck egalitarianism (Young 1990); neither is the concept of “racism” (McCarthy 2001); and little is ever said of poverty, or homelessness, or hunger (Caputo 2005); (Levitas 1998). Interestingly, none of the luck egalitarians have a *theory of inequality* – a theory, that is, of the *causes* of inequality – beyond the notion that bad luck causes inequality (Baker et al. 2004). Individualism and artificiality characterise much of the language of luck egalitarianism. As a result, it systematically elides, mystifies, and obstructs thinking about and articulating concepts and values that are vital to the project of egalitarianism. In some ways, we need look no further than one of the most popular, persistent figures in luck egalitarian discourse – the guy whom we are supposed to be concerned about *because he cannot afford champagne* – to see this.

The second stylistic characteristic common to the work of luck egalitarians is a certain coyness about who or what does the redistribution, and in what context redistribution occurs. Although luck egalitarians are rarely explicit about this, the tradition is widely regarded as assuming the context of a modern western liberal democracy with a market economy and a welfare state. (Gaus 2000a: 218-220; Kymlicka 2002: chapter 3; Young 1990). As such, luck egalitarian writings tacitly assume that the state and its officials are the agents who carry out the calculations and who redistribute things (unless another arrangement is specifically described, such as Dworkin’s insurance scheme, which is of course meant to model the welfare state). The texts conjure up images of the state and its authorities, or devices modelled after the state. Interestingly, however, explicit references to the ‘state’ are surprisingly rare within the literature. As Chris Armstrong notes, liberal egalitarians tacitly “presume a strong role for the state in achieving equality, [but display] little overt concern for the problems of state control (and this despite the otherwise vehement opposition to state socialism of much egalitarian theory)” (2001: 12).

The lack of specificity about the context of redistribution and the distributing agent may be designed to leave open the possibility of application in a global, as well as national, context.³⁰ Or it may be designed to avoid provoking the libertarian and

³⁰ This, anyway, was the trajectory of Rawls’s thought. *A Theory of Justice* assumes a bounded society, whereas *Law of Peoples* adopts a global context. But if it is the case that luck egalitarians

conservative complaint that modern liberalism – unlike its classical counterpart – promotes an omnipotent, managerial welfare state.³¹ But perhaps the more plausible explanation is that luck egalitarians do not discuss the state much because, in their models, they literally become the state. This makes it harder for them to be reflexive about its character and role. Consider again Cohn’s analysis of defense specialists’ language. According to Cohn, the technostrategic language of defense specialists only articulates the perspectives of the users of nuclear weapons, never that of the victims:

I do not mean this on the level of individual consciousness; it is not that defense analysts somehow convince themselves that they would not be among the victims of nuclear war, should it occur. But I do mean it in terms of the structural position the speakers of the language occupy and the perspective they get from that position. *Structurally*, speaking technostrategic language removes them from the position of victim and puts them in the position of the planner, the user, the actor (1987: 706, italics in original).

The analogous point in the luck egalitarian literature is that the language promotes a tacit statism. The state is not mentioned because luck egalitarians have become the state. Always on the acting end, never on the receiving end, the overwhelming tendency within the luck egalitarian literature is to present a statist perspective, not the perspective of the person who receives. One of the most obvious and explicit examples of this is John Roemer’s “theory of responsibility for the egalitarian planner” (1993). In case this sounds too harsh, it is worth stressing that, like Cohn, I do not think luck egalitarians deliberately put themselves in the position of planner, user, actor. Rather, I view it as a function of the discourse itself as a whole. I consider this point further in chapter five.

Conclusion

Anderson’s ‘luck egalitarian’ label has been rapidly and widely adopted, suggesting that her critique crystallised worries and preoccupations that were playing

believe we can extrapolate from their domestic egalitarian principles to problems of global distributive justice, the ones under consideration here make no mention of it.

³¹ See P.E. Gottfried (1999) for an extended attack on contemporary liberal theory and its concomitant ‘managerial state.’

in the minds of others. Some of those who bear the label, however, bristle at it (Dworkin 2003: 192; Arneson 1999; Cohen 2003). This might be partly due to the fact that Anderson's article is highly critical, even "polemical" (Callinicos 2000), but is also, I take it, because they see the term as shifting attention from still unresolved issues regarding currency. No clear 'winner' has emerged in the competing accounts of equality of resources, welfare, opportunity for welfare, capability, and access to advantage, and until a satisfactory currency is identified, some egalitarians may regard other issues as less important. When Dworkin brought out *Sovereign Virtue*, for example, he included a new chapter on equality and capability, which considered Sen and Cohen's arguments that capability (or advantage, to use Cohen's term) represents a third alternative to the traditional welfare/resource dyad (2000: chapter 7). Dworkin argues that this is not so; capability really turns out to be one or the other, depending on your reading.³²

'Luck egalitarianism' puts the resource/welfare distinction and its cognates into the background in order to bring out other aspects of egalitarian debates, such as the centrality now accorded to the choice/luck distinction, the decisive shift away from a norm of equality of outcome, or the individualised nature of the discourse as a whole. For those who articulate these worries (and others), it seems right to shift to a new perspective. Rather than resources-versus-welfare being the all-important debate and orienting device, adopting 'luck egalitarianism' as a category permits us to focus on what seems more salient right now: the way that all these versions share the same general ethic. According to Anderson, that ethic says that "the fundamental aim of equality is to compensate people for undeserved bad luck – being born with poor native endowments, bad parents, and disagreeable personalities, suffering from accidents and illness, and so forth" (1999a: 288). Catriona McKinnon writes that on the luck egalitarian view, "to be committed to equality is to be committed to assessing the extent to which the disadvantaged among us are responsible for their own suffering" (2003: 144). This is a rather bald way of putting it, but it is largely accurate.

The introduction of a new category means that its opposite (or opposites) is, implicitly or explicitly, under construction as well. So, what *are* the alternatives to luck egalitarianism? There is no simple answer to this question, but I explore some

³² But see Andrew Williams (2002) and Pierik and Robeyns (Forthcoming), who insist that it represents a genuine third category, and Dworkin's response (2002) where he denies this.

possibilities in the rest of the thesis. My point for now is the familiar one that we must pay attention not only to what ideas and commitments and principles we identify as belonging to a particular category, but also to what ideas, principles and goals are then left out and whether or not they coalesce into an alternative view. Part of what interests me in these debates is the possibility that theorists who adopt the ‘luck egalitarian/other’ framework of analysis revisit and echo issues and concerns that have been and are elaborated in the more traditional opposition between liberal approaches to social justice and feminist critics. It seems likely that the ‘luck egalitarianism/other’ framework of analysis permits controversies over such issues as the public/private dichotomy; the conflict between freedom of choice and social equality; and the conflation of distributive justice with social justice in general – issues that feminists have explored at length – to come to the fore. This is what chapter two begins to map out.

CHAPTER TWO

FEMINIST CHALLENGES TO LIBERAL CONCEPTIONS OF JUSTICE AND LUCK EGALITARIANISM

IN CHAPTER ONE, I argued that the various formulations of the luck egalitarian ideal of equality have much in common, and I outlined several significant criticisms to be developed throughout the thesis. The argument this chapter develops is that certain common feminist criticisms of liberalism are indispensable for understanding the limitations of luck egalitarianism. Because of the sustained engagement with liberal terms of political discourse, feminism is well positioned to challenge luck egalitarianism. As noted in the introduction, there is an asymmetry in the degree to which feminists have engaged with Rawlsian approaches, on one hand, and luck egalitarianism, on the other. The self-consciously feminist literature addressed specifically to luck egalitarianism is small, but growing. This chapter draws links between that specific literature and feminist criticisms of the broader liberal tradition. Four key feminist preoccupations vis-à-vis egalitarian liberal approaches to justice that are particularly germane to my project are: the constitution of the liberal notion of the self; the privileging of individual choice; the tendency to approach justice as a problem of distribution; and the importance accorded to economic inequalities as the main form of social injustice. As will be shown, feminists have no unified position on these and many other issues. Nevertheless, some commonalities emerge, and focusing on these sheds light on what is problematic in luck egalitarianism. My aim is to furnish readers with a grounding in these feminist criticisms and to point forward to ways that they re-emerge in the mainstream criticisms.

1. CHOICE AND THE LIBERAL INDIVIDUAL

A strong theme within the feminist literature on social justice is to urge that we need to be more critical and cautious than liberals tend to be about the role and status of individual preferences and choices. While, on the whole, it is anathema for liberalism to disrespect or override individuals' choices, except when that is required to prevent harm to others, feminists have been sceptical of this non-interference norm, since they hold that it permits and reinforces gender inequality.

The feminist concern with preferences and choices arises because of the importance that liberalism accords to the individual's basic freedoms, to the right to choose – in general, to the value of individual autonomy. Classical liberals such as John Stuart Mill argued that the core constituent commitments of liberalism are to respect individuals' autonomy and to avoid paternalism. "[T]he only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise, or even right" (JS Mill (1991), quoted in Gaus 2000a: 24). Contemporary liberal theorists such as Rawls and Dworkin have also highlighted the importance of individual choice and autonomy. According to Rawls, for example, even if some people are less endowed than others with public and personal virtues such as impartiality and intelligence, everyone is entitled to the same equal rights and freedoms: "It is sometimes thought that the basic rights and liberties should vary with capacity, but justice as fairness denies this: provided the minimum for moral personality is satisfied, a person is owed all the guarantees of justice" (1999: 443). Dworkin argues for an ambition-sensitive, endowment-insensitive account of liberal justice. This approach assigns individuals' choices an explicit and weighty role in determining just social arrangements. In general, respect for people's preferences and choices plays a central role in liberal theories of justice.

Feminists have worried about the liberal commitment to respecting people's choices. Given pervasive inequalities of power between women and men, there is every reason to think that the preferences of both sexes will reflect and reinforce gender hierarchy. In light of men's oppression of women, women have formed preferences for less than what they are due in justice, and men have formed preferences for more than what they are due. Even while maintaining the centrality of individual autonomy to liberalism, Mill vividly noted this problem. He employs as a metaphor for women's nature a tree manipulated by men to have luxuriant shoots, cultivated "in a vapour bath," and stunted ones, "with ice purposely heaped all around them." Consequently, what "is now called the nature of woman is an eminently artificial thing – the result of forced repression in some directions, unnatural stimulation in others. It may be asserted without scruple, that no other

class of dependents have had their character so entirely distorted from its natural propensities by their relation with their masters... (1982: 22-23). Feminist concerns for the way women's ambitions and choices are systematically distorted by a patriarchal society have hardly abated since Mill's time. Thus, in the contemporary feminist literature, the complaint has been largely the same as Mill's. Summarising the thrust of several feminist theorists' work, Ann Levey states, "Women's choices are suspect, it seems, because women have been socialized to have compliant or subordinate preferences; women's preferences are the preferences men desire them to have" (2005: 129-30). If liberal justice insists on taking people's preferences at face value, and fails to interrogate them, it risks sanctioning and perpetuating severe injustice to women.

Liberals may respond that the problem with this argument is that it is grounded in problems of gender hierarchy in the real world. The liberal may say: we do not deny that in the real world, this kind of thing happens. But at the level of ideal theory, where persons are imagined to be free and equal and not distinguished from one another by unjust gender conditioning, this worry goes away. At the ideal level at which liberal theories of justice are pitched, agents are to be imagined as being equally empowered and in possession of genuine preferences and ambitions.

However, this response triggers further concerns amongst feminists. It is well known that a major challenge articulated by feminists concerns the nature of the individual agent or 'self' that liberal theory presupposes and employs. While this individual is offered as a representation of a neutral or generic human being, many feminists argue that it is inherently male-biased. Accounts vary, but the general idea is that the liberal self exhibits attributes and experiences traditionally associated with men, such as rationality, autonomy, independence, egoism, and self-interestedness, but that these are described as 'neutral' and 'universal' traits. Liberal theory passes an implicit or explicit value judgment that these are valuable and important traits and experiences, and constitute the essentially human. At the same time, the liberal self is imagined as basically devoid of the characteristics and experiences that are traditionally associated with women, such as emotion, connectedness, selflessness, and caring. Again, according to feminists, it is hard not to perceive a judgment in this that liberalism takes these things to be less valuable, and certainly less distinctively 'human' than the first, male-defined, norms. Summarising the thrust of the literature, Anne Phillips writes, "The individuals of liberal theory are presented

as if they refer indiscriminately to women or men, but have written into them a masculine experience and masculine norm. Their abstraction cloaks a masculine body” (1991b: 151).³³

Two responses by liberals can be discerned. The first concedes the point that the liberal agent has looked decidedly masculine. Beginning in the 1980s, many male political theorists began to use more gender-neutral language, replacing ‘men’ and ‘he’ with ‘humans’ and ‘he or she.’ This response produces texts that no longer overtly exclude women. However, Susan Moller Okin argues that even though contemporary theorists explicitly renounce the overt sexism of earlier times, their analyses at best achieve a false gender neutrality (1991: 11-13). The “merely terminological responses” to feminist criticism evident in the texts constitute only a thin veneer of gender neutrality which barely conceals the fact that, “[to] a large extent, contemporary theories of justice, like those of the past, are about men with wives at home” (1991: 13). According to Okin, one important reason that the gender neutralisation remains superficial is that mainstream theorists do not consider the family as relevant to questions of justice. This is either because it is presumed to be a basically just institution (viz. Rawls) or it is felt that norms of justice (such as individual rights) are anathema to the family, since it should be governed by principles of love and care (viz. Sandel) (1991: ch 2). Interestingly, Okin’s observation about the language change in male theorists’ texts dates from the 1980s, documenting a widespread trend. This trend appears to have passed luck egalitarians by. Writing in the early 1980s, Dworkin’s essays feature an all male cast of characters, as do Cohen’s and Arneson’s essays from 1989.

The other response says that feminists have wrongly supposed that the liberal self employed by theorists represents a complete account of human nature. The idealised individual is simply meant to model certain features of human beings, not to be a stand-in for what all humans are really like. In general, the feature of the human being that the self is meant to model is our capacity for impartial, moral reasoning. Robert Fullinwider insists that the “impoverished list of characteristics that apply to the parties in [Rawls’s] Original Position does not express a human ideal that real individuals should find attractive or try to live up to; it represents,

³³ The feminist literature on this issue is vast. Some representative and important accounts include Dietz (1998); Held (1993); Okin (1991); Pateman (1989; 1988); Phillips (1991). For overviews of the literature, see Kymlicka (2002); Squires (1999); and Weiss (1995).

rather, a parsimonious base from which real persons might look past the various webs of commitments that divide as well as unite them to see if there are fair terms upon which they can all live together in society” (1995: 498). Similarly, Martha Nussbaum argues that “the rationality of the parties in the original position is not meant to be, all by itself, a model of how persons are, or a theory of human nature. It is only together with the veil of ignorance that the account of the rationality of the parties supplies us with a model of something about persons: namely, an account of a moral point of view...” (2003: 492). Undoubtedly this is still an idealised conception of even that capacity, but it is not one that feminists, presumably, want to say does not apply to women.

This latter response is an important corrective to criticisms that confuse what is offered by liberals as a model of particular human traits with a prescription of how they want humans to be. Nevertheless, it encounters a further objection from feminists. Why should the capacity of human beings that is modeled be the capacity for impartial reason, and not some other capacity, such as caring for others, that we also presumably share? Feminists thus insist that the ideal self is still indicative of certain problematic aspects of liberal theory, such as the fact that it grows out of and reinforces the public/private dichotomy. Although it is presented as gender neutral, some feminists still detect male bias in that it valorises two things – the public sphere and rationality – from which women have traditionally been excluded. The question for feminists then becomes, how thorough-going is this exclusion? Is it simply historical so that the residue of sexism can be eliminated? Or is it inherent to the tradition? Regardless of exactly how the individual is imagined, can and should feminists employ this agent in their struggle for women’s equality?

From this point, the debate shifts from an exchange between liberals and feminists to one featuring different points of view within feminist theory itself (a not uncommon pattern within feminist theory as a whole (Squires 1999: introduction)). Although this oversimplifies, a great deal of the feminist theory on this issue can be assigned to one of two schools of thought. The first acknowledges that, while liberal thought has traditionally excluded women, gender bias is not inherent to the tradition so feminism can reconstruct and deploy the liberal individual in its emancipatory project. Understanding women’s exclusion as an unfortunate product of historical prejudice, this position notes that the reason the individual is constructed abstractly, stripped of contingent features such as class, sex, and race, is to express and

underline the fact that, at the core, we are all free and equal, and deserving of equal treatment. If we are really all the same in a fundamental way, then official discrimination on the basis of contingent features such as sex or race is exposed as illegitimate. On this reading of the rationale for the liberal individual, the implication is that feminism *cannot do without it*. As Phillips observes, “For the last three hundred years, every oppressed group has found a lifeline in the abstractions of the individual and has appealed to these in making its claims to equality” (1991: 155). Echoing this, and pointing to the implications for women specifically, Nussbaum argues that the “idea that all human beings have a core of moral personhood that exerts claims on government no matter what the world has done to it is an idea that the women of the world badly need to vindicate their equality and to argue for change” (1999: 71). The problem is not with the individual itself, as a conceptual and moral device, but rather with its construction, which was premised on a traditional and unexamined public/private dichotomy that excluded women from the realm of politics. Ultimately, this position leads to a call for the genuine neutralisation of the individual, involving a reconsideration of (a) the characteristics considered distinctively human and (b) the reconstruction and interrelation of the public and private spheres. The male bias in liberal theory, unfortunately, is still evident today, but by “taking on board the insights of feminism” liberalism will be “changed in ways that make it more deeply consistent with its own most foundational ideas” (Nussbaum 1999: 57).³⁴

The second school of thought has serious doubts that genuine neutralisation of the individual is possible or desirable. According to this view, which has perhaps been most influentially developed by Carole Pateman (1988; 1989) and Iris Marion Young (1990; 1998), the construction of the male-biased individual is no mere historical accident. Rather, the abstract individual has been constructed in ways that systematically exclude women (Pateman 1988) and, more generally, ‘difference’ – that is, characteristics and experiences not traditionally associated with white, bourgeois men (Young 1990). This feminist position understands the liberal individual as an inevitably exclusionary figure.

Pateman’s account focuses on the classical social contract theorists. According to her, most interpretations of the original social contract understand it as

³⁴ This position has been taken up with (with varying enthusiasm) by Dietz (1985; 1998); Nussbaum (1999; 2000), Okin (1989; 1991); Phillips (1991b; 1992); and Wendell (1987), amongst others.

securing and expressing the equality and freedom of all modern citizens as they cast off their natural subjugation to their fathers. This conventional interpretation ignores or suppresses the sexual contract which is prior to, and constitutive of, the social contract. Pateman writes, “The original pact is a sexual as well as a social contract: it is sexual in the sense of patriarchal – that is, the contract establishes men’s political right over women – and also sexual in the sense of establishing orderly access by men to women’s bodies” (1988: 2). The suppression of this story and its implications for women’s citizenship continues into the present day. Summarising Pateman’s work, Squires notes how it becomes “possible for contemporary liberal theorists to forget (or overlook) the fact that the ‘liberal individual’ was explicitly argued to be the male head of household” (1999: 29). Young’s account focuses more broadly on how what she calls an “ideal of universal citizenship” excludes women and visible minority groups (1998). While the ideal is meant to be inclusive, it fails because of constitutive features that tend to encourage cultural homogeneity. In particular, the public/private dichotomy defines the “public as a realm of generality in which all particularities are left behind.” This forces formerly excluded groups such as “women, workers, Jews, blacks, Asians, Indian, Mexicans” to be “measured according to norms derived from and defined by privileged groups” (1998: 406).

This school of thought is fairly unanimous in terms of what it perceives as the rationale behind the liberal individual, and its (therefore limited) potential for overcoming women’s and other oppressed groups’ subordination. Alternative conceptions of citizenship are thus required. Pateman proposes abandoning the idea of a single common core identity for all, and instead accepting that people come in two basic forms: “To take embodied identity seriously demands the abandonment of the masculine unitary individual to open up space for two figures; one masculine, one feminine” (1988: 224). Young’s proposal is not dissimilar, though her concern goes beyond gender differences to take into account other axes of difference as well. She favours an ideal of “differentiated citizenship,” which includes a programme to provide institutional means for the representation of oppressed groups (1998).

These feminist debates continue, and further points of dispute could be outlined. For instance, in its affirmation of the virtues of reason and impartiality as important for women, does the first position inadvertently contribute to the devaluing

of the traditionally feminine?³⁵ And, going in the other direction, does the second position flirt dangerously with retrograde notions of gender complementarity and ‘separate but equal’ (Dietz 1995; Okin 1989) or promote the idea that individuals are so completely constituted by their communities that they can never transcend their differences and cultural locations, rendering universal norms of justice fictional (Nussbaum 1999)? For my purposes, however, the particularly important strands within this are those that address the phenomenon of adaptive preferences.

2. ADAPTIVE PREFERENCES, JUSTICE, AND ENDS

The contention, to recall, is that pervasive inequalities of power constitutive of gender hierarchy cause people to develop deformed preferences and desires, rendering them unable to make choices consistent with their own best interests. Liberalism seems unable to grapple with this because it promotes formal, rather than substantive, equality. It simply takes preferences at face value and does not extend itself to a critique of existing preferences.

Martha Nussbaum is an obvious theorist with which to begin the discussion because she has made the problem of women’s adaptive preferences a central concern of her work, but has also famously defended the liberal tradition, including its controversial individualism, against feminist critics. In a memorable example from her recent work, Nussbaum describes how women’s adaptive preferences may be reversed:

In the desert area outside Mahabubnagar, Andhra Pradesh, I talked with women who were severely malnourished, and whose village had no reliable clean water supply. Before the arrival of a government consciousness-raising program, these women apparently had no feeling of anger or protest about their physical situation.... They did not consider their conditions unhealthful or unsanitary, and they did not consider themselves to be malnourished. Now their level of discontent has gone way up: they protest to the local government, asking for clean water, for electricity, for a health visitor (2000: 113).

³⁵ For instance, even though Phillips and Nussbaum are basically on the same side with respect to liberalism’s promise for feminist politics, Phillips argues that “while Nussbaum challenges the dichotomy between reason and emotion” she leaves the hierarchy of the former over the latter in place (2001b: 261).

In addition to adaptive preferences relating to basic needs, she argues that the widespread acceptance of forms of gender violence in western and non-western cultures instill in many women “the preference (if that’s what we should call it) to put up with abuse” from their male partners (1999: chapter 5; 2000: chapter 2). The adaptive preferences problem constitutes a central focus of her development of the capabilities approach to social justice. Nussbaum argues that there are ten central capabilities essential for human beings to have truly flourishing lives. She proposes them as a philosophical underpinning for constitutional principles that all governments should secure. It is a bare minimum of justice to ensure that all citizens can achieve a minimum level of functioning in each of the ten areas ((2000a: chapter two; see also 1992; 1999).³⁶

Though Nussbaum is ultimately a partisan of the capabilities approach, she also defends certain rival liberal theories, insisting that not all simply take existing preferences as given. Nussbaum insists that the “idea that some preferences are deformed by ignorance, malice, injustice, and blind habit has deep roots in the liberal tradition of political philosophy...: in Adam Smith’s ideas about greed and anger, in Mill’s ideas about the sexes, in Kant’s ideas about the many ways in which people get accustomed to treating one another as means rather than ends, in John Rawls’s ideas about the ways in which unjust background conditions shape desire and choice” (2000a: 114). Thus, when feminists have condemned liberalism for insensitivity to adaptive preferences, their objection has been too sweeping. Nussbaum opts for a view that foregrounds liberals such as Rawls who “permit themselves a more extensive scrutiny of the history of group hierarchy and subordination” (69). For Nussbaum, the tension that some feminists perceive between liberal equal treatment norms and feminist understandings of unjust social power dissolves, provided we keep before us the “best” examples of liberal theory. In general, the claim that liberal theories of justice *do* often embed a critique of existing preferences forms part of Nussbaum’s wider aim to show how liberalism and feminism are compatible projects.

Many parts of Nussbaum’s characterisation of liberal approaches to justice are persuasive. However, I find her conviction that, with careful selection of the

³⁶ Nussbaum notes that while her version of the capabilities approach shares features with Amartya Sen’s and was developed, in part, through her work with him, it is also distinctively her own (2000a: introduction). Chapter six considers Nussbaum’s version of capability equality in greater detail.

'best' theorists and concepts, the individual choice/background injustice tension melts away to be overly optimistic. There is a real tension there, and, if anything, Nussbaum's account of the constitutive principles of liberalism magnifies it through its emphatic celebration of choice. She argues that the heart of liberal theory contains a twofold intuition: "all, just by being human, are of equal dignity and worth, no matter where they are situated in society, and that the primary source of this worth is a power of moral choice within them, a power that consists in the ability to plan a life in accordance with one's own evaluation of ends" (1999: 57). She says this belief then gives rise to the two most fundamental norms shaping liberalism's treatment of individuals: "it must respect and promote the liberty of choice, and it must respect and promote the equal worth of persons as choosers" (57). As Phillips puts it, "Nussbaum finds herself in a position where she is simultaneously hooked on the idea of choice and critical of most people's choices" (2001b: 262).

Phillips agrees with Nussbaum's general points that liberalism and feminism are closer allies than some feminists have supposed, and that to understand liberalism's potential for women's equality, feminists should better distinguish between different versions (2001b: 250). However, she finds several elements of Nussbaum's attempt at synthesis implausible, arguing that "in combining a classically liberal emphasis on choice with a feminist understanding of unjust social power, she is driven into a curiously illiberal liberalism" (250). Phillips suggests that Nussbaum gets carried away in her celebration of the liberal individual, and tries to deflate this a bit. For example, she argues that if Nussbaum is right in her characterisation of liberalism being good for women because it emphasizes that each person is separate, equal, and should be treated as an end in herself (Nussbaum 1999: chapter 2), then it is hard to understand why liberalism took so long to extend those norms to women. "The conundrum becomes less puzzling," Phillips suggests, "if we recognize that liberalism is driven by its critique of authoritarian and (later) interventionist government rather than any grand thesis about each individual being of equal worth" (252).³⁷

³⁷ Phillips challenges Nussbaum's liberal individualism on three other grounds as well. First, following Pateman (1988; 1989), Phillips argues that the model of the individual included a norm of patriarchal right to dispose of property, which included wife and children. The subsequent "extension of this freedom to women (rather like the male models of employment, which in the man's case had depended on a wife) means it begins to crack at the seams" (2001: 254). Second, pointing to the poststructural turn within feminist theory, Phillips notes that the notion of autonomy has become very contested. Some feminists prefer an account of the self that sees it as "called into being through the

However, Phillips's deepest concerns with Nussbaum's liberal-feminist theory seem to relate to her endorsement of the capabilities approach. As indicated, Nussbaum's capability approach holds that, rather than focusing on money, resources, or welfare, governments should aim to ensure that all citizens are capable of achieving certain central capabilities. Phillips argues that Nussbaum basically recommends a norm of sufficiency, rather than equality (258):

In *Sex and Social Justice*, Martha Nussbaum redefines the liberal tradition so as to make it more thoroughly 'materialist,' more centered on substantive conditions for individuality and choice. The emphasis, however, is still on freedom of choice, and while this can generate strong positions on equalizing either opportunities or capabilities, it does not provide for further criticism of the inequalities that may then ensure... As applied to the relationship between the sexes, this points in a rather troubling direction, suggesting we would have to swallow objections about ultimate inequalities between women and men so long as the original capabilities were firmly in place (259).

Phillips argues that Nussbaum has performed a valuable service in making liberalism less of a "dirty word" (264) to feminists. However, she remains unconvinced that Nussbaum's distributive justice programme is the right way to "address the problem to which Nussbaum directs us – the social formation of preferences and the danger of presuming that what people put up with is what they want or need" (265).

For anyone familiar with Phillips's recent work, it will be clear that her last criticism is connected to her own explorations of the direction taken recently by egalitarians. Phillips takes issue with what she sees as the "retreat from economic equality" (1999: 51; see also Phillips 2004) in the last twenty years. She believes the focus on capabilities is part of this retreat – "the capabilities approach speaks to a perception that equality ... is no longer on the agenda, and glosses over what might otherwise be seen as a retreat by making freedom of choice the central concern" (2001b: 259) – but her challenge to current egalitarian thinking is broader than that.³⁸

very activities we might have thought of as expressions of the self" (255). Third, she highlights the criticisms of liberal feminism emerging from multiculturalist perspectives about the ethnocentrism implicated in the concept of autonomy and suggests that Nussbaum perhaps "too readily adopt[s] a view of non-western or immigrant cultures as defined by patriarchal interests" (263).

³⁸ It is interesting that Phillips connects Nussbaum's capabilities approach to luck egalitarianism, suggesting both constitute a retreat from norms of equality of outcome. This alignment is most effectively generated (perhaps can only be generated) by adopting an equal outcomes norm – a norm

Thus, in one recent essay, luck egalitarianism is the specific focus of her criticism (2004). Phillips understands luck egalitarianism as essentially promoting a form of opportunity equality. She grants that it is a robust version of the doctrine – “ratcheted up to include some pretty substantial material conditions” (2004: 2) – but equality of opportunity nonetheless. According to her, making equality of opportunity more substantial then permits an “even firmer dismissal of equal outcomes, for if we really did manage to ensure that all individuals had the same opportunities – and failing that, managed to compensate the unfortunates whose opportunities can never be so good – we should be reasonably confident that any remaining inequalities had come about through the exercise of individual choice” (2004: 2).

Phillips proposes a norm of equality of outcome in three areas: political representation; the social division of labour; and at the micro-level of individuals, considered one by one (although this last is not as straightforward as the first two) (2004: 6). The vision that emerges from her argument is of a society with legislative bodies that mirror the social characteristics of the population at large, and with a social division of labour that sees all kinds of people in all kinds of jobs: no female and ethnic ‘ghettos’ in the service industry, for example. Phillips suggests that making the vision a reality will require breaking down the conceptual dichotomy that opposes overt discrimination to structural constraints as obstacles to equality in politics and the economy. Proponents of opportunity equality obviously oppose the former, but have less successfully challenged the latter.³⁹ Phillips asks what purchase, if any, the ideal of equality of outcome has when we compare *individuals*, rather than groups. Immediately, it looks as if this idea is not going to get off the ground since it is absurd to recommend that everyone should aim for the same destination. Rather than try to make this argument stand up, Phillips shifts ground instead: the issue is not whether “we can extend outcome arguments to apply also to the distribution of resources and activities between individuals, but whether current thinking misrepresents the effects of social relations and institutions as if these were generated by individual choice” (15). She suggests that luck egalitarians exhibit an

that is currently unpopular, as Phillips is well aware. It is perhaps more common to view luck egalitarianism and Nussbaum’s capability approach as divergent (Williams 2002; Robeyns 2003a). I discuss some issues around how to characterise Nussbaum’s theory (as well as Elizabeth Anderson’s similar one) in chapter six.

³⁹ This is a point of agreement between Nussbaum (1999: 69) and Phillips (2001b: 250, 258).

“unhealthy obsession” with individuals and their choices. Asking whether “opera singer Maria is entitled to a higher income than surfer Bruce, or champagne drinker Charlie to a larger drinks budget than teetotaler Jane, obscures... structural inequalities that cannot be understood in such individualist terms” (1999: 58). Even at the most difficult level of interpersonal comparisons, Phillips recommends retaining an ideal of outcome equality as an antidote to the overly individualistic discourse of luck egalitarians (2004: 9).

Phillips is, of course, correct in noticing that equality of outcome is seen as *passé*. Even egalitarians who, in my view, promote something very close to equality of outcome tend to use a different term, such as equality of condition (e.g. Baker et al 2004). Such a forthright defence of outcome equality is bound to attract objections from anti-egalitarians, since it will likely raise for them the spectre of an egalitarian dystopia: a world of deadening conformity. If Phillips really wants equal outcomes in the social division of labour, then we had better prepare ourselves for a workforce of identikit people. In his short story “Harrison Bergeron,” Kurt Vonnegut describes how the “United States Handicapper General” in the year 2081, had finally made everyone equal in every possible way. This society kitted out people who possessed above-average intelligence or beauty or talent of any kind with “sashweights and bags of birdshot” and masks “so that no one, seeing a free and graceful gesture or a pretty face, would feel like something the cat drug in” (1961, reprinted in Pojman and Westmoreland (1997: 315). These anti-egalitarian visions come in more and less theatrical forms,⁴⁰ but one shared concern is that outcome equality suppresses individual diversity and prevents different people from excelling in different areas.

The problem with this objection is that it misunderstands the true meaning of an ideal of equality of outcome. It is opposed not to human diversity and excellence in different endeavours, but rather to social hierarchy and segregation. Equality of outcome challenges a society that, due to a complex combination of prejudices and normative assumptions, social structures, and individual decisions and actions within those structures and norms, still tends to slot certain types of people into certain types of occupations. As Phillips notes, for centuries feminists have supposed that equal outcomes are an important benchmark of justice, and this commitment is at least

⁴⁰ See Kekes (1997) for a more philosophical, but still dystopic, treatment, and Barclay (1999) for a response to Kekes. For a feminist twist, see Elshtain (1992). Elshtain is not, of course, against the equality of women. However, she does worry about feminisms that in her view encourage women to ape men’s traditional roles and adopt their values and priorities.

partly explained by their suspicion of ‘separate but equal’ rationales which have been used to deny women access to particular spheres and powers (2004: 6).

Some may have noticed a different difficulty with Phillips’s argument, however: it implies that in order to achieve equal outcomes, we might sometimes have to override people’s autonomous choices about careers. As Brian Barry argues, “Equal outcomes can be secured only by departing from equal opportunities so as to impose equal success rates for all groups. A culturally diverse society cannot be conceived as one in which everyone is trying equally hard to achieve the same goals” (2000: 108).⁴¹ But Phillips insists that equality of opportunity, even when stretched to take into account unjust background differences, is still too minimal and that we must look at people’s choices themselves. It is not enough to simply remove the “more material constraints on choice” for “if something in our circumstances makes us less ambitious or more willing to put up with what others might regard as failure, this seems as compelling a constraint on our opportunities as being taught in a class of thirty instead of a class of fifteen” (2006: 24). In other words, we must query people’s choices directly. While Phillips is critical of Nussbaum for her ambivalence about choice, she seems to get into a similar situation herself: endorsing choice in the abstract but querying people’s actual choices.

This also casts a new light on the divergence Phillips perceives between their visions of social justice. Despite their shared concern for women’s adaptive preferences, Phillips represents their approaches to justice as very divergent, with Nussbaum opting for a minimalist approach guaranteeing women and men only a basic threshold of capability, above which many inequalities might obtain, while her own approach holds out for strict equality between the sexes. But Phillips hesitates to accept the validity of some women’s occupational choices, in light of social conditioning encouraging them to view some choices as more appropriate and acceptable than others. Thus it is unclear that Phillips is so very far away from Nussbaum’s view that certain ends, or capabilities, are inherently valuable and that

⁴¹ See also Miller (1999). He poses a similar objection to Iris Young’s work. Young, he argues, assumes that occupational segregation is *prima facie* evidence of social injustice. Although real life often suggests this view is correct, *in principle* we can imagine occupational segregation occurring absent any unfairness, discrimination or injustice (Miller 1999: 16, 273n). We are tempted to find real cases of occupational segregation bad because we suspect – and, sadly, we are often right – that sexual or racial discrimination is behind it. However, consider a case wherein members of two religious groups gravitate to different occupations because of their religious beliefs. We might find this weird or unfortunate, he writes, but we should not take it as a case of injustice.

we should thus try to ensure that all human beings enjoy them. Phillips does not present anything like a substantive list of important human goods which feminists should invoke in their arguments for gender equality. Indeed, few theorists of social justice have, which is partly what makes Nussbaum's approach so novel. Nevertheless, some sort of implicit but substantive conception of human flourishing appears to motivate Phillips's argument for equal outcomes.

Ann Levey (2005) presents an analysis of current liberal egalitarian thinking that has some parallels with Phillips. For example, both suggest that the current social division of labour is in need of serious reform: "As feminists, we might want to insist that some percentage of spaces in nursing be reserved for men and some spaces in engineering be reserved for women, even if that means some women who want to be nurses will not be able to" (2005: 141). However, Levey appears to go further than Phillips in acknowledging that the policy implications of such a vision include a commitment to ignoring or overriding people's choices. According to Levey, as a feminist, you cannot find the grounds within "neutral liberalism" (a doctrine attributed to, among others, Rawls and Dworkin) on which to criticise all of the choices voluntarily made by women that some feminists feel ought to be criticised – i.e. economic choices that perpetuate gender hierarchy. She draws the following conclusion: "if we take seriously that gendered preferences are problematic, and if I am right that such preferences are often fully voluntary and autonomous, we need to take seriously that at least sometimes we will advocate policies that go against the express preferences and values of existing women" (2005: 141).

Kimberly Yuracko (2003) goes even further than Levey. Whereas Levey's analysis is limited to the implications for individual choice in the face of persistent gender inequality in occupations, Yuracko argues that feminism ought to adopt a perfectionist programme in a broad sense, so that it is able to criticise women's choices in a variety of areas traditionally considered harmful by feminists. Yuracko argues that feminists usually do not criticise women's choices to be "sex workers, sex kittens and full-time housewives" (2003: 9) *directly*, but instead criticise the *conditions* under which women make those choices. For example, economic coercion is often cited by feminists as a reason to doubt the voluntariness of some women's 'choices' to become prostitutes. However, she argues that if we scratch the surface of these neutral-

sounding arguments, we discover that feminists are really appealing to perfectionist reasons in condemning choices some women make. This is the starting point to another debate which I do not intend to pursue here, though we shall return to it in chapter three. For now, my point is that while the liberal side might say that Phillips is insufficiently neutral with respect to the good – her criticism of occupational segregation can only be sustained on the thought that it is bad if women continue to choose raising children over running corporations – some on the feminist side will say that she attempts to be too neutral and should admit her disapproval of some women's choices.

A possibly less controversial aspect to the debate around preferences concerns feminist strategies for tackling them. As part of her argument for equal outcomes, Phillips insists that the distinction between overt discrimination and structural constraints needs to be broken down. According to her, socially constructed differences between people, which are themselves “expressions of inequality,” probably have as much to do with preventing representational equality in government today as does overt discrimination (2004: 7-8). For women, the expectation that they will be the primary carers represents the main structural constraint (7). For racial and ethnic minorities, it is “seemingly ‘objective’ differences in educational and employment histories or length of time spent in mainstream politics” that pose the structural barrier. Similarly with the distribution of occupations: isn't it likely that there are structural obstacles blocking the way to some occupations for some groups?

Where Phillips calls for the distinction between overt discrimination and structural constraints to be broken down, Iris Marion Young (1990) takes this a step further by calling attention to the fact that structural barriers to advancement for oppressed groups can be both external (such as workplace norms) and internal (such as feelings of self-loathing). Her argument to this effect has several strands but we will consider just one here. Following Anthony Giddens, Young argues that we should make a distinction between discursive and practical racism. Discursive racism consists in the overt and public expressions of hatred, disgust, and fear of persons from ‘other’ races and cultures. Even when discursive racism has mostly receded from a society, practical racism, which exists at a subconscious level, endures. It is evident in the racist or stereotyping remarks of persons in private, when their guard is

down and they feel they are among friends. It is evident in ordinary, daily routines and interactions, such as when well-meaning whites who consciously oppose racism nevertheless find themselves acting fearfully or nervously around blacks. Young suggests that this less obvious form of discrimination is often present in daily social interactions, in policymaking, and in mass entertainment media (1990: 134-6). Members of stigmatised groups notice this, and sometimes *internalise* the negative impressions that they see others have of them. This is an aspect of her more general criticism of mainstream theories of distributive justice which says that because they view justice mainly as achieving a certain pattern of distributive shares amongst citizens, these theories tend to neglect the social institutions that produce and reproduce those patterns over time.

Jean Hampton (1997) has approached this deficiency in the liberal egalitarian literature through a distinction between political and social power. She suggests that the main tenets of liberalism tune liberal theorists to two key forms of harm to the individual: the oppressive consequences of formal political power exercised by the state, and the harm that one private citizen can inflict on another. This means that liberal theory commonly overlooks a third form of harm based in the social and cultural practices of a society but where no individual is necessarily doing anything wrong. She writes, “if the liberal state is committed to maximizing ‘autonomous self-government,’ concerning itself only with the individual acts of harm, it will fail to be responsive to restrictions on freedom and equality that are socially generated, with the result that subordination, loss of freedom, and abuse (generated by *social rather than political forces*) will actually flourish, to the great harm of many individuals within that society” (Hampton 1997: 192, italics mine). Hampton suggests that while liberals determinedly oppose unjust discrimination such as racism and sexism, their core tenets, which focus on harms perpetrated by individual agents against other agents, and which are ever-wary of state-imposed restrictions on individual freedoms, combine to mean that they are unlikely to hold that state power ought to be harnessed to oppose socially-generated harms. Where no individual wrong-doer is apparent, and where the state runs the risk of appearing to be non-neutral with regards to its citizens’ conceptions of the good, this makes it difficult for liberals to justify measures to combat socially-

based, rather than politically-based, oppression. This resonates with my point in chapter one that the category of ‘bad luck’ is over-general, obscuring the moral differences between cosmic misfortunes, deliberate wrongdoing by individuals, and unintentional social action as causes of inequality.

3. THE CONCEPT OF DISTRIBUTION IN SOCIAL JUSTICE

A prominent theme within the feminist literature is the claim that the concept of distribution dominates and organises liberal approaches to social justice. Feminists criticise this tendency on a number of different points, several of which are examined in this section. Perhaps the most influential of such critiques is Young’s (1990) *Justice and the Politics of Difference*. For Young, part of what it means to say that the concept of distribution dominates mainstream theories of justice is that they tend “to conceive social justice and distribution as coextensive concepts” (1990: 16). She establishes this by reviewing the work of a number of important theorists, including Rawls, Ackerman, William Galston, and David Miller (she notes that Walzer’s theory is “interestingly ambiguous” on this score) (16-18). She concludes that “most theorists take it as given... that justice is about distributions. The paradigm assumes a single model for all analyses of justice: all situations in which justice is at issue are analogous to the situation of persons dividing a stock of goods and comparing the size of the portions individuals have” (1990: 18). Apart from Ackerman, Young does not consider any of the theorists commonly regarded as luck egalitarians. However, it is reasonable to think that she would approve the extension of her analyses to these writers as well, given that their theories conform to the description of the model she provides. Indeed, her description rings especially true, for example, of Dworkin’s auction. Interestingly, Gerald Gaus, arguing from a rather different perspective to Young, reaches a similar conclusion. He suggests that in Dworkin’s theory, “Liberalism is depicted as a theory about how a distributor of good things should distribute them” (2000a: 168).

One aspect of Young’s critique concerns what we might call the ‘imperialist’ tendencies of the notion of distribution. She claims that mainstream approaches over-extend the concept of distribution from material things, such as income or houses, which lend themselves to division amongst individuals, to non-material things, such as rights, opportunities, power, and self-respect, which resist the logic of

distribution. Observing this tendency in the above group of theorists, Young notes that they see this as contributing to the “beauty and simplicity” of liberal justice, which is able to formulate virtually any issue “in terms of the distribution of some material or non-material goods among various agents” (24). According to Young, however, the over-extension of distribution distorts the meaning and value of some of the things to which it is applied. “Rights are not fruitfully conceived as possessions,” she argues. “Rights are relationships, not things; they are institutionally defined rules specifying what people can do in relation to one another” (25). Similarly, self-respect “is not an entity or measurable aggregate, it cannot be parceled out of some stash, and above all it cannot be detached from persons as a separate attribute adhering to an otherwise unchanged substance” (27). According to Young, we should be careful to limit the concept of distribution to material things, and talk about non-material issues using a different vocabulary organised around the concepts of oppression and domination.

The mainstream response to this objection has been pretty unfavourable, with Brian Barry’s (2000) among the most trenchant. Barry pours scorn on the idea that rights, for example, do not lend themselves to the logic of distribution: “All of social, political and economic life is relational in some sense or other. But that does not mean that there is anything mistaken in saying that people ‘have rights’. Indeed, Young is unable to avoid falling into that way of talking herself” (2000: 272). Barry’s response seems correct: although rights cannot be divided, there is no difficulty in thinking about them as things that are distributed to (or, in some cases, withheld from) individuals, and it seems true that we experience rights as things that we do or do not *have*. Thus, with respect to some intangibles such as rights, it is Young’s critique, rather than the concept of distribution, that seems to be getting carried away. However, in other areas, her basic point – that distribution cannot adequately express the meaning of a good – seems correct. The good of self-respect is more contested. That even Barry concedes part of this – he holds that self-respect is not eligible for distribution although the social bases of self-respect should be (271) – is indicative of the controversy. This will be discussed later in this section, in relation to cultural inequalities, as well as in chapter four.

A second aspect to Young’s ‘distributivist’ objection to mainstream theories is that the focus on distribution hampers *thinking about* and *including within the scope of social justice* the institutional structures and processes that precede

distributions. Young asserts that the “general criticism I am making of the predominant focus on the distribution of wealth, income, and positions is that such a focus ignores and tends to obscure the institutional context within which those distributions take place, and which is often at least partly the cause of patterns of distribution of jobs or wealth” (21-22). Many feminists and socialists agree with this point, although they might vary their focus as to which institutions and structures egalitarian liberals take for granted. Even feminists who employ the concept of distribution (and this includes Young (see especially her discussion in Young 2006: 91n)) to analyse gender injustice maintain at the same time that this can obscure deeper issues. If we only ask what proportion of top corporate jobs goes to women, we may forget to query the exorbitant salaries CEOs command and the deeply flawed systems that ensure they do (Ramsay 2005b).

At any rate, Young focuses on three major social institutions and processes which she argues are overlooked and presupposed by mainstream theorists: decision-making power and its organization, particularly within welfare state institutions; the social division of labour; and culture (3, 22, 75). (I place culture to one side for the moment because it fits better with the debates on redistribution and recognition forms of injustice, taken up below.) Focusing on decision-making power in welfare state institutions, Young argues that mainstream theories tacitly accept the post-war capitalist welfare state institutions as their main framework for approaching questions of justice. I argued that this was true specifically for luck egalitarian accounts in chapter one. The problem with these institutions is that they are depoliticised. According to Young, welfare capitalism represents certain advances in terms of safeguarding individuals’ wellbeing (67-70). The modern bureaucracies that constitute welfare state societies replace personality-based systems of benefits administered by capricious local powerholders, with rule-governed, impartial social service professionals (76). However, the flip side of uniform rules and procedures for all persons is a rigid inflexibility that prevents service providers from exercising discretion (although, inevitably, personal factors will always invade these interactions) and makes clients feel anonymised and powerless. In addition, these developments promote a consumerist, rather than participation-oriented, conception of citizenship: “Restricting conflict and policy discussion to distributive issues, the welfare capitalist society defines the citizen primarily as client-consumer.... Such a client-consumer orientation toward citizenship privatizes the citizen, rendering goals

of popular control or participation difficult or meaningless” (71-72). Again, while Young is not addressing luck egalitarians specifically, this criticism anticipates objections by Anderson, Samuel Scheffler, and David Miller, as I discuss in chapter five.

One social institution Young mentions only in passing (1990: 21) but which other feminists regard as fundamental to the limitations of liberal justice is the family. Recall Okin’s argument that contemporary theorists persist in excluding women’s gender-based inequality from their theories despite superficial language changes because they almost universally take the family for granted and fail to consider it as falling within the scope of justice (1991: 8). “The judgment that the family is ‘nonpolitical’ is implicit in the fact that it is simply not discussed in most works of political theory today.... In the most influential of all twentieth-century theories of justice, that of John Rawls, family life is not only assumed, but is assumed to be just – and yet the prevalent gendered division of labor within the family is neglected, along with the associated distribution of power, responsibility, and privilege” (9).⁴² The family is itself a distributive institution, directly determining what different family members get, and indirectly influencing distributions outside the domestic sphere. The pool of candidates eligible for that rewarding career has already been shaped by the institution of the family through the prevailing sexual division of labour which assigns most of the unpaid domestic work and dependent care to women. Although Okin and Young focus on different institutions, their accounts are underpinned by an important common criticism: the distributivist approach forecloses discussions about the justice of particular institutional structures that determine distributions because the theories take them as given.⁴³

How have mainstream theorists responded to this criticism? Rawls has taken at least parts of it on board. He seems to have accepted that *A Theory of Justice* inadvertently wrote in substantive assumptions about the kind of society it applied to, and sought to correct for this – by explicitly acknowledging it – in his later *Political*

⁴² While this is a strong indictment of Rawls, readers familiar with Okin’s work will know that, in the end, she argues that Rawls’s theory of justice is virtually the only one that, suitably adapted, can address issues of gender inequality.

⁴³ Young’s chapter on welfare state capitalism does not draw the necessary links between general criticism and specific theorists that could help us assess her arguments (though she cites certain passages in Rawls’s *Theory* as examples (1990: 22). In a recent re-statement of her influential work, Young corrects the earlier generality and addresses the criticisms specifically to Rawls’s views (2006). She also supplies a new critique of the division of labour within the family and the structural division between care work in the domestic sphere and paid work in the public sphere.

Liberalism (1993). The adequacy of his response is a matter of dispute.⁴⁴ However, I do not intend to pursue those issues here as that would engage us in too specific a discussion of Rawlsian justice whereas my aim is to construct a more general account of the debates that sheds light on luck egalitarianism. For his part, Miller (1999) interprets Young's criticism as saying that the distributive paradigm of justice emphasises outcomes rather than the hierarchical processes that give rise to outcomes. He argues that, "At first sight it might seem that this charge simply misses the point, because the reason for focusing on distributive outcomes is not simply to label them just or unjust, but to indict the institutions and practices that create unjust outcomes. If the capitalist organization of industry produces distributions of income, working conditions, and so forth that fail the test of justice, then that gives us good reason to attempt to find a better alternative" (Miller 1999: 15). Miller apparently does hold that the capitalist organisation of industry and labour produces income distributions that fail the test of justice and he argues for a maximum income ratio of 8:1 (1997: 94). This is a dramatically more egalitarian ratio than those that actually obtain in the US and the UK (1999: 69-73), and possibly a more egalitarian ratio than some versions of luck egalitarianism would yield since it sets no principled upper limit on the amount that someone could legitimately earn. But Miller is not, as noted in the first chapter, best read as a luck egalitarian, so his apparent readiness to query some institutions as well as outcomes is not then evidence about the luck egalitarian literature.

Though Young does not address her critique to Dworkin's theory, it might have proved even more forceful and illuminating had she done so. It is clear that equality of resources accords a central role to – is, in fact, dominated by – a market in private property. As Dworkin observes, "an equal division of resources presupposes an economic market of some form, mainly as an analytical device but also, to a certain extent, as an actual political institution" (1981b: 284). As discussed in chapter one, agents make their hypothetical occupation and catastrophe insurance choices after they have been supplied with information about their society. Lisa Schwartzmann (2000) argues that "because the insurance scheme models current ambitions in order to come up with a premium rate structure, Dworkin must import

⁴⁴ See Nussbaum (2003) for an overview of the Rawls-feminist debate on the family. Nussbaum suggests that feminist "criticisms pertaining to the family raise the most difficult and troubling issues, for they seem to threaten the very project of political liberalism" (515).

from our own society complex cultural assumptions about matters such as family structure, occupational choice, and desires for wealth” (2000: 234). In a point that resonates with Young’s focus on the substantive assumptions about the welfare state that constitute mainstream theories of justice, Kymlicka asserts that “Dworkin often writes as if the most obvious or likely result of implementing his conception of justice would be to increase the level of transfer payments between occupants of existing social roles. But, as Rawls notes, liberal egalitarians should also be concerned with the way these existing roles are defined” (Kymlicka 2002: 90) and Dworkin’s theory takes “the existing level of inequality in market income as a given, and ask[s] how best to tax some of the unequal income of the advantaged and transfer it to the disadvantaged” (2002: 82). While these remarks do not constitute a full analysis in themselves, they are enough to suggest that on the face of it, Dworkin’s model presupposes certain distributive institutions constitutive of our own society. This issue will be taken up in chapter three, particularly with regard to the question of the sexual division of labour.

Feminists should employ the concept of distribution in their analyses (it is hard to see how it could be avoided in any case), but at the same time, they should guard against supposing that that is the extent of social justice. As Young argues, social justice and distribution are not co-extensive concepts. We should not let our interest in fair distributions distract us from other important concerns. These include questions about the nature of the social institutions that distribute benefits and burdens; possibilities for change and reform of those institutions; and whether the sorts of occupations and roles currently accorded a high value in our society are really of much social value after all.

An important strand within Young’s work, and one that she has developed specifically in relation to luck egalitarianism, concerns what she calls the ‘social ontology’ of the distributive paradigm. She argues that mainstream theories of justice typically have operated with “a social ontology that has no room for a concept of social groups” (1990: 3). Young argues that this is strange, particularly if theorists are interested in inequality, since comparisons of social groups are indispensable to understanding patterns of inequality. As Young notes, “[p]eople commonly claim that women lack equality with men, Blacks with whites, old people with younger people, children of working-class parents with children of middle-class parents, and so on. Governments, research institutions, and other organizations apparently

legitimate such group-conscious judgments about equality by disaggregating general welfare measures according to gender, ethnicity, race, religion, caste, age, occupation or region” (Young 2001: 1). If an individual’s freedoms or rights are violated, there is no need to ask about her social group background as it is already evident that an injustice has been done. By contrast, a presumption of injustice does not arise if an individual has less income than another since we know that individuals differ in a million ways including income levels that do not raise issues of injustice. When it comes to inequalities, a group-based analysis reveals patterns of objectionable inequalities that might be masked at a more fine-grained level. Even though Dworkin criticises Rawls’s theory for not being sufficiently fine-tuned to intra-group differences, and even though his theory of distributive justice employs highly individualised interpersonal comparisons, he cannot avoid referring to objectionable social group inequalities. To take one example, he writes that “in the real world people do not start their lives on equal terms; some begin with marked advantages of family wealth or of formal and informal education. Others suffer because their race is despised” (1985: 207).⁴⁵ The recognition of these “real world” social group inequalities does not seem to carry over into Dworkin’s theory of equality. A common difference, then, between feminist and the mainstream liberal egalitarian analyses of inequality is in their propensity to retain in theoretical discussions a group-based analysis. Indeed, it is hard to think of a feminist analysis of inequality that does not implicitly, and usually explicitly, employ a social ontology of groups.

It would be a mistake to conclude that this difference then corresponds in any straightforward way to philosophical or political positions on group-based remedies, however. Take affirmative action policies, for example, which constitute one of the most well-known forms of group-based policy. One finds feminists, anti-racists, and mainstream liberals on either side of this issue. Nussbaum suggests that liberals “will continue to differ about the topic of differential treatment, especially in the area of affirmative action” (1999: 69; for overviews, see Kymlicka 2002: chapter 3), and the same is true for feminists and those fighting racism.

⁴⁵ It is perhaps not insignificant that in the passage from Dworkin I am quoting, the next line continues, “Luck plays a further and sometimes devastating part in deciding who gains or keeps jobs everyone wants” (1985: 207). This claim about the “the jobs everyone wants” sits somewhat uneasily with Dworkin’s emphasis nearly everywhere else that it is precisely because people want and pursue such different things in life, including occupation (beachcombing, law, tomato-farming...), that we should be unmoved by the wealth differences that result.

With a social ontology of groups largely absent, the distributive paradigm produces a discourse of justice that is almost invariably about the distribution of something to individuals in order to effect change in their relative standing as individuals. Young believes this represents a significant limitation, for sometimes what is needed for social justice is *a change in the relations between social groups*. No mere re-allocation of goods amongst private individuals can achieve this more radical social change. This insight has perhaps been most persuasively developed by Nancy Fraser in her development of a dualistic framework of social justice (1995; 1996; 1997a). In many ways, the starting place for Fraser's analysis is the mere fact of social group differentiation in modern, multicultural societies, so unlike Young, she does not dwell on the thought that this group-based perspective is a potential source of controversy. Fraser's approach to social justice develops an important and influential contrast between redistribution and recognition as two essential forms of justice. We begin with her model in the final section of this chapter, where I show that a key feminist criticism of the broadly liberal approach to justice is its neglect of cultural obstacles to equal citizenship.

4. CULTURE, RECOGNITION, AND RESPECT

Fraser situates her approach to theorising social justice in what she terms 'a post-socialist' age: political events in the real world, including the collapse of communism, meant that a new foundation for progressive politics had to be found. Fraser argues that this new foundation could be perceived in the new social movements, including women, minorities, gays and lesbians, and the disabled, that were mobilising in advanced capitalist democracies. Well-meaning social reformers, including liberals and socialists, in the post-war era, which included liberals and socialists, understood the barriers to full citizenship to be mainly economic ones. Certainly, entrenched economic hierarchies, such as low social mobility for children of the working class, and pink ghettos for women in the paid labour force, need to be tackled in the name of equal citizenship. But the other half of the story, becoming increasingly salient as societies become more diverse, is that entrenched *cultural* hierarchies are also crucial barriers to equal citizenship. The very welfare state institutions that promote greater economic equality in some cases turn out to contribute to the maintenance of entrenched cultural hierarchies (1995: 85). In

characterising these events, Fraser offers both a description or interpretation of them, and a prescription for how to conduct politics in the new era. In terms of description, she argues that the “‘struggle for recognition’ is fast becoming the paradigmatic form of political conflict in the late twentieth century.... Cultural domination supplants exploitation as the fundamental injustice. And cultural recognition displaces socioeconomic redistribution as the remedy for injustice and the goal of political struggle” (1995: 68). In terms of prescription, she argues that the two struggles for justice should be regarded as equally important and primary, and that we should try to theorise ways in which to pursue them simultaneously (69).

It should be noted that Fraser’s analysis differs from Young’s in that Fraser does not frame the problem as there being an *overemphasis* in the mainstream literature on distribution. Young’s analysis suggests that distribution should be folded within a broader approach focusing on oppression and domination. That you and I each get our fair shares still matters, but this issue recedes behind deeper questions concerning our participation and inclusion in decision-making and in the power structures that determine distributions. Fraser’s point is slightly different. Fair shares for individuals – the politics of redistribution – remain at the forefront of her attention. Particularly in her earlier work, the emphasis is on giving equal weight and concern to the twin injustices of ‘maldistribution’ and ‘misrecognition.’ In later work, she comes to attach more importance to citizen participation as an aspect of fully equal citizenship, thus drawing their approaches closer together (see especially Fraser (2001) and Young (2000)).

However, underpinning this difference of emphasis is a shared concern to raise the profile of the problem of cultural hierarchies, wherein some social groups are accorded more recognition and respect than others. They (as well as other feminists) argue that this forms a significant barrier to equal citizenship for members of despised cultural groups, and that it should be distinguished from economic unfairness. There is little disagreement on the bare issue that different social groups enjoy different levels of respect and recognition within society. It is easy to find claims to this effect in the feminist literature; somewhat less so in the broadly liberal literature. As an example from the former group, Fraser writes, “Gays and lesbians suffer from heterosexism: the authoritative construction of norms that privilege heterosexuality. Along with this goes homophobia: the cultural devaluation of homosexuality. Their sexuality thus disparaged, homosexuals are subject to shaming,

harassment, discrimination, and violence, while being denied legal rights and equal protections – all fundamentally denials of recognition” (1995: 77). As an example of the latter group, Dworkin writes that, “[i]n all the dimensions in which our society is stratified – income, wealth, power, prestige, and authority – blacks are greatly underrepresented in the top levels, and the resulting de facto racial stratification is an enduring shame, waste, and danger” (2000: 400). Enumerating the dimensions of racial inequality, that is, Dworkin identifies ‘prestige’ as one, and I take it that this can be understood as a synonym for respect and/or recognition. Thus, in general, it appears that there is no quarrel on the basic claim that the unequal respect accorded to social groups counts as an important inequality in contemporary citizenship status, which varies along axes of race, ethnicity, gender, and other social group differences. However, at least three controversies then emerge from this empirical agreement: first, whether according different amounts of respect and recognition to different social groups is always objectionable; second, to what extent the coercive power of the state should be employed to combat objectionable inequalities of respect and recognition accorded to different groups; third, rival theses about whether respect and recognition inequalities are independent from material inequalities amongst groups – and depending on one’s preferred view here, what that thesis then implies about effective political action.

Starting with the first issue, there seems to be general agreement that when different social groups are accorded different degrees of respect and recognition due to irrational prejudices, ignorance, and superstition, it is morally wrong. This is clear in Dworkin’s use of the word ‘shame’ to describe racial stratification, including differences of prestige. Similarly, Fraser’s claim that homosexuals are subject to ‘shaming’ in virtue of their despised sexuality conveys her moral disapproval of such inequalities of respect. However, the feminist literature is likely to stretch this further, with some feminists suggesting that nearly any time we encounter a social group that is the target of general social disapproval, loathing, and stigmatisation, we ought to find it objectionable. Thus, Young argues that “Groups cannot be socially equal unless their specific experience, culture, and social contributions are publicly affirmed and recognized” (1990: 174; cf. 119, 163, 168). This is too totalising, however. It is objectionable when people despise social groups out of an irrational prejudice, but it is correct to withhold respect from a social group that denies all humans have equal moral worth. As Fullinwider demands of Young, “Why...

should I respect the Southern Baptist who believes I am damned for not practicing his brand of religion?.... Why should Young respect fellow citizens in virtue of rather than in spite of their misogyny? In any society of any size there are bound to exist groups loathsome and contemptible from our particular points of view. An ideal that calls for each of us to respect all others in virtue of their differences is otherworldly” (1995: 512).⁴⁶ The emerging consensus is that it is always morally objectionable to deny respect to a person, but not always morally required to express respect for his or her group.

In more recent work, there is evidence of feminists reining in some of the more extravagant calls for reciprocal respect and recognition amongst social groups evident in earlier writings. For example, in a modification of her earlier argument, Fraser rejects the claim that “everyone always needs their distinctiveness recognized” (2001: 31).⁴⁷ While attributing this stance to Charles Taylor (1994) and Axel Honneth (1995), Fraser argues that her own approach to social justice views “claims for the recognition of difference pragmatically and contextually – as remedial responses to specific pre-existing injustices” (2001: 31). She argues that this approach can explain, where others cannot, why “those occupying advantaged positions in the status order, such as men and heterosexuals, usually shun recognition of their (gender and sexual) distinctiveness, claiming not specificity but universality. Nor why, on those occasions when they do seek such recognition, their claims are usually spurious” (2001: 31). While differences of opinion are bound to remain around when it is morally objectionable to deny respect to a particular group, there is

⁴⁶ A front page story in *The Onion*, a satirical on-line newspaper, recently lampooned calls that groups must be respected, whatever their nature. The story featured a demonstration organised by the NAASP – the National Association for the Advancement of Shirtless People – against stores and restaurants with ‘No shirts, No shoes, No service’ policies, and their calls for the public at large to respect them for their difference, their shirtlessness. While *The Onion*’s story characteristically focuses on the absurd, and Fullinwider’s more serious examples are, or could be, taken from real life, they speak to the same general point.

⁴⁷ Fraser’s work has evolved over the years, and has been the focus of considerable analysis. See, for example, Christopher Zurn’s (2003) analysis highlighting what he perceives as the major changes in her position, as well as an examination of her claims about Honneth’s own brand of identity politics. Suffice it to say here that, in her earlier work, Fraser presents an analysis that is broadly favourable to identity politics, or what she calls the politics of recognition, and its calls for minority and despised groups to be accorded equal respect and recognition with majority groups. In her more recent work, she has withdrawn this broad endorsement and argues for a position that accords respect to groups on a case-by-case basis, and whose normative aim is the freedom and equality of individuals who are members of groups, rather than groups themselves. “Aimed not at valorizing group identity, but rather at overcoming subordination, claims for recognition in the status model [a term that distinguishes Fraser’s approved model of recognition politics, distinguishing it from the older, ‘identity’ model] seek to establish the subordinated party as a full partner in social life, able to interact with others as a peer” (Fraser 2001: 25).

increasing agreement that distinctions must be made between valid and invalid claims of social stigma and exclusion.

The second controversy engages the question of to what extent, and in what manner, the coercive power of the state should be employed to combat objectionable inequalities of respect and recognition when these are discovered. It would be hazardous to suggest that there is anything like unanimity between the mainstream liberal egalitarian positions and feminist ones, yet if we extract somewhat bowdlerized positions from each tradition, basic principled disagreements emerge. In general, the broadly liberal approach suggests that group-based respect inequalities license state-sponsored remedial action to the point where members of the group enjoy genuine equality of opportunity. For example, Miller imputes to Young the position that it is an injustice if blacks internalise a negative self-image of themselves because the media regularly portray blacks as “criminals, hookers, maids, scheming dealers, or jiving connivers” (Young 1990: 20). Miller replies:

This state of affairs immediately raises two concerns about social justice. First, is it possible for employers and others to give genuinely equal opportunities to blacks if they are constantly being bombarded with such negative images? Second, is it possible for blacks to think of themselves as equal citizens along with others if the public media routinely portray them in this way? ... If the focus is simply on the way in which media representations might tend to encourage blacks or other groups to adopt certain roles (and so be self-fulfilling), I am less sure that this is a violation of justice. Certainly, following John Stuart Mill, we want people to choose their plan of life for themselves, and exercise faculties other than the ape-like one of imitation, but it is not an injustice if this fails to happen (1999: 17).

Miller's reply invokes, as the primary standard for moral evaluation of respect and recognition inequalities, a principle of genuine equal opportunity. The implication is that if the answer to his first question is 'no,' then state action is warranted to correct this. Miller appears to understand the point of disagreement between him and Young to be that Young would insist on more than this. Whereas they can both agree on the principle of equal opportunity, Young sees a further injustice in the fact that stereotypical cultural representations spark imitative or self-fulfilling behaviour in blacks. Thus, it would seem that he interprets her position as requiring state action

even if inequalities were down to such imitative behaviour and not to a failure of equal opportunities for blacks.

I think Miller has to be right about this discrepancy. As discussed earlier, feminists are not satisfied by appeals to a principle of equal opportunity in the face of persistent and predictable inequalities of outcome between men and women and people of different races and ethnicities. Inequalities that Miller construes as the effects of a failure of imagination on the part of particular agents might well be regarded by feminists as the effects of reasonable acquiescence or accommodation to act in accordance with overwhelming social expectations and norms about appropriate roles for particular types of people. This is why theorists such as Young, Fraser, Phillips, Nussbaum, Hampton, and Levey argue that feminists must take a stronger line about judging cultural representations unjust. As Nussbaum argues in a discussion concerning women's 'consent' to unwanted sexual advances in a culture that pervasively eroticises women's submission, it is not enough to point to the "resourcefulness" of women who manage to resist pressures to conform and say that everything is therefore okay (1999: 144). Feminists typically go further than mainstream theorists in their judgments about what is required by the state to rectify objectionable group-based respect inequalities. This stronger position has two aspects. First, it involves a greater willingness to politicise and criticise the spheres of culture and civil society – including, prominently, media organisations and their output – which derives in large measure from feminists' ambivalence about the public/private dichotomy supported by liberal thought. Second, it involves a greater willingness to blur the line between the norms of equal opportunity and equal outcome, thus rejecting the former as the sole standard for judging when inequalities are morally bad (Phillips 2004).

To recap, on the question of what should be done about respect inequalities between social groups, the broadly liberal approach holds that, as a matter of principle, ultimately *no* group should have privileged status in society, so we should work to achieve genuine neutrality between groups. Some feminists (and multiculturalists) argue that taking special measures designed to enhance the status of a despised group helps to dismantle the false neutrality of the liberal state, and exposes its implicit biases in favour of white, heterosexual Christian males. This relates back to the question of the liberal individual and the extent to which 'he' can be made genuinely neutral.

In addition, differences emerge over the *politics* of extending equal respect to all groups. Barry argues that difference theorists, such as Young and Fraser, should take part of the blame when marginalised and oppressed groups fail to win or even lose equal rights with other citizens, citing as evidence American feminists' failure to pass the Equal Rights Amendment and British gay activists' failure to make the age of consent the same for homosexual and heterosexual relations. Barry argues that in both these cases, the battle was first joined as a matter of "elementary equity" (2000: 276; 278). It became more contested, however, when activists changed tack and campaigned for "public affirmation of the equal worth of a homosexual lifestyle" (276), or in the case of the ERA, unconventional gender roles (278). The upshot, according to Barry, is that "Young and Fraser and those who think like them put at risk the survival of the liberal rights that have already been won and even more their extension so as to complete the movements towards legal equality" (277). In Barry's view, the politicising of cultural identities, which he takes as aiming at a public affirmation of the equal value of all identities and practices, is illiberal in itself since it will inevitably employ the coercive power of the state to achieve its aims. It also may provoke a culturally conservative backlash that may succeed in denying equal rights.

Barry is correct that Young, and to a lesser degree the 'old' Fraser, downplay the importance of equal rights in the liberation of disadvantaged groups. Although Young suggests that the politics of difference requires a "dual system of rights: a general system of rights which are the same for all, and a more specific system of group-conscious policies and rights" (174), overall, her analysis suggests that the more important and radical struggle is cultural revolution. Fraser, particularly in her later work, is more cautious about promoting cultural revolution, but she too displays a tendency to downplay the way fully equal rights may contribute to eroding entrenched cultural hierarchies. This tendency in their analyses becomes more pronounced when contrasted to Nussbaum, who is more of a fan of "rights talk" when it comes to emancipating women (1999: chapters 2 and 5, for example). However, blaming Young and Fraser and "those who think like them" for failures in rights struggles is problematic. Part of this claim is empirical, of course, and it is unlikely that a clear causal arrow could be drawn here. Part of it echoes the lament voiced by many about leftwing academics, particularly those whose postmodern, cultural relativist leanings become too pronounced, playing into the hands of

conservative forces (Barry 2001: 9-17).⁴⁸ While I would agree with Barry that academics should be aware of the political purposes to which their views can be put, it is implausible to hold them responsible for events in the wider world of politics just because their views somehow touch on those events.

Barry's objection – implicitly asserting a hierarchy between those who fight for “elementary equity” issues and those who waste their time on cultural affirmation – provides a useful segue into the last issue I want briefly to raise: how to conceptualise respect and recognition inequalities in relation to distributive and economic inequalities, and what sort of priority to assign to each? Some feminists argue that the distributive paradigm downplays respect and recognition inequalities as a category of injustice. In her redistribution/recognition model, for example, Fraser argues that partisans of socio-economic injustice tend to conceptualise cultural or recognition injustice as epiphenomenal to material inequality, and vice versa (1995; 2001). Thus, even though distributive theorists may address respect inequalities in some way, the “primary thrust of their thought leads in the direction of distributive economic justice” (1995: 71n).

This perception is not unfounded. Distributive theorists – understood broadly to include those writing from socialist as well as liberal traditions – have tended to treat non-recognition inequalities as the paradigmatic form of injustice. Barry, as we have seen, suggests that legal inequalities are morally, politically, and causally prior to other sorts of inequality. Accusing Fraser's economic/cultural dichotomy of “squeezing out” a category of legal inequalities, he argues that “[w]hat Fraser relegates to parentheses – the establishment of complete legal equality for homosexuals – is the *only* thing that is within the scope of legitimate political intervention. Fortunately, evidence from even the imperfect moves towards legal equality that have already occurred already indicates that it is enough to eliminate over time the stigmatization of homosexuality” (Barry 2001: 275-6, italics added).⁴⁹

Within the luck egalitarian literature in particular, there is a pronounced tendency to treat economic inequality as the primary and paradigmatic form of inequality. I argue this in detail in chapter four. For now, suffice it to say that bringing issues of culture explicitly within the scope of social justice remains

⁴⁸ For a recent example of this complaint, see Stanley Fish (2005).

⁴⁹ Although she is more sympathetic to Fraser's argument than Barry, Phillips (2003) suggests that Fraser's model also overlooks a category for specifically political inequalities.

stronger in the feminist literature. Though this now rarely takes the form of claiming that all groups deserve equal recognition and respect, the emphasis on cultural hierarchies remains strong, reflecting long-established views on the way prevailing gender norms and expectations about gender roles contribute to the objectionable inequalities theorised by liberal egalitarians. Luck egalitarians, in particular, focus heavily on the distinction between individual choice and circumstance as contributing factors to inequality. While in theory this distinction allows for *unchosen* cultural differences – such as the fact that my culture or religion is widely disparaged but not yours – to be theorised as contributing to objectionable inequalities, such differences are rarely mentioned. The focus on inequalities rooted in individuals' variously cheap or expensive occupational, leisure, and consumption preferences underlines further the emphasis placed on material, economic inequalities. Feminists, by contrast, employ approaches to social justice that broaden this discourse: first, by drawing discussions away from the focus on individual choice and toward social arrangements that condition and constrain choice; second, by drawing discussions away from a focus on goods that can be distributed, in metaphorical bundles, to individual persons, and supplementing this with an account of the relations of power between social groups unequal in multiple dimensions, including the degree of respect accorded to them.

More specifically, feminists have raised issues regarding the adaptive nature of preferences, the potential gender bias implied in conventional understandings of equality of opportunity, and the problematic assumption that the state can act as a neutral agent of redistribution. Some of these themes re-emerge in the more specific criticisms of luck egalitarianism, even when these have not been addressed from explicitly feminist directions.

CHAPTER THREE

GENDER EQUALITY, CHOICE, AND THE SEXUAL DIVISION OF LABOUR

ACCORDING TO ITS proponents, the novelty and appeal of luck egalitarianism lies in its ability to combine the political values of equality and personal responsibility (Cohen 1989: 399; Dworkin 2000: 7; Roemer 2002a: 470). In the recent *critical* literature, by contrast, the notions of choice and responsibility have emerged as one of the most discussed and apparently most problematic aspects. That feminists should raise objections about the weight accorded to choice in determining whether particular observed inequalities are objectionable is not surprising. As discussed in the previous chapter, concern for women's adaptive preferences has long made feminists adopt a more sceptical and cautious attitude towards choice. Similar objections are now increasingly voiced within the broader assessments of luck egalitarianism, and in this chapter, I focus on two of these.

1. AUTHENTIC CHOICE AND THE SEXUAL DIVISION OF CARING LABOUR

Andrew Mason explores the implications of luck egalitarianism⁵⁰ when it confronts a range of cases involving members of society who need care. He is particularly interested in what the view implies for agents who choose to care for dependent relatives and forego paid work. Part of his discussion addresses the *general* luck egalitarian view and how it responds to individuals in need of care. There are two general types of cases: blamelessly and culpably needy persons.⁵¹ Both types of cases inspire criticism of luck egalitarianism to the effect that it substitutes a traditional egalitarian commitment to respond to urgent human need, whatever its cause, for a scheme that sorts people into the 'deserving' and

⁵⁰ Mason uses the term 'equal access view' rather than 'luck egalitarianism' throughout. The equal access view permits "inequalities of outcome which are the product of holding people appropriately responsible for their behaviour" and depends on being able to identify "those aspects of a person's condition for which she can be legitimately held responsible" where responsibility means bearing the costs of choices personally (2000: 229).

⁵¹ 'Blamelessness' and 'culpability' might be slightly misleading terms in that luck egalitarians typically emphasise that holding individuals responsible for their choices should not be confused with being moralistic or blaming them. Cohen, for example, writes: "Notice that I do not say that a person who deliberately cultivates an expensive taste deserves criticism. I say no such severe thing because there are all kinds of reasons why a person might want to develop an expensive taste, and it is each person's business whether he does so or not. But it is also nobody else's business to pick up the tab for him if he does" (1989: 923; see also Dworkin 2003: 192). However, it should be noted that in at least one of Arneson's hypothetical examples (2000a: 348), blame and praise appear to creep in through the use of terms such as "reckless" and "gross negligence" to describe parties' behaviour.

‘undeserving poor’ (Anderson 1999a; MacKinnon 2003; Wolff 1998). Mason argues that it has more resources than critics sometimes attribute to it for dealing with what appear to be the negative implications of the view for individuals who are in need of care.

In the case of victims who are blamelessly in need of care, Mason argues that the general luck egalitarian view would require the community to share the costs equally. Consider the case of the elderly person who needs care yet cannot afford it. We are to imagine that neither he nor anyone else is responsible for his situation. Mason argues that, in this case, luck egalitarianism holds that everyone in society has an equal share of responsibility for the unfortunate person. Although this is not entirely clear, Mason appears to suggest that the state will provide for the needs of the victim, perhaps through collecting a small tax from everyone. However, if some members of society decide to discharge *personally* their responsibility for blamelessly needy elders, say by cutting back on their hours of paid work to make time to visit the local seniors’ centre, Mason tentatively suggests that luck egalitarianism reasonably can require those individuals to bear any associated costs personally. When people discharge their share of the responsibility personally, “it is not obvious that the equal access view would be mistaken in maintaining that they should bear the extra costs of this decision” (233). Mason does not explain his tentativeness, but it appears to be related to his larger worry that, in practice, women not men tend to provide such care, so the reality is that it will mainly be women who bear the extra costs of these decisions. Does this imply that luck egalitarianism in practice tacitly accepts the systematic exploitation of women? This is part of the larger criticism he develops.

In the case of victims who are culpably in need of care, Mason argues that the core of the view is committed to ignoring or abandoning those individuals to their fates. An example of this, noted in chapter one, concerns Dworkin’s argument that a person blinded in an accident who chose not to insure against such catastrophes is not entitled to medical care. In general, the view says that “forcing others to provide the means to care for those who could have insured against infirmity but didn’t” amounts to “exploitation of the prudent” (Mason 2000: 233). However, Mason argues that luck egalitarians could insist that we have an “imperfect general moral duty, independent of justice” to provide care for these people. Furthermore, the view could also invoke special duties of care, also independent of justice, that individuals

owe their relatives. Appealing to these special principles, luck egalitarianism thus could ensure that imprudent individuals would not after all be abandoned.⁵²

The second case – particularly the suggestion that luck egalitarianism should invoke individuals' special moral duty to provide care for their imprudent relatives – raises a new worry. In practice, women will tend to discharge these duties because of the traditional sexual division of labour: “male relatives have not, as part of their upbringing or experience, acquired the skills to do so” (233). Does this mean that luck egalitarianism effectively places a heavier burden of the costs of care for needy people on women? Mason notes that Anderson argues that this is indeed the implication of luck egalitarianism. Summarising her argument, he writes that luck egalitarianism “treats those (in practice, mainly women) who care for dependants as making a lifestyle choice even when they do so from the deep moral conviction that they owe duties of care to family members. She argues that in effect the equal access view assumes that self-sufficiency is the norm for human beings, and is committed to a kind of atomistic egoism” (231).

Mason responds that the implications are not as negative as Anderson suggests. He argues that all versions of luck egalitarianism are committed to substantive equality of opportunity between women and men, and acknowledge that meeting this commitment requires reforming traditional social institutions. “In relation to childcare commitments in particular,” he suggests, “the equal access view will require institutions and practices to be designed in such a way that they permit men and women to share the costs of their decisions to have children” (231). Consequently, he argues that luck egalitarians in general are prepared to enforce potentially “radical” and “far-reaching” reforms affecting the “workplace and domestic life,” such as imposing flexible work arrangements or requiring the salaried parent to pay the unpaid, stay-at-home parent. While luck egalitarianism requires social institutions to *permit* parents to share the costs of having and raising children if they so choose, it does not insist that they should share those costs equally. One

⁵² Because he is interested in exploring the implications of a generalised luck egalitarian view, Mason does not address what additional principles – if any – particular luck egalitarians invoke for the undeserving destitute and desperate. Dworkin suggests that, for paternalistic reasons, a society governed by equality of resources might make a minimum level of insurance compulsory (1981b: 295).

parent may want children more than the other and so be willing to accept a greater proportion of the cost.⁵³

Mason puts a bit of a gloss on luck egalitarianism with respect to its family-friendliness. At least with regard to the three theorists my analysis addresses, I am not aware of discussions that refer specifically to how social institutions should be reformed, in light of traditional gender bias towards men, to ensure genuine equality of opportunity for both sexes. Tellingly, the “radical” and “far-reaching” measures that Mason argues would be supported by luck egalitarianism are supplied by him; the texts of the luck egalitarians we have discussed do not mention these. Dworkin, Cohen, and Arneson do not suggest that their theories require for their success that the traditional gender-structured family be in place. On the other hand, what they *do* say about persons in a society governed by equality of resources, access to advantage, and opportunity for welfare respectively, does not rule out the traditional family. The individuals discussed are all fully-formed adults. During infancy, a period of total helplessness, who devotes intensive care and attention to ensure they survive and thrive? How do they acquire powers of rational, prudential decision-making? These questions receive no answers. In recent work, Dworkin has specifically addressed barriers to equal opportunity for women, and these comments will be discussed below. However, the point for now is that Mason has to infer gender-specific implications about work and family arrangements from texts that tend, on the whole, to be gender-blind. He has to supply examples of what the general luck egalitarian view implies, which is indicative of the fact that relations of care tend to be ignored within the framework.

Additionally, Mason’s response does not address the deeper point Anderson makes about luck egalitarianism assuming that self-sufficiency is the norm for human beings. This is a reasonable interpretation of luck egalitarianism because the examples employed by theorists implicitly represent individuals as self-sufficient. They introduce characters who choose various forms of remunerative work, or choose not to work and enjoy their leisure instead. But how does luck egalitarianism greet *workers who are unpaid*? Although human societies, as currently organised,

⁵³ Susan Moller Okin (1991) has argued that in order to bring about gender justice, government should insist that heterosexual, two-parent families should split childcare and housework equally, or in lieu of that, automatically direct half the salary of the working parent to a bank account for the stay-at-home parent. Arneson (1997) rejects Okin’s ‘equal split’ proposal on a number of grounds, including the reason cited by Mason that one parent may willingly and without injustice assume more of the costs since he or she wants children more than the other partner.

depend on an army of unpaid workers, mainly women, to ensure their reproduction, luck egalitarianism does not address them. Anderson suggests that it might greet them this way: it will say “women are not on average less talented than men, but [they] choose to develop and exercise talents that command little or no market wage” (297-8) so it is “not clear whether luck egalitarians have any basis for remedying the injustices that attend their dependence on male wage earners” (298). She argues that luck egalitarians conflate ‘responsible work’ with market wage-earning, and nothing in the core texts negates that. Her point is a specific case of the broader feminist argument, discussed in chapter two, that the individual employed by liberalism is male-biased. In assuming self-sufficiency and independence, luck egalitarianism reflects what tends to be men’s experiences, not women’s, and like other forms of liberalism, encourages the view that this is what all lives are like, and those that are not are deviant.

Mason’s response touts the preparedness of the equal access view to impose new workplace structures or new family financial arrangements in the interests of ensuring substantive equality of opportunity between men and women. And it could be said in reply to the above objection that these measures are required *because* luck egalitarians recognise that the implicit male-breadwinner, female-dependent-caregiver model is outdated. I accept this possible rejoinder. It is clear that luck egalitarians such as Dworkin, Cohen, and Arneson favour substantive equality of opportunity between the sexes. But I have yet to see this issue directly addressed in the architecture of their theories of equality. Whether making mainstream theories sensitive to gender requires mere modifications to them, or fundamental root and branch reconstruction is an issue sometimes addressed in relation to Rawls’s theory; luck egalitarian theories, by contrast, have not received the same attention, suggesting that this represents an important direction for further research beyond the implications my analysis reveals.

In addition to exploring the implications of a generalised luck egalitarian view, Mason also examines how particular versions respond to individuals who provide care. One such theory is Dworkin’s resource egalitarianism.⁵⁴ Mason asks us to imagine the situation of married women who decide to forego or abandon a career in order to concentrate on raising their children. They have enjoyed genuine

⁵⁴ He also criticises John Roemer’s (1996) theory, but I do not intend to consider this aspect of his discussion.

equality of opportunity with their peers, and their current domestic situation is favourable. There is money to hire a nanny, and their husbands are willing and able to look after their children. But they are “unwilling to take advantage of that opportunity: they may believe that they, as mothers, have a responsibility to look after their children personally, or they may simply want to devote themselves to the care of their own children or both. Let us call this... ‘the case of the career-sacrificing mother’” (230-31). Such women are, Mason suggests, acting in conformity with prevailing gender norms. Women and men are socialised to want and expect different things from life. Gender socialisation is a complex and pervasive process. Nevertheless, we still regard individuals who undergo gender socialisation (that is, all of us) as autonomous agents. A career-sacrificing mother can be “fully and vividly aware of the way in which her desires and dispositions have been influenced by processes of socialisation... [yet] still reflectively [endorse] those needs and desires as her own” (242).

Mason argues that Dworkin’s theory would require the career-sacrificing mother to bear the costs of her choice, and would not compensate her for any disadvantages arising from her career-sacrifice. This conclusion flows from equality of resources because it holds that, provided an agent’s choices meet certain criteria for genuine or authentic choice, the egalitarian thing to do is to hold the agent fully responsible for its costs. According to Mason’s reconstruction, Dworkin deems a “person’s desire... authentic (or fully authentic) if and only if she endorses it in circumstances where she has an adequate opportunity to reflect upon it, others have an adequate opportunity to subject it to criticism, and no manipulation or brainwashing has been part of the process which led her to endorse it” (2000: 240). The fact that an agent’s desire is a product of socialisation would not then disqualify it from counting as authentic, for as Mason argues, “there are many kinds [of socialisation] that do not fall under the description of brainwashing or manipulation,” including the actions of “parents, grandparents and other adults, siblings and their friends” who all “play a role in the construction of gender, often unintentionally” (2000: 240).

Mason devises his example so that it is clear that the career-sacrificing woman should be understood as an autonomous agent in Dworkin’s sense. Additionally, assuming the implications established in the more general discussion (for example, that the equal access view requires social institutions to permit parents

to divide care equally), then any disadvantage can only be attributed to her authentic choices. Equality of resources's criteria for authentic choice combined with its norm that distribution be choice-sensitive therefore implies that a woman who autonomously chooses to sacrifice her career to raise her children has no legitimate claim for compensation.

For Mason, this is a troubling implication: "it would not seem just to require her to bear the full costs of her decision to look after her children personally, for that would fail to give proper weight to the profound effects of sexist norms and images... The fact that her preferences and desires are fully authentic, in Dworkin's sense, does not seem sufficient to justify the conclusion that she may legitimately be required to bear the full costs of acting in accordance with them" (242). Women are socialised to assume responsibility for dependent care, so is it really fair to require them to assume all the associated costs? Reluctance to do so does not have to depend on any beliefs about the false consciousness of those who assume traditionally 'feminine' identities; women reflectively endorse their choices to do work coded as feminine and do not regard themselves as oppressed (Levey 2005). The issue is whether the rest of us, from the point of view of equality, should require them to bear the costs if we feel that sexist norms have encouraged the choices.

Mason suggests two reasons why equality of resources is unmoved by the career-sacrificing woman. The first is that it has not found the right balance between individual and collective responsibility. In refusing her claims, equality of resources "fails to give proper weight to the profound effects of sexist norms and images" that circulate in society (242). "Fails to give proper weight" is vague, but can be interpreted as a complaint that in this case equality of resources assigns too much responsibility to the individual and not enough to society. This is an important diagnosis since in *Sovereign Virtue* Dworkin represents his theory as particularly compelling in its ability to find that correct balance. He contrasts an "old egalitarianism" which emphasises collective responsibility while ignoring or downplaying citizens' personal responsibility with conservatism "new and old" that makes the opposite mistake. "The choice between these two mistakes is an unnecessary as well as an unattractive one," Dworkin insists. "If the argument that follows is sound, we can achieve a unified account of equality and responsibility that respects both" (2000: 7).

A failure to give proper weight to the effects of socialisation may stem in part from the causes that Dworkin identifies as contributing to inequality. This refers not just to the causal factors relevant in Mason's example, but more generally. In a passage typical of his work, Dworkin asserts that equality of resources says we must show equal

respect and concern for those whose luck has been bad and who have not had a fair opportunity to protect against that bad luck. People without jobs are in no way worse people, or even intrinsically less talented people, than income millionaires; often they have only been in the wrong place, with the wrong training, at the wrong time, or in the company of too many others who also want and need scarce jobs (2002: 117).

This passage conveys an implicit account of how people come to be economically unequal, suggesting that variations in people's luck throughout life is a, if not *the*, major factor in these different outcomes. The passage conveys a curiously sanitised image of social life, and in particular, a sanitised account of unemployment. Because it is at an abstract level, it also sounds historically and socially naïve. According to Martha Nussbaum, roughly 50 per cent of women worked for pay in America in the 1990s (1999: 134). Presumably, a substantial proportion of those who were not in the paid labour force were caring for children and other dependents fulltime in the home. Even someone from another planet would not think that these facts of women's unemployment should be mapped onto an explanatory grid which says that they were all simply in the "wrong place" at the "wrong time." This is not to suggest that this is Dworkin's interpretation of women's unemployment. The point is, rather, that the phrase reveals how Dworkin's analysis displays a tendency to 'individualise' phenomena that should be understood in terms of the broader social patterns that structure the work lives of women and men.

Without at least some of the facts of social structural inequality constantly before our eyes, there is less preventing us from focussing too much on what individuals have or have not done to deserve their shares. Luck egalitarian discourse seems to furnish us with at best a half-finished account of the causal factors producing inequality, due to its exaggerated emphasis on individual choice. This makes an appropriate division of responsibility between individual and society much harder. Moreover, an additional worry is that the focus on individual choices in abstraction from the social background informing those choices contributes to a

failure to recognise power relationships between individuals. Anne Phillips argues that the fact that some men accrue great success and wealth is due not only to their individual ambitions but also to the fact that they can delegate virtually all domestic and dependent-care work to their wives. “Opportunities seized upon by the energetic and ambitious only exist because there are others who have no chance of doing the same, and it would be logically impossible for everyone to make the same choices” (Phillips 1999: 58). This point suggests the extent to which luck egalitarians appear to assume that inequality, including structural inequality, will always exist, and therefore the pertinent question is simply how to manage it, rather than eliminate or reduce it (Baker et al 2004; Kymlicka 2002).

Mason argues that a second reason equality of resources gives the wrong answer to the career-sacrificing woman is that it fails to oppose, as inherently unjust, a norm of female primary parenting. This claim turns us towards a rather different issue within egalitarianism which I postpone until the third section of the paper: namely, should egalitarians be prepared to adopt substantive positions about the worth of certain human goods? Section two remains with questions around how egalitarianism divides responsibility between the individual and the social, and whether resourcist equality has more resources to deal with this than some critics suppose.

2. EQUALITY OF RESOURCES AND GENDER SOCIALISATION

Mason highlights what appears to be a significant disagreement between his conception of egalitarianism and Dworkin’s; namely, a willingness to criticise patterns of gender socialisation that reproduce the traditional sexual division of labour and to promote the replacement of these sexist norms with more egalitarian ones. However, since the publication of Mason’s analysis, additional work has been written, including an essay by Dworkin himself, which may close the gap between their views. In this essay, Dworkin discusses how his theory addresses gender socialisation. He suggests that

whatever difference now exists between the genders in their desires to combine a career with child care is very likely, at least in considerable part, the upshot of social expectations that are themselves the consequence of long-standing and unjust patterns of discrimination and

stereotyping. As chapter 3 [of *Sovereign Virtue*] explains, equality of resources presupposes a society free from such injustices and would therefore argue for... remedial measures, including special child-care support for women at work... (2002: 137).

This passage seems promising as a response to Mason's worry that equality of resources unfairly denies assistance to women because it does not fully weigh the effects of socialisation in their apparently autonomous choices. Dworkin alludes to historical discrimination against, and stereotyping of, women, and suggests that such historical discrimination and stereotyping finds expression today in men's and women's desires even though such systematic sexism is officially illegitimate and discredited. He acknowledges, in short, that men and women are still conditioned to want different things in life.

Dworkin does not indicate precisely which parts of his long chapter three are relevant to the matter, but it seems reasonable to suppose that the following passage would be indicated⁵⁵:

Just as some people are at a disadvantage because the tastes of others do not allow their services to command a premium in the market, so other people suffer because they belong to a race, or have other physical or other qualities, that a sizeable number of their fellow citizens dislike or for some other reason wish to avoid. True, though equality of resources is neutral about the tastes that impose the disadvantage in the first case, it condemns the attitudes that create disadvantage in the second. But that difference means only that we have more reason to try to reduce the inequality that springs from prejudice than to try to reduce that from other sources. Compensation schemes based on hypothetical insurance markets, useful though they may be in ameliorating other forms of handicap, are plainly inappropriate in combatting the effects of prejudice. We must find some other way, compatible with the other goals and constraints of equality of resources, to place victims in a

⁵⁵ I take my cue here from Jude Browne and Marc Stears's (2005) analysis, which is discussed below. They argue that it is likely Dworkin means this passage, although they note that he "clearly exaggerates the clarity of his own chapter [since there] is no explicit discussion of discrimination and stereotyping" in it (2005: 365).

position as close as possible to that which they would occupy if prejudice did not exist (2000: 162).⁵⁶

This passage identifies an important refinement of equality of resources. As noted in chapter one, Dworkin insists that, in general, other people's preferences do not provide grounds for an individual to complain of inequality. Contra to egalitarians such as Cohen, Arneson, and Miller, Dworkin maintains that if other people's preferences for wine make my preference for it expensive because it is in short supply, that is my tough luck and I am not entitled to compensation. (Dworkin's critics believe that this is tantamount to holding people responsible for something over which they have no control, which seems inconsistent with his emphasis that distributions be choice-sensitive.) However, as this passage indicates, equality of resources, equipped with this refinement, compensates agents when other people's *prejudicial* preferences limit their opportunities, notwithstanding the general prohibition on compensating people for inequalities traceable to other people's preferences.

Dworkin's recent discussions address how historical sexist and racist discrimination and prejudice find expression in people's contemporary preferences about work and family. In some ways, it seems a short step from this recognition to a position in harmony with Mason's demand that responsibility for the costs incurred by the career-sacrificing woman should not be borne by her alone, in light of the fact that she is acting in harmony with prevailing gender norms. However, employing these comments by Dworkin as a reply to Mason's worry faces the difficulty that they are in fact addressed to a different objection to his theory. Dworkin's points speak to the idea that an egalitarian society should try to neutralise the effects that *other* people's prejudicial preferences have on an individual's fate, whereas Mason's argument edges us toward the thought that an egalitarian society should try to neutralise the effects that an individual's *own* preferences have on her fate, when those preferences appear to be constrained by an unjust norm. As we proceed through the objection that prompted Dworkin's recent remarks, and an attempt to flesh out Dworkin's claims, we should bear in mind this difference. However, at the

⁵⁶ Elsewhere, Dworkin argues that allowing "someone's fate to depend on other people's *external* preferences, including prejudice against people of his race or class, is indeed unfair" (2000: 491n, *italics in original*). It is notable that he identifies racism, and racism and classism, respectively in these passages, omitting sexism, which usually completes this unfortunate trio.

end of the section I will return to this problem and show how the two issues are interlinked.

Dworkin's points illuminate an objection to resource equality articulated by Andrew Williams (2002a). Williams presents an example that is designed to call into question resource equality's sensitivity to inequalities that are traceable to other people's preferences. It revolves around a hypothetical example featuring asymmetrical work-life balance opportunities in a society where preferences about work-life balance are distinctively gendered. He asks us to imagine that there are three types of people in this society: 'ideal workers' who want to dedicate themselves to their career; 'ideal homemakers' who want to dedicate themselves to the domestic tasks of raising children and keeping house; and 'co-parents' who "prefer not to specialize in either employment or domestic activity, but share family responsibilities roughly equally" (2002a: 31). He also asks us to imagine (not such a difficult stretch of the imagination) that most men want to be ideal workers, while most women want to be co-parents. Williams then introduces siblings, Ann and Bob, who are identical but for their sex, including having the same amount of resources, and the same ambition to be co-parents. In other words, both want to form a relationship with a partner (of the opposite sex) who also prefers co-parenting. But given the actual distribution of work-life preferences in their society, Ann will find it much harder than Bob to achieve her ambitions. "With fewer potential partners who prefer to share the domestic costs of child care, she will be more likely to make larger career sacrifices than Bob when she becomes a parent or may have to forgo children if she decides instead to become an ideal worker" (31).

Part of Williams's aim is to establish that capability equality represents a genuine alternative to resource egalitarianism, without thereby collapsing into welfarism. The example of Ann and Bob highlights the fact that, while their resources are identical, Ann is able to "be and do" less than Bob because of their social situation. Sen and his supporters argue that capability equality, but not resource equality, attends to agents' abilities to convert their resources into valuable functionings, making it on balance a superior (and less fetishistic) approach to egalitarianism.

Dworkin's rebuttal has three parts. First, he emphasises the point already discussed. To the extent that Williams's example implicitly relies on the supposition of prejudicial attitudes towards women, it is otiose since equality of resources

presupposes a society free of such prejudicial attitudes. Substantive equality of opportunity for women is also called for to the extent that such attitudes continue to hamper women's progress. Second, he suggests that the example relies on an unacknowledged and possibly sexist assumption that it is objectively more valuable to have the capability to engage in paid work than it is to have the capability to raise children. Thus, we must bracket these unacknowledged assumptions to allow the "example to do the work Williams wishes it to do" (2002a: 137). Third, what remains then, according to Dworkin, is an example that is not "different in structure" from the more familiar examples pressed by egalitarians who favour retaining some form of welfarism in the currency of equality. So his response to it would be the same as for those other examples: to compensate people in these cases would effectively be pandering to expensive tastes with which they identify and affirm as constitutive of their personalities.

Jude Browne and Marc Stears (2005) argue that Dworkin's reply to Williams (which features the two passages I quoted earlier) is promising with respect to resource equality's ability to address particular gender inequalities. Equality of resources, naturally, is opposed to prejudice and discrimination (denying people opportunities because of the 'luck' that makes them female or black). Interpreting Dworkin's recent comments, Browne and Stears argue that equality of resources goes further than this; it is also aware that beyond intentional, contemporary actions such as employment discrimination, historical instances of discrimination and prejudice – now corrected at the official level – nevertheless continue to exert an effect on people's lives. These forms of discrimination and prejudice, while unintentional, are also unjust, and ways should be found to combat their effects on people's lives. "Dworkin appears to be committed to saying that the preferences of other men and women for a particular work-life balance have been directly shaped by the legacy of generations of conscious and intentional disadvantage for women in the labour market or as a result of their exclusion from decision-making" (2005: 366).

Browne and Stears believe this indicates a promising distinction between prejudicial and non-prejudicial preferences embedded in Dworkin's work that should have far-reaching consequences for its ability to address inequalities related to sexual and racial differences. Developing this distinction should help to refute criticisms regarding the abstraction of Dworkin's theory and its corresponding inability to grapple with social inequalities. Unfortunately, however, Dworkin has not "seriously

attempt[ed] to show how the two sorts of preferences (the prejudicial and the non-prejudicial) are to be distinguished” (2005: 366). Browne and Stears propose to develop a strategy to do so. They argue that two approaches immediately come to mind. The first, swiftly rejected, involves psychoanalysing an agent’s character, preferences, decision-making skills, and the background factors to all of these. This will not be acceptable, they suggest, because it encounters “all sorts of problems of psychologically judging people’s preferences, which Dworkin generally wishes to avoid”; it is a “short step away from making nuanced value judgements about what it is that people think, and from there it is a short step to perfectionism”; it is just “too difficult to delineate precisely [acceptable from unacceptable influences behind people’s preferences] in psychological terms” (367).

Eschewing a process that peers into people’s psyches as ultimately illiberal, Browne and Stears instead endorse a strategy that observes the *conditions* under which people’s preferences are formed. They argue that there are two dimensions of concern here. First, we should look to see if there are “currently existing ‘structural faults’” that violate principles of equality of opportunity and therefore influence people’s preferences. If so, these faults should be fixed. An example is readily available in current asymmetrical maternity and paternity leave provision. Such policies are “often not the result of any direct desire on the part of the state to encourage women to stay at home... but rather remain as the legacy of earlier generations’ attitudes” (373n). Second, we should “investigate historical institutions, policies, and practices, which were themselves constructed from previous generations’ more explicit prejudice and which may leave an unacceptable preference-shaping legacy as a result” (368). Dworkin’s discussions of affirmative action (2000: chapters 11 and 12) are helpful in this regard since they put a “central emphasis on systematic and historical disadvantage” in order to distinguish between racial prejudice and simple preference (366). As with structural faults, steps should be taken to neutralise the effects that these historical prejudicial factors have on people’s preferences today.

Browne and Stears go into some detail about the process they visualise. They suggest that “scholars” would engage in a “close examination of the historical evolution of institutional and social patterns and would concern [themselves] primarily with revealing the relationships which may obtain between prevailing sets of preferences and behaviours and the policies and institutions crafted in eras

characterized by prejudicial systems of exclusion in clear violation of a principle of equality of concern and respect” (368). Interestingly, a process that in some ways approximates the one Browne and Stears propose, engaging the very issues of gender inequality they are interested in, is available in the well-known Sears sex discrimination case. The Sears case was brought by the Equal Employment Opportunity Commission (EEOC) against Sears, Roebuck and Co. in the US in 1979, eventually going to trial in 1984. The EEOC claimed that Sears was discriminating against women in hiring for high-paying commission sales jobs. Thus, the question facing the judge was whether women’s under-representation in these jobs could be explained by intentional or unintentional sexist prejudice on the part of managers or by the fact that men and women have different preferences and desires regarding jobs within the company.

While a courtroom is perhaps not the venue in which Browne and Stears imagine their process would be initiated, it seems plausible that the process engaged in by the judge who heard the case, and the lawyers and expert witnesses – in this case, feminist historians – for each side would resemble in its fundamentals the process they describe. Sears’s hiring and promotion policies; the wider US employment environment, institutions, and laws both contemporary and historical; and the patterns of behaviour of managers and employees within those institutions were all closely examined and cross-examined during the trial. Rosalind Rosenberg, historian and expert witness for Sears, citing the historical record of women’s employment patterns in the US, argued that women “simply ‘were less likely to prefer or have relevant experience in commission sales positions’” (quoted in Milkman 1986: 376). Alice Kessler-Harris, the historian testifying as an expert witness for the EEOC, countered this by arguing that “what appear to be women’s choices, and what are characterized as women’s ‘interests’ are, in fact, heavily influenced by the opportunities for work made available to them.... Where opportunity has existed, women have never failed to take the jobs offered.... Failure to find women in so-called non-traditional jobs can thus only be interpreted as a consequence of employers’ unexamined attitudes or preferences, which phenomenon is the essence of discrimination” (quoted in Milkman 1986: 376). These scholars, in other words, presented rival interpretations of the historical record regarding facts about women’s preferences, employment, and gender discrimination. In the event, the judge accepted the testimony of Rosenberg as superior to Kessler-Harris’s, and

ruled that Sears had not discriminated against women. The EEOC lost the case on appeal (Kessler-Harris 2001).

A process such as the one Browne and Stears describe seems indispensable for helping us to judge when historical racist, sexist, and other discriminatory and damaging practices are still having effects on people's preferences and therefore their opportunities. However, it seems that they may overestimate how conclusive such a process would be with regard to uncovering whether gender inequalities should be attributed to women's different choices or to employers' and others' intentional and unintentional prejudice. This was partly my reason for making a link between the abstract process they describe and the Sears case. When all the related court actions are taken into account, the Sears case lasted nearly ten years. The other point is that both Milkman and Joan W. Scott (1988), who also wrote an essay analysing the implications of the Sears case, argue that this sort of process is very unfriendly to "the nuanced, careful arguments in which historians delight" (Milkman 1986: 376). Scott, in particular, is critical of the way the Sears case structured the issue as a classic equality-versus-difference dilemma which tends to work to women's disadvantage whichever way it goes: "When equality and difference are paired dichotomously, they structure an impossible choice. If one opts for equality, one is forced to accept the notion that difference [for example, in job preferences] is antithetical to it. If one opts for difference, one admits that equality is unattainable" (Scott 1988: 43-44). According to Scott, equality-versus-difference "puts feminists in an impossible position, for as long as we argue within the terms of a discourse set up by this opposition we grant the current conservative premise that because women cannot be identical to men in all respects, we cannot expect to be equal to them" (Scott 1988: 46).

In addition, Browne and Stears's proposal seems to be offered as if it were some grand discovery that existing structural faults and the legacy of systematic sexism and other forms of discrimination need to be taken into account in determining which inequalities should count as objectionable. They write that structural faults should "already be the acceptable subject of reform within a resourcist perspective, although they often remain hidden in contemporary political analyses" (368). This characterisation of the literature is offered without any evident irony. Detecting structural faults *is* difficult when supposedly abstract egalitarian theories presuppose and take for granted certain substantive features of our own

societies such as conventional sexual and social divisions of labour (Okin 1991; Young 1990). With regard to the second identified set of impediments to equality – the legacy of historical prejudice – feminists and anti-racists have long argued that it is a key problem within the liberal justice framework that it does not allow for such an analysis. Given the kinds of concerns summarised in chapter two, it seems odd simply to presume that luck egalitarianism has the resources to address these issues.

We now return to the difficulty I noted earlier about the fact that Dworkin's recent remarks about unjust gender socialisation engage a different objection to the one with which we started. Dworkin's points speak to the idea that an egalitarian society should try to neutralise the effects that *other* people's prejudicial preferences have on an individual's fate, whereas Mason's argument edges us toward the thought that an egalitarian society should try to neutralise the effects that an individual's *own* preferences have on her fate, when those preferences appear to be constrained by an unjust norm. But these are really two sides of the same coin. Dworkin calls attention to the residual effects of historical institutional racism and sexism. Even though prejudicial doctrines and systems are officially discredited, their effects linger in the attitudes of some people and find expression in their preferences. But the residual effects of official racism and sexism do not only find expression in the preferences of out-group members; that is, people who are not members of the stigmatised, despised group. They also find expression in the preferences of in-group members. Some members of despised groups internalise the negative attitudes expressed by others about their group (Young 1990: ch 5). This observation provides the link between the two objections under consideration here. It seems arbitrary for egalitarianism to condemn and neutralise only the racist and sexist preferences of *other people* when they limit my opportunities, and not condemn and try to neutralise my own racist and sexist preferences limiting my own opportunities, when the rationale for being concerned about them in the first place is that they are unjust residues of official discrimination. If the reason we care about *other* people's prejudicial preferences is because they are fateful with regard to individuals' opportunities, then this is also a reason for caring when people's *own* preferences express and sustain gender and racial inequalities.

The obvious difficulty with this is that it returns us precisely to the terrain Dworkin, Browne and Stears, and egalitarians liberals generally have so far avoided: providing an antecedent account of healthy preference formation. As Browne and

Stears have noted, liberals believe that appealing to the unjust conditions under which gendered choices are made, rather than calling into question the content of choices themselves, provides an acceptably neutral way of justifying coercive state action to combat intuitively troubling gender inequalities. We cannot, as liberals generally say, be in the business of questioning the content of people's choices themselves. The standards used for assessing the conditions of choice must therefore be neutral with respect to people's conceptions of the good or, to use Rawls's term, their 'comprehensive doctrines.' They must not, for example, appeal to notions that some domestic arrangements are inherently more worthy than others. In the context of recent assessments of luck egalitarianism, this commitment appears to be coming under increasing pressure. This is evident in the second main strand of Mason's criticism of the equal access view.

3. CRITICISING CHOICES

Mason argues that equality of resources gives the wrong answer to the career-sacrificing woman because it fails to oppose, as inherently unjust, a norm of female primary parenting. This requires a bit of unpicking. Mason considers an objection to his argument that says that ignoring the career-sacrificing mother's demands can be regarded as unfair only if there is a tacit assumption that the gendered parenting norm is itself unjust. The objector, he imagines, would say that Mason is not simply pointing to socialisation that generates inequality for women by producing a desire in them for disadvantageous economic arrangements, but is also arguing against the norm itself: "The norm that mothers rather than fathers should take primary responsibility for childcare is unjust... [I]t is partly the injustice of 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...." (243-44, italics in original). Mason appears to concede this point. He writes:

According to the approach I am defending, full equality of access is incompatible with the presence of certain sexist norms shaping men and women's behaviour (and hence with the forms of socialisation which are shaped by these norms and involved in the transmission of them).

Using a term which has become fashionable, we might say that full

equality of access requires a *social ethos* that precludes the widespread, even if informal, operation of a norm which holds women primarily responsible for caring for their children and dependent relatives in general (2000: 245, italics in original).

The substantive implication of the second sentence is only partly disguised by its negative and tentative formulation. What Mason claims here is that ‘full equality of access *requires* a social ethos that *includes* an egalitarian co-parenting norm.’ He hedges this about with phrases such as “we *might* say” that what is needed is a “social ethos that precludes” a female primary parenting norm. But it seems clear enough that he considers that a theory of equality of access that truly intends to secure equality between women and men needs to be supplemented with an egalitarian social ethos, constituted by an arguably perfectionist appeal to egalitarian parenting over gender-unequal parenting practices. Indeed, his very application of the term ‘sexist’ to a female primary parenting norm is conclusive. He does not believe that egalitarians who are committed to equal access for women and men can or should be neutral with regard to the norms around the sexual division of labour, and in particular, parenting behaviour.

Mason does not represent this conclusion as particularly problematic for the equal access view to absorb. He suggests that his paper’s aims are “modest” and that it might be possible to formulate a “refined” version of the equal access view that will accommodate his conclusions (246). However, Mason’s conclusions appear to be more radical than he acknowledges, and appear to signal a decisive break with luck egalitarianism’s commitment to neutrality towards people’s conceptions of the good. He uses the term ‘sexist’ for the prevailing social norms that assign primary responsibility for (paid and unpaid) caring labour to women. Yet some people’s conceptions of the good surely include traditional gender roles for men and women. He implies that egalitarians who are committed to full equality of opportunity or access for men and women should be prepared to criticise not only ways of life that reflect the sexist norms but also the general practices of socialisation which transmit the norms from generation to generation. Phillips characterises this aspect of his work as Mason suggesting “what *ought* to matter” to people, and she doubts that

“this strong intuition about what constitutes gender equality can be contained within the notion of opportunity equality” (2006: 26).⁵⁷

Mason suggests that his argument has parallels with G.A. Cohen’s (1997) well-known essay about the concept of an egalitarian social ethos. The particular issue which motivates Cohen’s argument concerns the compatibility of incentive inequalities with the difference principle and with Rawls’s overall conception of egalitarianism. As noted in the thesis introduction, the difference principle says departures from income equality are allowed when they benefit the worst off. One common implication of this rule is that “talented people will produce more than they otherwise would if, and only if, they are paid more than an ordinary wage, and some of the extra which they will then produce can be recruited on behalf of the worst off” (Cohen 1997: 6). Cohen argues that this justification for incentives conflicts with the idea that the people in Rawlsian society personally subscribe to the principles of justice. If so, they should not require incentives beyond what is strictly necessary to offset the burdens of the job; this is a form of economic blackmail. In refusing to work without those incentives, they flout the principles of justice they ostensibly hold. Cohen argues that by allowing for incentive inequalities (e.g. allowing some people to draw higher salaries than is strictly necessary to offset the burdens the job entails), the difference principle licenses more income inequality than it should.

This argument focuses on the distinction Rawls draws between the ‘basic structure’ of society and the conduct and choices of individuals acting within the basic structure. Rawls argues that justice judges the basic structure of society but not the private choices of individuals acting within those coercive structures. The basic structure is the primary subject of justice, Rawls argues, “because its effects are so profound and present from the start” (1999: 7). However, informal social institutions

⁵⁷ In her own work, Phillips appears to have accepted that the egalitarian vision she promotes is also ultimately incompatible in some ways with luck egalitarianism. Comparing two of her recent essays is instructive. In a 2004 essay defending an equality of outcome norm against the more popular equality of opportunity framework of luck egalitarianism, Phillips nevertheless still appears to suggest that the two projects work together. She characterises her argument as taking “equality of opportunity as the primary objective, but [treating] equality of outcome as the test for identifying whether the objective is achieved” (2004: 9). However, in a 2006 essay which focuses more on luck egalitarianism’s implications for conceptions of individual autonomy, she seems less sure about the usefulness of luck egalitarianism’s strong notion of equality of opportunity. Much of this has to do with the fact that she believes that it is “hard to stretch equal opportunity sufficiently without calling into question the idea of people as responsible agents” (2006: 30). However, her evident sympathy for those arguments (such as Mason’s and also David Miller’s) which incorporate elements that are “not contained within the rubric of equality of opportunity” appears to be another reason she calls for a “more radical challenge” to the predominance of the luck egalitarian model.

and processes which are constituted by individuals' private choices and acts also have effects which are profound and present from the start. The incentive inequalities demanded by "high-flying marketeers" (Cohen 1997: 5) is one example of this. Cohen argues that limiting the scope of justice to the basic structure takes for granted and preserves a distinction between public and private spheres, where 'private' means both the civil and domestic spheres. If the basic structure is a subject of justice *because* its effects are so profound and present from the start, then this is also a reason to include informal social institutions and processes, and the individual choices which serve to reproduce them, within the scope of justice. The implications of this, for Cohen, are that it is not enough that institutions are just for egalitarian aims to be achieved. A genuinely egalitarian society requires not only that the coercive basic structures are egalitarian but also that people's voluntary behaviour and choices within those structures are also egalitarian. In other words, Cohen reaches the conclusion that a just society requires an egalitarian social ethos.

Cohen relates his argument to the feminist slogan that 'the personal is political' which encapsulates the feminist aim to challenge the traditional liberal distinction between public and private spheres. He has demonstrated one way in which egalitarians should be prepared to transcend the distinction in order to criticise the choices of individuals acting lawfully within the coercive basic structure for the ways in which their choices produce and reproduce inequalities. The power of his critique lies in exposing the arbitrariness, from an egalitarian point of view, of criticising only the conditions under which people makes choices when the choices themselves are often the main reason some inequalities persist. This seems to provide force to critics of luck egalitarianism, such as Mason, whose arguments imply that in certain cases of stubborn inequalities, gaining genuine equality of access means we cannot avoid criticising people's choices directly.

If women's and men's autonomous choices reproduce gender inequality and gender hierarchy, then, as egalitarians, we may have to find some other way than the route offered by luck egalitarianism to tackle these. It is an uncomfortable fact, at least for liberals, that the route which presents itself implies the abandonment of liberalism's neutrality towards ends. Some feminists have been more forthright than Mason that securing gender equality entails subscribing, if not to an explicitly and fully-worked out perfectionist account of human flourishing (Yuracko 2003), at least

to an account of egalitarianism that prioritises equal outcomes in certain areas even if this means disrespecting existing people's preferences (Levey 2005).

CHAPTER FOUR

RESPECT AND TYPES OF INJUSTICE

THE CLAIM THAT luck egalitarianism fails to treat everyone with respect may be the second most widely canvassed objection to the tradition, after concerns about the centrality it accords to individual choice and responsibility.⁵⁸ Accounts vary, but the general idea behind what we can call the ‘respect objection’ is that it insults some people because of the demeaning judgments it passes on their talents and abilities. One of the first to articulate this objection was Jonathan Wolff (1998). According to Wolff, luck egalitarian theories, which describe a “society which attempts to realise exact egalitarian fairness,” will “undermine the respect of at least some of its citizens by treating them precisely in the way that is inconsistent with respecting them, or allowing them to retain their self-respect” (1998: 107).⁵⁹ In this chapter, I argue that the objection is valid. However, for it to have real force against luck egalitarianism, it must appeal to a dualistic or pluralistic conception of social justice. I argue that such an appeal is evident in the objection as it is developed by Wolff and Timothy Hinton (2002). The chapter begins by addressing why we might initially doubt the validity of the respect objection.

1. LIBERAL DISTRIBUTIVE JUSTICE AND RESPECT

The respect objection is a serious charge, and, it seems at first, a dubious one. Liberal political theory and Kantian notions of ‘respect for persons’ enjoy a longstanding association (Hill 2000: chapter 3; Rawls 1999). Contemporary liberal philosophers have demonstrated that citizens’ self-respect and respect-standing⁶⁰ are important to justice. Dworkin, for one, frequently argues that modern political theories can only be legitimate if they purport to treat all citizens with *equal concern*

⁵⁸ Arguments that luck egalitarianism disrespects or insults agents include Anderson (1999); Hinton (2001); McKinnon (2003); and Wolff (1998). For rebuttals, see Arneson (2000a; 2000b); Cohen (2003); Dworkin (2002); and Knight (2005). Several as yet unpublished manuscripts that I have reviewed or read have also contributed to my perception that the respect objection is nearly as prevalent as those relating to individual choice and responsibility.

⁵⁹ Wolff uses the term ‘opportunity conception of justice’ not luck egalitarianism (his article pre-dates Anderson’s). But as he criticises the group of theories I have been calling luck egalitarianism, I shall substitute that term for ‘opportunity conception of fairness.’

⁶⁰ I borrow the categories of ‘self-respect’ and ‘respect-standing’ from Wolff (1998). Apparently taking the notion of ‘self-respect’ to be self-evident, Wolff does not define it. However, he writes that respect-standing refers to the “degree of respect other people have for me” (107). I shall also use the term ‘status’ interchangeably with ‘respect-standing.’

and respect, while at the same time insisting that his own view, equality of resources, is particularly adept at realising this rule (Dworkin 2000: introduction; 2002: 106). It has become a commonplace in liberal political theory that government has a duty to treat each person with equal respect and concern (Kymlicka 2002: 3-4; Swift 2001: 93). However, in this section, I want to complicate this view by suggesting that the liberal distributive justice tradition tends to confine its concern for respect issues to the socio-economic sphere, which is in line with the tradition's overall orientation. This can begin to seem like rather a limited understanding and employment of the notion of respect, in light of the current interest in multicultural politics and cultural inequalities.

Accounts vary, but there is a widely shared view that the revival of interest amongst Anglo-American political philosophers in social justice theorising in the second half of the twentieth century coincided with political events to place the spotlight on questions about citizens' social and economic rights and entitlements. Although the struggle for equal political and legal rights for all was not yet complete, in this era, it was assumed that the task for political philosophers was to articulate the moral foundations of the welfare state. For example, Brian Barry suggests that Rawls's theory neatly exemplifies the concern amongst contemporary liberals to marry the traditional liberal commitment to universal citizenship, expressed through equal basic rights, to "social and economic elements" (2000: 7). "Rawls's first principle of justice, which called for equal civil and political rights, articulated the classical ideal of liberal citizenship, while his second principle gave recognition to the demands of social and economic citizenship" (2000: 7). Liberal distributive justice theorists, in short, were turning their attention towards the social and economic preconditions necessary for citizens to truly enjoy and exercise their individual rights and freedoms.

The development of contemporary liberal distributive justice theory with its orientation towards socio-economic inequalities has implications for its treatment of the notions of self-respect and status. One implication evident in the contemporary literature is that the tradition tends to presuppose that respect issues arise primarily in relation to socio-economic inequalities. Somewhat paradoxically, a second implication is that respect issues do not get much attention at all. The implicit belief is that respect inequalities will disappear with the correction of unjust economic inequalities, so there is no need to theorise respect independently from economic

issues. I think the first but not the second tendency fairly describes Rawls's work, while both tendencies are evident in Dworkin's work. Unlike Rawls, Dworkin does not devote much attention to self-respect or respect-standing, and what he does say conforms with the general tendency in liberal justice to theorise respect inequalities as an aspect of economic injustice.

Rawls provides a rich account of self-respect in *A Theory of Justice*. He suggests that self-respect has two aspects: first, it involves a sense that I consider myself and my life plans as worthy and having value; second, that I have confidence in my ability to achieve my plans (1999: 386). Social conditions that make it more likely that I possess self-respect, according to Rawls, involve having "at least one community of shared interests" to which I belong that will validate my sense of my own value and my plans' value, as well as make it more likely that I can achieve these plans, presumably through moral and other kinds of support (388). Elaborating on the first aspect of self-respect, Rawls invokes what he calls the 'Aristotelian Principle.' This principle says: "other things equal, human beings enjoy the exercise of their realized capacities (their innate or trained abilities), and this enjoyment increases the more the capacity is realized, or the greater its complexity" (374). Elaborating on the social conditions of self-respect, Rawls describes the essentially interpersonal nature of self-respect: "our self-respect normally depends upon the respect of others. Unless we feel that our endeavors are respected by them, it is difficult if not impossible for us to maintain the conviction that our ends are worth advancing" (156).

Rawls famously argues that self-respect is the most important primary good (155-56). Given this premise, it is important that he explain what bearing his two principles of justice (52) have on individuals' self-respect. Rawls suggests that the two principles are institutional ways for citizens to express their mutual respect. There seem to be several significant aspects to that claim. First, the difference principle is meant to both symbolise and uphold citizens' mutual respect and self-respect. "[B]y arranging inequalities for reciprocal advantage and by abstaining from the exploitation of the contingencies of nature and social circumstance within a framework of equal liberties, persons express their respect for one another in the very constitution of their society. In this way they insure their self-respect as it is rational for them to do" (156). Here, Rawls justifies the distributive arrangements of the difference, or maximin, principle by appeal to the fact that the distribution of natural

talents and abilities is “morally arbitrary” and should therefore be viewed as a “collective asset” (156). Second, Rawls also asserts that the first principle of justice – the guarantee of equal basic rights and liberties – is a basis for self-respect: “the effect of self-government where equal political rights have their fair value is to enhance the self-esteem and the sense of political competence of the average citizen”(205).

This second claim is worth exploring further. Rawls insists that the guarantee of equal basic liberties will be the foundation for citizens’ sense of self-respect in the well-ordered, ideal society that *Theory* describes. In non-ideal societies, he admits, differential incomes will likely affect people’s self-respect, roughly along the lines of: greater income and wealth, greater self-respect (478). However, in the well-ordered society, this *income-and-self-respect link is severed*, because of two key features of that society. First, “the basis for self-respect in a just society is not then one’s income share but the publicly affirmed distribution of fundamental rights and liberties. And this distribution being equal, everyone has a similar and secure status when they meet to conduct the common affairs of the wider society” (477). According to Rawls, then, citizens’ self-respect is lodged in the assurance of equal basic rights, which will mitigate or minimise any potential loss of self-respect that derives from the material inequalities that the difference principle permits. The principles of justice stipulate that the principle of basic liberties is primary, and that the liberties are equal or identical for everyone. Since our status is tied to this aspect of our identity (our equality as citizens), our self-respect levels should similarly be identical.

The second feature of the well-ordered society with a bearing on self-respect is the interrelation of the pluralism of communities of interest, the basic liberties and self-respect. Rawls argues that the equal liberties “allow” for the flourishing of a “full and diverse internal life of many free communities of interests” (477). The communities of interest are an important condition for the enjoyment and security of individuals’ self-respect. Rawls argues that a vertically-divided society of what he calls ‘noncomparing groups’ will develop (470). This social structure provides further protection against injuries to self-respect based on different levels of income and wealth. Rawls assumes that we will mostly compare ourselves to other members of our communities of interest, rather than with individuals in other communities (470). Because my identity and self-respect derive mainly from my community of

interest, comparing myself to others from different groups, which may be richer than mine, will not be as “painful,” Rawls argues (470): “[T]he plurality of associations in a well-ordered society, each with its secure internal life, tends to reduce the visibility, or at least the painful visibility, of variations in men’s prospects” (470).

Rawls’s work is appreciated for its comments on self-respect formation and for his recognition that our self-respect crucially depends on others’ view of us. However, there are weaknesses in his account. First, Rawls is aware that, in the real world, socio-economic status affects self-respect and respect-standing. He writes, “The discrepancy between oneself and others is made visible by the social structure and style of life of one’s society. The less fortunate are therefore often forcibly reminded of their situation, sometimes leading them to an even lower estimation of themselves and their mode of living” (1999: 469). In light of this, his arguments that in the well-ordered society the link between socio-economic status and respect would be severed sound weak. Rawls asserts both that the better-off won’t parade around ostentatiously showing off their wealth to the worse-off (470), and that, in any case, everyone’s self-respect derives from their identical status as equal rights-bearers. Jeanne Zaino has scrutinised Rawls’s arguments about self-respect and socio-economic inequalities (1998). She argues that “even Rawls [himself] seems not to fully accept his conclusion that there is no relationship between socioeconomic status and self-respect” (1998: 752).

Although I agree with many of Zaino’s conclusions, I also want to make a point about Rawls’s text which works at cross-purposes to hers. Paradoxically, Rawls both recognises and fails to recognise the links between economic injustice and self-respect. However, Rawls makes no move towards articulating any links between cultural injustice and respect, in the real world or the ideal one. We can infer from his discussions about respect and pluralistic “communities of interest” that Rawls is aware of inter-group dynamics premised on racial, ethnic, or cultural differences rather than class ones.⁶¹ However, these implications do have to be supplied by the reader, and his analysis consistently theorises self-respect as an aspect of economic injustice, not cultural injustice.

⁶¹ As Ingrid Robeyns argues, “Rawls’s theory of justice was developed in the USA in the 1950s and 1960s, an era with pervasive discrimination against black people, women, and gays and lesbians. In that specific social context, the primary political task was to advocate genuine equal rights. Rawls’s work gave a moral and theoretical underpinning to the civil rights movement” (2003a: 541).

Though perhaps not quite as famous as Rawls's argument that self-respect is the most important primary social good, Dworkin's argument that any legitimate government must treat all citizens with "equal respect and concern" is widely cited (Kymlicka 2002: 1-7; Swift 2001; Gaus 2000a: 166-68). Dworkin holds that "a political community must treat all its members as equals, that is, with equal concern and respect, and it must respect that sovereign requirement not only in its design of economic institutions and practices, but in its conception of freedom, of community, and of political democracy as well" (2002: 106). Equality of resources is offered as a substantive component of this overarching egalitarianism. Thus, at a meta-level, Dworkin discusses respect when he discusses equality of resources, since he takes this to be a major component of his overall articulation of the theory of the sovereign virtue of government. However, I suggest that the importance apparently accorded to the notion of respect in this egalitarian slogan disguises the fact that Dworkin is somewhat imprecise and casual about respect in his theoretical work. For example, Dworkin is inconsistent in the expression of his egalitarian slogan. Although it is sometimes expressed as 'government must show all equal concern and respect,' as often as not, he simply asserts that government must show all citizens equal *concern* (see, for example, 1983; 2000: 107, 122, 128; 2002: 112). What should we make of this? Perhaps it is nothing more than an economy of words. However, according to Allen Buchanan, Dworkin *does* mean different things by 'concern' and 'respect' (Buchanan 1989). Buchanan argues that, for Dworkin, 'concern' points to fairness and 'respect' to autonomy. If, in fact, Dworkin does not treat the terms as synonymous, then it may be significant that he sometimes drops the term 'respect' but never the term 'concern' when he articulates the rule.

Furthermore, Dworkin's egalitarian slogan does not reveal his views on the subjective aspects of self-respect. Because it is typically expressed as: 'the government' or 'the state' must show all citizens equal concern and respect, this gives us a state-centric view of respect. Whatever presuppositions Dworkin holds about human beings and their nature that presumably motivate the principle – such as, human beings share an equal moral worth which must be respected – cannot be inferred from the principle. Neither does the egalitarian slogan communicate Dworkin's views about the notions of self-respect and respect-standing at a more concrete level. Clues about Dworkin's beliefs here can be gleaned from various passages scattered around his work. For example, Dworkin challenges Rawls's

claim that the basic liberties provide a fundamental basis for people's self-respect. Although this is surely not the position that Dworkin himself holds, he argues that "some philosophers and sociologists" believe that people are more likely to gain self-respect in a society that limits basic liberties (2000: 138). This view says that a conformist society, one with a great deal of moral and religious consensus, is better designed to ensure that people gain self-respect. In refuting Rawls, Dworkin does not explain his own view on these issues. Moreover, in these passages, Dworkin treats the concepts of "self-respect" and "self-confidence" as interchangeable. He also appears to believe that self-respect/self-confidence is something that a community, as well as individuals, can possess. Articulating the thesis of self-respect conditions that he says competes with Rawls's equal liberties thesis, Dworkin writes that some "believe that a community can develop stable self-confidence only by at least aiming in the direction of moral and religious consensus" (2000: 139).

Do these remarks tell us anything important about Dworkin's views on status and self-respect? On one hand, we know that he is simply articulating an alternative thesis about what social conditions and political institutions form the pre-conditions to self-respect. It is not a thesis that Dworkin himself supports.⁶² On the other hand, whether he supports the overall view or not is beside the point. What is relevant here is the way he characterises the internal components of the view. Dworkin usually takes great care in describing views he himself rejects, his extensive development of equality of welfare being an excellent case in point. The same care and attention is absent in this discussion. Self-respect and self-confidence are not identical concepts. The self-respect enjoyed by an individual and the self-confidence possessed by a community are also not interchangeable ideas. Despite the egalitarian slogan's initial promise to assign respect a central role, Dworkin's theory is uncharacteristically imprecise when it comes to respect issues.

Although I have so far characterised Dworkin's theory as somewhat imprecise about the notion of respect, it is also evident that his work conforms with the general tendency in liberal justice to theorise respect inequalities primarily as an aspect of economic injustice. Let us return to Dworkin's discussion of liberal community (2000: ch 5). He defends the notion of liberal tolerance, arguing against the view that the majority will should decide the "shape of a democratic

⁶² Dworkin argues against the view that the majority will should determine the "ethical environment" of the community, as will be discussed further below (2002: 212-36).

community's ethical environment" (213). Dworkin distinguishes the ethical environment of a community from the economic environment. The latter refers to the "distribution of property and preferences that creates supply, demand and price" (213). The former, while not defined, appears to refer to the shape and tenor of public opinion about what might broadly be called moral issues. For example, a "community that tolerates homosexuality, and in which homosexuality has a strong presence, provides a different ethical environment from one in which homosexuality is forbidden, and some people believe themselves harmed by the difference," he writes. "They find it much harder, for example, to raise their children to absorb instincts and values of which they approve" (213).

Two points about Dworkin's views on respect might be drawn from this. First, he does not appear to lend much credibility to the notion that individuals are directly harmed by negative public views about themselves and their group. He writes, "some people *believe* themselves harmed by the difference" which suggests that it might be all in their minds. This seems weak, especially given the tangible, wholly non-imaginary differences in treatment that gays can expect in communities that embrace homosexuals and other sexual minorities, versus communities where they are vilified, harassed, beaten and murdered. Second, Dworkin asserts a hierarchy in the importance of ethical and economic environments on our lives: "The economic environment in which we live... affects us even more obviously than our ethical environment does" (213). As Will Kymlicka notes, the empirical evidence required to prove such a claim is elusive to non-existent (2002: 367). But if that is so, then it would seem wise to not simply assume, as Dworkin does here, that the economic environment is more important than the ethical environment in terms of shaping how my life goes. Kymlicka writes, "If you were a black parent, would you care more about ensuring your child achieve an average income or about ensuring your child was not subject to racial epithets? If you were the parent of a gay teenager, would you choose a school that would maximize the child's economic prospects, or a school that would minimize his stigmatization [sic] and persecution? It is far from clear that material inequalities are more important to the success of people's lives than status inequalities" (367).

These reviews of Rawls's and Dworkin's work demonstrate that while there is diversity in the ways that liberal egalitarians theorise status and self-respect, the importance they attribute to them, and their relation to justice, there is also unity.

Contemporary liberal egalitarians give prominence to socio-economic inequalities. It is unsurprising, then, that when issues of status and self-respect arise, they tend to address them within and through the predominant concern with economic hierarchy, rather than status or cultural hierarchy. This can begin to seem rather a limited understanding and treatment of respect, particularly in light of the current interest in multicultural politics and cultural inequalities. The next section discusses how respect issues are employed in the multiculturalism and cultural justice discourses through a specific focus on Nancy Fraser's social justice theory.

2. NANCY FRASER'S DUALISTIC FRAMEWORK OF JUSTICE

As noted in chapter two, Fraser presents a dualistic framework for understanding contemporary struggles for justice (1995; 1996; 1997a; 2001). She argues that we can discern two basic forms of injustice in western liberal democracies: the injustice of maldistribution, associated with a politics of class, redistribution, and equality; and the injustice of misrecognition, associated with a politics of culture, recognition, and difference. Fraser argues that the latter politics is currently predominant: "cultural recognition displaces socioeconomic redistribution as the remedy for injustice and the goal of political struggle" (1995: 68). While she believes that both projects are necessary and worthy, she hopes to redress the perceived imbalance favouring recognition politics by developing a "bivalent" conception of justice that can accommodate both defensible claims for social equality and defensible claims for the recognition of difference" (1996: 5).

Fraser's political theory is used in this chapter mainly to provide an alternative and fresh perspective on the respect objection. It is *not* my main aim in this chapter to critically analyse all the beliefs and claims that give rise to, and constitute, Fraser's social justice model.⁶³ However, since my use of her work

⁶³ There is a wealth of books and articles examining Fraser's work. See Young (1997) for one of the first critical responses to Fraser. See Phillips (1997) for a comparative analysis of Fraser and Young. See Zurn (2003) and Feldman (2002) for discussions of how Fraser's position(s) on the redistribution/recognition dilemma of justice and the nature of cultural justice has changed over the years. See also Hobson (2003) for a collection of articles that, to a greater or lesser degree, engage with Fraser's redistribution/recognition framework. See also Fraser and Honneth (2003). This work arguably sees Fraser in her most 'distributivist' mode as she articulates her ideas in conversation with Axel Honneth, who believes that distributive justice can be theorised as an aspect of cultural justice. Other important analyses and elaborations of Fraser's work include Robeyns (2003a) and Kymlicka (2002).

implies that I believe her reading of contemporary struggles for social justice and her understanding of the crucial task for political theorists are reasonable and perspicacious, a little must be said in defence of those views, and in particular, her interpretation of distributive justice theories.

Fraser contends that “standard theories of distributive justice” cannot “adequately subsume problems of recognition” (1996: 27). Although “many distributive theorists appreciate the importance of status over and above material well-being and seek to accommodate it in their accounts” the results are “not wholly satisfactory.”⁶⁴ According to Fraser, “most” distributive theorists

assume a reductive economistic-cum-legalistic view of status, supposing that a just distribution of resources and rights is sufficient to preclude misrecognition. In fact... not all misrecognition is a byproduct of maldistribution, nor of maldistribution plus legal discrimination. Witness the case of the African-American Wall Street banker who cannot get a taxi to pick him up. To handle such cases, a theory of justice must reach beyond the distribution of rights and goods to examine patterns of cultural value. It must consider whether institutionalized cultural patterns of interpretation and valuation impede parity of participation in social life (1996: 27-28).

There are two main claims of interest here. One is the characterisation of the distributive justice tradition as tending to treat misrecognition or cultural justice as secondary to the core injustices of material and legal inequality. To establish if this is a fair and accurate reading, we might recall the discussion of Brian Barry in chapter two. Barry’s view is that legal measures are “the *only* thing that is within the scope of legitimate political intervention” (2000: 275, italics added). He strongly rejects the politicisation of cultural identities, believing this to be counterproductive to advancing “the values of liberty and equality” (12). He argues that evidence suggests that “even the imperfect moves towards legal equality” will be “enough to eliminate over time the stigmatization of homosexuality” (275-76) and thus regards a distinctive cultural-recognition politics as unnecessary and dangerous. Or, to take another example, consider Dworkin’s response to a criticism of resource equality to the effect that it does not address non-economic inequalities: “Scheffler rightly

⁶⁴ She cites work by Rawls, Dworkin, and Sen, indicating how she believes they individually attempt to build recognition issues into their distributive justice models.

emphasises the importance of the contemporary debate about racial, gender and other forms of discrimination. But he underestimates, I think, the degree to which economic inequality both flows from and exacerbates these other challenges to equal citizenship” (2003: 197).⁶⁵ This suggests that Dworkin believes that if we eliminate economic inequality, these other inequalities will fade away. Kymlicka notes that this view is popular amongst Marxists and ex-Marxists (2002: 333). However, he asserts, a “surprising number of liberals have also endorsed this view about the secondary and derivative nature of cultural inequalities” (2002: 333). One or two discrete comments, of course, are insufficient for constructing a complete picture of these theorists’ views. However, I hope that these remarks in addition to the analysis in section one go some way toward confirming Fraser’s assessment and my own.

Ingrid Robeyns (2003a) persuasively argues that Fraser oversimplifies the distributive justice tradition. Furthermore, Robeyns suggests that this oversimplification may have cost her the attention of those theorists. This is unfortunate, because more engagement between liberal egalitarians and theorists, such as Fraser, who defend a more complex approach to social justice would, in my view, be immensely fruitful. But this does not detract from the thought that Fraser’s characterisation of the tradition is, broadly, accurate. Indeed, the tendency to reduce injustice to specifically socio-economic injustices seems even more pronounced in the luck egalitarian versions. This is signalled not least by the fact that the examples employed by luck egalitarians are almost exclusively interested in whether agents have a fair chance to buy desired commodities or whether they possess the right talents to secure appealing jobs in the labour market. As Anderson remarks, “the agendas defined by much recent egalitarian theorizing are too narrowly focused on the distribution of divisible, privately appropriated goods, such as income and resources, or privately enjoyed goods, such as welfare. This neglects the much broader agendas of actual egalitarian political movements” such as gay and lesbian movements, and disability activists (1999: 288).

The second key claim in Fraser’s quote is that “a theory of justice must reach beyond the distribution of rights and goods to examine patterns of cultural value.” I also subscribe to this view. Fraser’s example of the black Wall Street banker who is

⁶⁵ Some of Samuel Scheffler’s criticisms of luck egalitarianism will be taken up in chapter five.

unable to get a taxi to pick him up is a good one.⁶⁶ More generally, as Phillips writes, “racist abuse does not stop when people become millionaires” (2003: 264). Another group whose justice claims seem to require a theory that ‘reaches beyond’ material inequality is homosexuals. As Kymlicka observes, “Gays cannot participate fully in the national culture, not because of any lack of education or material resources, but because of a status hierarchy within that national culture which demeans and degrades them, and treats them as less worthy of concern or respect” (2002: 330). Many more examples could be found that support the idea that some of the harms people suffer are not reducible to economic injustice, but I hope the point is made. The upshot is that with Fraser and others, I believe that the traditional liberal approach to social injustice is inadequate for theorising all contemporary forms of injustice, and this suggests the need for alternative frameworks of analysis. While I do not want to be understood as saying that Fraser’s model is without flaw, I believe it is an important and valuable contribution to the literature.

It now remains to outline some of the main features of her approach. It should be noted that Fraser has altered her model over time. My account focuses on what I regard as its core features, which have remained largely the same despite certain refinements.⁶⁷ Fraser’s model is closely bound up with thinking about injustice from a group-based perspective.⁶⁸ Claims for economic justice normally issue from social groups structured and defined by their class identity, their relatively low levels of income and wealth, and the relation to the means of production. The prime example is the “Marxian conception of the exploited class” (1997a: 17). Fraser argues that in the case of economic injustices, what is normally called for is,

⁶⁶ It is, perhaps, almost a cliché in American life. Recently, the news media commented on the fact that American film director Spike Lee’s latest feature film, *Inside Man*, did not focus as much on race relations as his earlier efforts. Nevertheless, one scene in the movie features an exchange between a Sikh man who has been released by hostage takers, and an African-American police officer, played by Denzel Washington, who is debriefing him. The Sikh man is complaining about his treatment by the police and by officials in general in the post-9/11 world, recounting how he is often mistaken for being a Muslim, not a Sikh, a piece of ignorance then compounded by others’ suspicion that he is an Islamist terrorist. Washington’s character sympathises, then makes a crack along the lines of “at least you can get a taxi to pick you up.” The point is, both characters have good jobs, wear nice suits or impressive uniforms, but still encounter disadvantage on account of their appearances.

⁶⁷ Fraser’s account of the harm that cultural groups suffer has altered over time. She has shifted from an account of misrecognition that focuses on how majority judgments of cultural inferiority damage the identities of minority cultural groups to an account that focuses on how institutionalised patterns of cultural value subordinate some individuals and prevent them from participating equally with others in social life. See Zurn (2003) and Feldman (2002) for discussions.

⁶⁸ As noted in chapter two, in this respect, it resembles Young’s approach even though she and Young disagree about other issues.

essentially, the elimination of difference. In the case of the exploited working class, for example, justice implies putting the group “out of business” as a group (1997a: 18). Economic injustice calls for remedies involving “political-economic restructuring of some sort,” ranging from redistributing income to the more radical reorganisation of the division of labour (1997a: 15). Cultural justice engages the symbolic and cultural arrangements of society. Claims for cultural justice normally issue from social groups who are defined as culturally different from, and inferior to, the dominant or majority cultural group. The social movement of gays and lesbians is a primary example of a group which demands cultural justice, since their oppression consists in the fact that they are subject to “shaming, harassment, discrimination and violence” (1997a: 18). Cultural injustice calls for remedies involving “some sort of cultural or symbolic change,” ranging from revaluing despised groups to the “wholesale transformation of societal patterns of representation, interpretation and communication” so as to challenge sedimented identities everywhere (1995: 73). Specific strategies aside, its general goal is a “difference-friendly world, where assimilation to majority or dominant cultural norms is no longer the price of equal respect” (1996: 14).

While Fraser offers a conceptualisation based on two basic types of injustice, she denies that this means the two categories are mutually exclusive or dichotomous. Instead, she emphasises that they are analytical categories only, useful for getting clear about the struggles and remedies before us, while in real life, the types of injustice are usually ‘interimbricated’ with one another (1997a). Moreover, in her more recent articulations of the model, she has stepped back from the rather stark characterisations above, depicting groups being mainly subject to one or the other injustice. She is now more careful to emphasise that the injustice suffered by members of all disadvantaged groups almost always includes both maldistribution and misrecognition.

An important aspect of Fraser’s approach is the way it exposes how remedies combating injustice may conflict or cancel each other out. The potential for conflict is less apparent for groups that experience mainly one type of injustice. Although in the real world, no group’s situation is as simple as the two archetypes initially proposed by Fraser, if it were, then, in theory at least, effective de-differentiating or difference-promoting remedies would be clearly indicated. However, the potential for conflict becomes more apparent when we consider social groups who occupy

lower positions in both economic and status hierarchies; groups, in other words, whose disadvantaged position derives both from maldistribution and misrecognition. Fraser suggests that groups based on gender and race occupy this position; she labels them “bivalent collectivities.”

The situation of bivalent collectivities brings us to the place where Fraser’s redistribution versus recognition dilemma is felt most keenly: “Whereas the logic of redistribution is to put ‘race’ [or gender] out of business as such, the logic of recognition is to valorize group specificity. Here, then, is the antiracist version of the redistribution-recognition dilemma: How can antiracists fight simultaneously to abolish ‘race’ and to valorize the cultural specificity of subordinated racialized groups? (1997a: 22).” Fraser considers various combinations of remedies until she finds the combination whose effects will reinforce rather than undermine one another. This combination calls for ‘transformative,’ rather than ‘affirmative,’ redistributive and recognition remedies. As Leonard Feldman summarises it, “A ‘transformative’ politics of economic redistribution (socialism) and a transformative politics of recognition (deconstruction) both engage the deep structures of injustice, avoid reinforcing the flows of resentment, and undermine group differentiation by transforming exploitative relations of production and deconstructing the hierarchical binary oppositions that sustain practices of cultural misrecognition” (2002: 413-14).⁶⁹

Against what she perceives to be the dominant tendency to prioritise one or the other paradigms of justice, Fraser endeavours to keep both in focus simultaneously. Moreover, she argues that each form of injustice is primary and non-derivative: cultural inequalities cannot be reduced to or theorised as an epiphenomenon of economic inequalities, and vice versa. While far from uncontroversial, the most central claims underpinning Fraser’s work – that egalitarian redistributive politics, while extremely valuable, are limited in their ability to recognise and address injustices that are not rooted in socio-economic arrangements; that cultural or recognition politics thus constitute a real and independent concern; that its aims may come into conflict with the aims of a universalistic egalitarian politics – seem accurate and reasonable. We have seen that when Rawls and Dworkin address self-

⁶⁹ The thought that multicultural politics threaten or destabilise the redistributive welfare state by promoting division and undercutting the social solidarity and identity required to sustain it has been explored by many authors. Two accounts include Hobsbawm (1996) and Wolfe and Klausen (1997).

respect and status at all, they primarily conceptualise them as an aspect of distributive, economic injustice. Fraser's arguments *for* the paradigm of cultural justice have changed (some might say 'cooled') over the years. Nevertheless, I think her most basic and original point endures even in her more recent work; namely, if contemporary discourses about justice and respect are largely confined to an economic justice paradigm, they will be conceptually inadequate because they overlook the important ways in which self-respect and respect-standing depend on establishing cultural justice. Moreover, as I shall try to demonstrate in the final sections, liberal egalitarian justice has not been immune to this perspective.

3. THE RESPECT OBJECTION: WOLFF AND HINTON

It is now time to return to the respect objection briefly rehearsed in the introduction. Wolff develops his critique of luck egalitarianism in two articles (1998; 2002). The first expresses criticisms of the dominant egalitarian view, while the second sketches some of the positive elements he would substitute in an alternative theory. A better sense of what sort of 'respect agenda' Wolff is pursuing can be gained by considering both his critical and his constructive theory.

Wolff objects that, in order to fulfill the principle of fairness, the above account will violate another egalitarian principle: that all people are entitled to self-respect and equal respect-standing. It violates the respect condition by requiring judgments about what portion of an individual's situation is due to her choices and what portion to bad luck, before it initiates any redistributive compensation to help her. Wolff argues that such an investigation to establish these facts will often destroy the self-respect of individuals because it requires them to admit embarrassing things about themselves; what he calls "shameful revelation" (1988: 109). They might, for example, have to admit that they are inherently untalented.⁷⁰ Furthermore, in the tax-and-transfer schemes typically assumed by luck egalitarians, these judgments about individuals will be public since the redistribution must be justified (107-117). Wolff

⁷⁰ Several people have suggested to me that luck egalitarian discourses contain culturally-specific assumptions about the sorts of things that cause individuals to feel ashamed and lose self-respect. Dependence on state benefits does not carry stigma in all societies, to take one obvious example. I do not discuss these issues here for reasons of space, but it should be noted that egalitarians are aware of this source of disagreement, and make certain assumptions about what causes loss of self-respect for the sake of the argument, *not* to assert that the causes are universally applicable. Thanks especially to Itai Rabinowitz for this point.

argues that it is reasonable to expect that individuals will suffer not only loss of self-respect after shameful and embarrassing confessions of personal failure, but also public disrespect, or a loss of respect-standing, once this ground for redistribution is publicly known. He recommends adopting a policy of unconditional welfare benefits so that shameful revelation can be avoided by citizens who collect benefits.

Even though Dworkin and other egalitarians promote different currencies of equality, Wolff argues that the philosophical underpinning of their theories is the same: they all assert what he calls the “lexical priority of fairness thesis” which says that “egalitarianism is constituted by a lexically prior notion of fairness” (103). Another way of putting this is that Dworkin and others promote a “monistic” account of egalitarianism: the only authentically egalitarian value is fairness (118). Wolff argues that this is an implausible understanding of the egalitarian project. He holds instead that egalitarianism is best characterised by a “collection” of values including, centrally, fairness and respect, and that it is not “well represented” by a notion of lexical priority (118-19). Fairness and respect are both “authentic” egalitarian values, and he suggests, they are equally urgent or primary (97, 118).

In his work on addressing disadvantage, Wolff takes a different critical angle on luck egalitarianism. He argues that that tradition often simply assumes that financial compensation is the correct way to remedy injustice (2002: 208). This assumption is problematic:

Note the rhetoric in which people sometimes reject offers of financial compensation; that they refuse to be ‘bought off’; for it is cheapening or degrading... [T]hose who endorse the compensation paradigm must reply that this response is confused: there is no difference between correcting injustice and buying you off, for that is how injustice is corrected. Yet many will feel that this view misses out something important. There can be a type of disrespect involved which cannot easily be reduced to levels of preference satisfaction (2002: 212).

These observations prompt Wolff to elaborate a framework which sets out four main types of remedy for disadvantage, in which financial compensation – the compensation paradigm, as he calls it – is only one, and often, the least attractive one.

The easiest way to describe each of the four types of remedy might be through an example that Wolff uses himself. Suppose an individual does not have

the use of her legs. This limits her mobility and makes her disadvantaged relative to non-disabled people, at least in the dimension of mobility, but probably in other dimensions as well. The remedy of “personal enhancement” would act on her “internal resources” or what are sometimes called ‘natural assets’ – i.e. her physical and mental capabilities. Surgery to restore the use of her legs is an example. Compensation is the second type of remedy. It acts on the individual’s “external resources” by increasing her income or consumption share in the world. “We could offer the person a sufficient amount of money so that... she no longer minds immobility, if there is such an amount,” suggests Wolff (211). The third type is called “targeted resource enhancement.” This differs from compensation in that the resources are goods-in-kind. Rather than providing these resources as “general compensation, they could be provided for specific purposes: to improve mobility; either money with strings attached about how it might be spent, or use of equipment to improve mobility” (211). The fourth remedy, “status enhancement,” focuses on changing the social structure in which an individual lives so she can better function within it. In our example, status enhancement remedies might include public buildings with wheelchair ramps and media campaigns to educate the public about disability.

Like most philosophical egalitarians, Wolff believes that people with disabilities are entitled to extra resources just because of the special medial expenses they incur (1998: 117n). But unlike some egalitarians, Wolff holds that this is not where the story ends. What seems definitely wrong in the case of disability is financial compensation *just by itself*. “I do not know of an argument from within the disability movement that the special miseries of the disabled need cash compensation, and no doubt this would be considered deeply insulting,” he writes (2002: 211). His own view seems to be that a combination of all four types of remedies may be appropriate, depending on the disability and the social context.

In general, Wolff appears to favour status enhancement remedies because they assist the “nullification” of disadvantage. Nullification is the “permanent eradication of disadvantage, to bring a match between the person and the world in which they live” (212). Wolff argues that the “ultimate aim of social policy should not be so much to compensate for disadvantage, but to create circumstances in which there is no disadvantage that calls for compensation” (208).

Through disability, Wolff demonstrates that we have different intuitions about the appropriate remedy for different sorts of disadvantage. These intuitions suggest that different remedies contain different assumptions and send different messages about the human good. The details of this argument, which represents a further aspect to Wolff's work, are beyond the scope of the paper. However, I want to underline three points about Wolff's arguments for addressing disadvantage. First, he argues that disadvantage or injustice is essentially plural. Second, remedies for addressing disadvantage are themselves plural. Third, a remedy may actually produce other forms of injustice or unfairness. If we try to help someone in a wheelchair by giving her money for an operation, we risk giving the impression that she is personally defective, and we also do nothing to alter public institutions and public attitudes about citizens with disabilities.

Wolff, therefore, has made a two-fronted attack on luck egalitarianism. One front directly engages the notion of respect by arguing that the method by which luck egalitarianism determines redistribution is inherently disrespectful. The other front criticises the tradition for typically assuming that compensation is the appropriate remedy for injustice.

Hinton (2001) attempts to finesse the dilemma articulated by Wolff about the conflict between respect and fairness that luck egalitarianism apparently produces. He also offers independent reasons egalitarians should reject the Dworkinian view, and suggests an alternative model of justice they should embrace instead.⁷¹

To begin with, Hinton concurs with Wolff that respect is a genuine and vital egalitarian value. He also agrees that "a properly egalitarian understanding of respect is indeed inconsistent with implementing" a Dworkinian view (2001: 72-73). His broad agreement with Wolff that Dworkinian justice cannot uphold everyone's self-respect and respect-standing leads into a proposal that there are two components of Dworkinian justice which create the difficulty. One is its central aspiration to eliminate the effects of brute luck on distributive shares. This aspiration entails having to distinguish between what portion of a person's condition is due to her choices, and what portion to chance. Hinton argues that this yields an overall egalitarian ethic or ambition in Dworkinian egalitarianism that says our "basic duty

⁷¹ Hinton argues that it is only those egalitarians who "work within a broadly Dworkinian framework" who must confront the respect objection. I shall use the terms Dworkinian egalitarianism and luck egalitarianism interchangeably here.

in justice is to treat people as equals by holding them responsible only for those aspects of their fate that lie within their control” (79). But, Hinton insists, “our status as equals is undermined by efforts to distinguish the portion of our resources that got there by luck from the portion that got there by choice” (81n).

The second aspect of Dworkinian justice Hinton finds problematic is that it rejects Rawls’s difference principle because of what Dworkin and his followers consider its group-centred approach to justice. A group-centred approach courts unfairness and exploitation since the worst-off group may contain individuals who, though they are not disabled or otherwise unable to work, choose not to work, and therefore free-ride on the efforts of others. Thus, Hinton notes, luck egalitarians prefer a more fine-grained, individualistic approach, because this ensures exact fairness (81).

Hinton argues that only those egalitarians who embrace both aspects are susceptible to Wolff’s dilemma of a trade-off between fairness and respect. He suggests substituting the two aspects of Dworkinian egalitarianism identified above with two alternative elements. The first is a restatement of the core ambition of egalitarian justice, what Hinton calls ‘equality of status.’ Equality of status says that our “fundamental egalitarian duty is to secure an equal status for all by eliminating two basic forms of injustice that attend human interaction, namely, economic exploitation and social domination” (80). The second element of Hinton’s alternative is a revised version of Rawls’s difference principle.⁷² Hinton suggests that the difference principle is especially appropriate for handling the respect objection because “it requires us to maximize the shares of income enjoyed by the least advantaged *group* of workers [so] implementing this principle would probably not require detailed information about people’s lives and choices” (82, *italic added*).

Hinton also accepts Wolff’s suggestion that the state should implement a scheme of unconditional benefits (86). This would supplement Hinton’s difference principle scheme. People who receive the unconditional minimum are those who have the talents and are able to work, but who choose not to. Their income would be lower than the worst-off group of *workers*, who would benefit from difference principle-generated redistribution. Hinton argues that objections that the group

⁷² Briefly, Hinton would revise the difference principle to take into account disabilities. This revision acknowledges Dworkin’s criticism (1981a) that the difference principle would give everyone the same shares even though we can usually presume that individuals with disabilities can do less with the same bundle of goods than able-bodied people (2001: 82).

receiving the basic minimum are exploiting the rest of us by getting something for nothing are addressed by his stipulation that everyone “shares a common pre-political title to the resources of the external world” (85).

4. TYPES OF INJUSTICE

To what extent are the respect-related objections articulated by Wolff and Hinton rooted in notions of cultural injustice? What are the parallels, if any, with Nancy Fraser’s view? And where do these authors diverge from one another? I argue that in objecting to the version of liberal justice associated with Dworkin and other luck egalitarians, Wolff and Hinton have drawn (perhaps unconsciously) on a dualistic conception of justice. Specifically, their use of ideals from the paradigm of cultural justice has crystallised around the notion of ‘respect.’ However, despite affinities with a dualistic approach to justice, the distributive paradigm frequently reappears in their work, eclipsing the cultural justice perspective.

Does Wolff conceptualise injustice as dualistic? His argument that “exact fairness” and “equal respect” represent two fundamentally important egalitarian values could be linked to discourses of distributive and cultural justice. At a concrete level, however, that link seems strained. Job-seekers are the main group through which Wolff demonstrates how luck egalitarianism threatens the self-respect and status of some individuals (110-15). His primary example concerns those who are involuntarily unemployed and the humiliations they face in revealing that they lack marketable talents. While surely a real concern for justice, these issues do seem to fit more naturally within a socio-economic perspective.

At a more abstract level, however, Wolff’s theory of egalitarian justice does bear a resemblance to a dualistic approach. For one thing, he explicitly rejects what he calls the monist tradition of justice which gives lexical priority to the value of fairness. Wolff holds that fairness and respect are both fundamental egalitarian principles. Respect should stand as an equally urgent, and independent, concern for egalitarians (116-20). This is not dissimilar to Fraser’s position that the injustices of maldistribution and misrecognition are independent, irreducible and equally primary forms of injustice.

What about Wolff’s sympathies for the situations of disabled people, and his argument that the best way to address them involves restructuring the physical world

and encouraging people to alter their negative views of disability? This too seems to merge with themes emphasised by cultural justice theorists. Wolff discusses how laws requiring hotels to provide accessible rooms would be one way to cancel out or 'nullify' the disadvantage that disabled people suffer. If everyone knew that all hotels made such arrangements, "no one need mention they are a wheelchair user when booking a room, for there is no fear of getting the wrong sort of room." But we should also note another side to the problems faced by disabled people: the very fact that having a disability is considered shameful; not something you want to reveal to strangers. "Rather than spare people the humiliation of having to reveal their disability status, wouldn't it be much better if we could arrange the world so that having a disability was never seen as shaming or embarrassing... Perhaps this is the case for many people already, but it is far from universally so" (2002: 214).

These remarks suggest that Wolff accepts that injustices of exclusion that disabled people face have both an economic or distributive side, and a cultural or symbolic side. Moreover, throughout his analysis, Wolff implies that he generally approves of the social model of disability over the medical model, the former conforming to his status enhancement type of remedy. Multiculturalism and recognition politics are usually regarded as comprising disparate social movements, include disability activists who promote the social model and criticise the medical model. One of the common threads for groups under the umbrella of recognition politics is to challenge notions of 'normal' body types and abilities, and to promote appreciation of diversity and difference, in bodies, as in other things. However, Wolff describes all four types of remedy, including status enhancement, as forms of "redistributive attention" to the disadvantaged (207). What others might view as cultural revaluation remedies for disabled people, Wolff absorbs into the language of redistribution, suggesting his primary theoretical orientation is towards the liberal distributive justice perspective.

Wolff's argument about the conflict between fairness and respect runs parallel with Fraser's claim that the pursuit of one objective of justice can interfere with the pursuit of another. He writes that the "concern for fairness" and the "idea of respect for all" are both "authentically part of the egalitarian ethos" and "can come into conflict" (1998: 97). But the *content* of these structurally similar positions are strikingly different. Wolff betrays no sign that he considers the conflicting demands of justice for any social group but workers and people with disabilities. In Fraser's

view, this analysis would then overlook two groups – women and people of colour – for whom the dilemma of justice is most acute. Ultimately, Wolff's work does not unambiguously embrace a dualistic approach to social justice, but his analysis clearly suggests that he is unsatisfied with the dominant approach.

For his part, Hinton explicitly subscribes to a dualistic conception of injustice. In setting out his "equality of status" alternative to Dworkin's "brute-luck-elimination" ambition, Hinton insists that the fundamental egalitarian duty is to eliminate two basic forms of injustice: economic exploitation and social domination. He writes:

Plain examples of economic exploitation are provided by the way in which working-class people are paid at dismally low wages to perform repetitive or dangerous or distasteful work, or again by the way in which women are pressured to remain at home to perform the bulk of domestic labor while men do the 'real work.' Plain examples of social domination are provided by the way in which people of color are more often than not condemned to live in squalid conditions with the most meager of opportunities for education and health care, or again by the way in which gay men and lesbians are harassed or vilified for seeking to live the kinds of lives they want (2001: 80).

This passage demonstrates his recognition of both basic forms of injustice and a keen sense of the injustice of women's undervalued labour and the heterosexist subordination of gays and lesbians. It also seems to imply a basic parity between the two types of injustice, in the sense that neither is more primary or urgent than the other. In this passage, Hinton also directly links the philosophical project of egalitarian justice to actual social movements, something other critics of Dworkinian justice have argued is sorely lacking in that tradition (see, for example, Anderson 1999a).

Hinton criticises how luck egalitarianism represents the harms suffered by blacks in apartheid South Africa. The evil of apartheid, he writes, "did not consist in the fact that the color of one's skin is largely a matter of brute luck." What made it evil was the "way that black people were forced to live: their continual subjugation, humiliation, and deprivation..." (2001: 79). This resonates with my arguments in chapters one and two that the category of 'bad luck' is over-general. It implies that cosmic misfortune, intentional wrongdoing by individuals, structural barriers, and

unintentional, socially-generated discrimination and oppression are morally equivalent harms, from the point of egalitarianism. While they may have other drawbacks, dualistic or pluralistic approaches to social justice are better equipped to represent the qualitatively different forms of injustice that individuals and groups suffer.

However, by the end of his analysis, Hinton's concerns for the particular situations of women, homosexuals and oppressed racial groups seem to have disappeared. His defence of the difference principle as superior to Dworkin's individualistic, fine-grained resource equality leads him into discussions of economic exploitation. The difference principle mandates redistributing resources from the well-off to the least-advantaged group, to the point where any remaining inequalities are to the advantage of the worst-off. Hinton's justification of the difference principle is complex (81-85). Without going into every corner of it, what we need to know is that it rests in part on an assumption that we all have a "pre-political" entitlement to a fair share of the world's resources. Hinton suggests that this assumption effectively neutralises objections from Dworkin and his followers that there is the potential for members of the worst-off group to exploit the efforts of better-off members of society.⁷³ Hinton's point is to reject the idea that a Rawlsian account of redistribution would permit economic exploitation of any members of society. My point is that, in laying out these arguments, Hinton's other principle in his equality of status ideal – eliminating social domination – seems to vanish. In other words, if equal status has a cultural justice component mandating equal respect for everyone, not in spite of our differences but because of them, by the end of Hinton's analysis, that concern takes a back seat to the need to affirm the "joint ownership in the world's resources" (83). The privileging of a distributive economic justice perspective over one that is sensitive to non-economic harms reasserts itself in Hinton's analysis.

Finally, Wolff and Hinton have also not done much to interrogate such value-laden concepts as 'talent,' which are widely and uncritically employed by luck egalitarians. For example, Wolff makes the probably uncontroversial claim that, in

⁷³ This aspect of Hinton's approach relates to wider debates in distributive justice. Some theorists who argue for an unconditional basic income for all citizens, regardless of their ability to work, their income or wealth from other sources, marriage status and so on, say that this universal benefit is justified because all human beings are automatically entitled to a share of the earth's resources. For discussions of this issue, see Philippe van Parijs (1991; 1992; 1995; 1996).

the real world, people *do* feel shame at being untalented: “the shamefulness of low talent is likely to be much more universal than, say, the shamefulness of an inability to grow the right sort of facial hair” (1998: 115). Hinton also uses phrases such as ‘untalented people’ without problematising them (2001: 85). There is room here to ask, as Anderson does, why egalitarian justice should be in the business of ranking people’s characters and abilities:

[Egalitarianism] should promote institutional arrangements that enable the diversity of people’s talents, aspirations, roles and cultures to benefit everyone and to be recognized as mutually beneficial. Instead, [luck egalitarianism] reflects the mean-spirited, contemptuous, parochial vision of a society that represents human diversity hierarchically, moralistically contrasting the responsible and irresponsible, the innately superior and the innately inferior, the independent and the dependent (1999a: 308).

An ideal of human diversity, which Anderson invokes in this passage, is central to the project of cultural justice. As Fraser notes, its general goal is a “difference-friendly world, where assimilation to majority or dominant cultural norms is no longer the price of equal respect” (1996: 3). It wants to disrupt, invert and deconstruct settled notions about which human characteristics, behaviours, and social practices are worthy and superior, and which ones are contemptible and inferior. In line with this ideal, Wolff and Hinton both argue that an ideally just society would not disparage and shun certain people, such as homosexuals and those with disabilities. But to the extent that they are sympathetic to ideals of diversity and difference, this commitment remains mostly implicit in their work.

Ultimately, Wolff’s and Hinton’s analyses display more affinities with the project of cultural justice than is displayed in luck egalitarianism. On occasion, they each adopt what could be called a ‘cultural justice’ perspective insofar as their analyses recognize that remedies for injustice entail not only redistribution but also recognition. Their respect objection draws upon the dualistic approach to justice, both explicitly and more often, implicitly. A hallmark of Fraser’s approach is to insist that each paradigm of justice is fundamental and primary; neither should be subordinated to the other. In the work by Wolff and Hinton examined here, however, the socio-economic paradigm of justice often predominates. Thus, in general, it would be a stretch to say that their deployment of the respect objection brings an

overtly cultural justice approach to bear on luck equality. However, in light of counter-responses by luck egalitarians to the objection, a more explicit appeal to the recognition paradigm may be necessary.

Some luck egalitarians believe that the respect objection boils down to a critique of the *implementation* of their ideal of equality, and therefore does not touch the core principles. For example, Cohen writes, “difficulties of implementation, just as such, do not defeat luck egalitarianism as a conception of justice, since it is not a constraint on a sound conception of justice that it should always be sensible to strive to implement it, whatever the factual circumstances may be” (2003: 244).⁷⁴ Ideal theory and practical problems of implementation of a theory are distinct concerns, so criticising the latter does not imply a critique of the former. I believe Wolff and Hinton mean to criticise the *theory* of luck equality, not just its implementation. This is implied, for example, in Wolff’s challenge to luck egalitarianism’s monism. Incidentally, this has parallels with Iris Young’s criticism, discussed in chapter two, that the distributive justice paradigm wrongly assumes that virtually all issues of justice can be formulated in terms of the fair distribution of material or non-material goods amongst agents. Hinton’s arguments about substituting the ambition of luck-neutralisation with an ideal of status equality also cannot be represented as mere quibbles about how an ideal is to be implemented. In order to drain the counter-response by luck egalitarians of its force, in other words, Wolff and Hinton must show that there is genuine disagreement between their preferred conceptions of egalitarianism and luck equality. I believe this genuine disagreement lies in their greater receptiveness to a dualistic approach to justice which refuses to treat cultural hierarchy as less important than or derivative of economic inequality.

⁷⁴ See also similar responses by Dworkin (2002: 116-117); and Arneson (2000a: 344-45).

CHAPTER FIVE

RELATIONAL EQUALITY, CITIZENSHIP, AND DEMOCRACY

IN CHAPTER FOUR, I situated Wolff's and Hinton's respect objection to luck egalitarianism within a wider discourse identifying redistributive and recognition forms of justice. The respect objection, as well as the wider discourse of dualistic injustice, succeeds in validating the non-economic dimensions of disadvantage as serious objects of egalitarian concern, which is a welcome development. However, even as we shift to a new perspective on social justice that acknowledges the multi-dimensional nature of disadvantage, one feature that has not altered is a tendency to assume that what defines an egalitarian society is a just distribution of goods, whether that is interpreted narrowly as material goods, or more broadly to include goods such as cultural recognition and respect. In harmony with the mainstream egalitarian discourse, the redistribution/recognition discourse also assumes that social justice refers primarily to adjustments to patterns of goods, which adjustments are likely carried out by the state as the main actor. In this chapter, I challenge this through the development of an alternative perspective that I call 'relational equality.' In essence, the relational equality approach suggests that equality is not primarily a distributive ideal achieved mainly by government, but rather is an ideal that governs social relationships between citizens. This is a rather general notion, so the question guiding my chapter is what theoretical work can the notion of relational equality do in describing a vision of egalitarian justice? I argue that several distinct projects or efforts can be identified in the texts of those who have endorsed this approach. Although these are promising, I argue that they are under-theorised, so I attempt to identify how they might be fruitfully developed.

1. THE RELATIONAL IDEAL OF EQUALITY

As noted in the thesis introduction, a central point of Anderson's critique of luck egalitarianism is that it does not speak to equality as an ideal that refers to relations between citizens. She argues that the "proper negative aim of egalitarian justice is not to eliminate the impact of brute luck from human affairs, but to end oppression, which by definition is socially imposed. Its proper positive aim is not to ensure that everyone gets what they morally deserve, but to create a community in

which people stand in relations of equality to others” (1999a: 288-89). Anderson suggests that luck egalitarians’ aim of eliminating the impact of brute luck on what people end up with accounts for their failure to address the relational dimension of the ideal of equality. The tradition is “too narrowly focused on the distribution of divisible, privately appropriated goods, such as income and resources, or privately enjoyed goods, such as welfare” (1999a: 288). According to Anderson, inequality has historically referred “not so much to distributions of goods as to relations between superior and inferior persons. Those of superior rank were thought entitled to inflict violence on inferiors, to exclude or segregate them from social life, to treat them with contempt, to force them to obey, work without reciprocation, and abandon their own cultures” (312). Fundamentally, Anderson asserts, “egalitarians seek a social order in which persons stand in relations of equality,” and that democratic egalitarianism, her preferred view, represents a “relational theory of equality” while “equality of fortune is a distributive theory of equality” (313).

Samuel Scheffler echoes some of these points. He argues, “Equality, as it is more commonly understood, is not, in the first instance, a distributive ideal, and its aim is not to compensate for misfortune. It is, instead, a moral ideal governing the relations in which people stand to one another” (2003a: 21). Following Anderson, he criticises luck egalitarianism for putting so much stock in the chance/choice distinction – a distinction he believes is “philosophically dubious and morally implausible” (17). This focus, he suggests, has contributed to an egalitarian discourse that focuses almost exclusively on questions of distribution, while simultaneously neglecting “fundamental questions” about the notion of equality that supports the whole project (17). He argues that luck egalitarians typically fail to anchor their accounts of distributive equality in a more basic ideal; they just have not bothered to defend at a fundamental level their views to people who are not persuaded by the tradition’s overall drift. He also argues that even where luck egalitarians *can* be interpreted as trying to root their distributive programmes in a more fundamental notion of equality, the one they implicitly rely on – the notion of equal moral worth – is too meagre or minimal (31-33). Equality, he insists, is “most compelling when it is understood as a social and political ideal that includes but goes beyond the proposition that all people have equal moral worth” (33). Scheffler maintains that any adequate conceptualisation of egalitarianism must anchor the

project in a moral, social, and political ideal of equality which speaks to the sorts of relations we want between equal citizens.

Scheffler selects Dworkin's account for detailed analysis because he argues that Dworkin *does* propose that equality of resources is one element in a more comprehensive account of equality. However, that account, which holds that the state must treat each citizen with equal respect and concern, does not satisfy Scheffler, who calls it an "administrative" egalitarian vision. He argues that "Dworkin's ideal of equality, as applied to questions of distribution, is not itself a model of social or political equality at all; it is perfectly compatible with social hierarchy, inasmuch as it involves one relatively powerful party choosing how to distribute resources among those with relatively less power" (36). Furthermore, he contends, Dworkin explicitly rejects an equal distribution of power. In general, Scheffler's chief complaint with regard to Dworkin's egalitarian theory seems to be that it formulates equality *not* as an ideal governing the relations between citizens, but instead as an ideal that refers to the way the state treats its citizens.

Interestingly, these criticisms appear to echo points made by David Miller more than a decade ago. According to Miller, the notion of equality has two different meanings. Dworkin, Cohen, Arneson, and others are 'simple egalitarians' because they believe the ideal of equality directs us toward a question about the correct metric of distribution (resources, welfare, opportunities for welfare, and so on), which can be expressed in the simple idea of 'equality of X.'⁷⁵ The second type of equality is what Miller calls equality of status or social equality. This type of equality cannot be understood as something that is achieved when distributive fairness – however understood – is achieved amongst a group of individuals. The ideal of social equality is instead "a matter of how people regard one another, and how they conduct their social relations. It does not require that people should be equal in power, prestige or wealth, nor absurdly, that they should score the same on natural dimensions such as strength or intelligence" (1998: 31). When people talk about wanting a classless society, a society without pervasive social hierarchies, a society where people interact with one another as individuals not as members of particular classes, castes, or other social groups, they are referring, Miller suggests, to the visions that lie behind the notion of equality as a fundamentally relational ideal.

⁷⁵ Some of Miller's work on this pre-dates Anderson's coining of the term 'luck egalitarianism.' Nevertheless, the writers he criticises are amongst the group to whom Anderson has applied the label.

As one writer explains, social equality, on this account, is “an attribute of non-hierarchical social relations” (Mason 1998: ix) in society as a whole, not a form of individual, distributive equality. Although Miller uses the terms ‘social equality’ and ‘status equality,’ his concerns seem sufficiently similar to Anderson’s and Scheffler’s to validate their inclusion under the term ‘relational equality.’

One small but arresting piece of evidence Miller offers is the ‘moral passage’ through time of the concept of condescension. Condescension used to be a virtue but is now considered a vice. In Samuel Johnson’s time, an upper-class person who willingly “sank” to the level of his or her inferiors was described approvingly as foregoing privileges to which he or she was entitled. By Jane Austen’s time, condescension was “morally ambiguous.” Miller writes:

Readers (or viewers) of *Pride and Prejudice* will remember the appalling Mr. Collins who is forever praising the condescension of his patron Lady Catherine de Burgh. Collins is both a comic and a pathetic figure, and Austen’s characterisation is plainly a satirical one, but she is describing a moral world in which it was still possible to regard condescension as a virtue. Today it is not possible: to describe someone as condescending is to condemn them. Condescension is a vice because there are no legitimate ‘privileges of superiority’ to depart from, so someone who behaves in a condescending way is claiming a superior status that he is not entitled to. The progressive acceptance of social equality as an ideal, I am suggesting, could roughly be measured by tracing the moral passage of the concept of condescension from virtue to vice (1999: 239-40).

The point, for Miller, is to underline the idea that equality in this sense is not, directly at least, about distributive fairness, but is rather centred on the way people regard one another and interact together. This understanding of equality is violated when modern society develops relationships of social hierarchy, despite guarantees of formal, universal, equality.

A number of important similarities emerge in these accounts. All three suggest that the imaginations of contemporary egalitarians are (or should be) fired by remembrances of historically acceptable hierarchies in social relationships we now find repugnant. Additionally, it is not clear to them, as it apparently is to luck egalitarians, why differences in genetic luck should take centre stage, and not the

residues of historical, officially sanctioned social and political hierarchies and exclusions. In general, then, these authors express overlapping perspectives on what equality as an ideal fundamentally refers to, and problematic tendencies in the luck egalitarian perspective.

2. IS RELATIONAL EQUALITY A CURRENCY?

Anderson, Scheffler, and Miller articulate a distinctive and, I believe, appealing vision that steers egalitarianism away from vexed questions about choice and chance, and the thought that equality as a value fundamentally refers to “how a distributor of good things should distribute them” (Gaus 2000a: 168). Despite the alternative emphasis on social relations and avoiding hierarchy, it seems quite difficult to escape the grip of “currency” thinking in egalitarian discourse, as a response from Richard Arneson demonstrates. Paraphrasing Anderson’s criticism of luck egalitarianism, he writes:

Anderson urges that the luck egalitarians wrongly focus their attention on the distribution of privately owned goods among individuals. Against this shopping mall egalitarianism, we should insist that the point of equality is creating and sustaining a community of equals. What matters is equality in certain human relationships. So says Anderson. The issue raised here is how the egalitarian should be measuring inequality among persons (2000a: 341).

Arneson then goes on to say that Anderson claims that we can compare people according to their stock of relationships with others. The problem with this is that it resembles the fetishism of the resourcist view: relationships themselves are “reasonably regarded as instrumental to well-being, not morally important in themselves” (342). He argues his own conception escapes the fetishism charge because what it posits as fundamentally important is how well someone’s life is going: “The egalitarian of well-being is concerned with the quality of human relationships that people sustain in a society, but these are evaluated by their impact on well-being” (2000a: 341). In other words, Arneson suggests that the notion of relational equality can be assimilated to the general luck egalitarian approach by treating relationships as analogous to other resources from which individuals derive welfare.

It is true that regarding relationships as a component of one or the other main currencies of equality makes sense. The relationship that a crack-baby has with his addict mother certainly counts as a piece of very bad brute luck that would attract compensation on any luck egalitarian account. And, as Anderson observes, some versions of luck egalitarianism would award extra resources to those who are unlucky in love due to being ugly or socially awkward (1999a: 288; 305). This does not appear to be what those who advance a relational notion of equality have in mind, however. Indeed, anticipating an interpretation such as Arneson's, Miller cautions that "Equality of status does not mean that there is some characteristic, viz. status, that is handed out in equal quantities to each person" (1990: 97-97; see also 1995: 199).

While Arneson's interpretation of relational egalitarianism is not unreasonable, it demonstrates a failure to remember that a main point of the objection is to show that equality, as an ideal, can be employed in a non-distributive fashion. The confusion seems to arise from the fact that Arneson insists on trying to read Anderson as offering a currency of equality. Consider the quoted passage by Arneson again. He correctly describes Anderson's view of luck egalitarianism. He also correctly describes Anderson's ethic: the point of equality is creating and sustaining a community of equals. The whole of that excerpt, except the last line, is a comparison of two visions of egalitarian politics. *But it is not a comparison of two currencies.* This is where the confusion enters. In his summary statement of the comparison, Arneson says: "The issue raised here is how the egalitarian should be measuring inequality among persons." No one can think that Anderson means to suggest that if I have ten high-quality relationships and you have ten, then we are equal. When equality is posited as a relational ideal, it should be understood as an attribute of a society as a whole, and not as a currency (or component of a currency) with which to perform interpersonal comparisons. The contrast is between two fundamentally different approaches to the egalitarian project, not, as Arneson seems to believe, between competing metrics of equality. There is a mismatch between what believers in equality as a relational ideal are arguing, and to what Arneson responds.

If relational equality does not conform to an 'equality of x' formulation, in what sense is it an expression of *egalitarianism*? The answer to this, particularly for Miller, relates to his adaptation of Michael Walzer's (1983) theory of complex

equality. As is well known, Walzer proposes a pluralistic approach to social justice that imagines social goods, such as money, power, honour, and love, as belonging to distinct spheres. He argues that the social meanings of these incommensurable social goods should determine their distributive principle. To take two examples, medical care should be distributed on the basis of need, while the distribution of romantic love is properly governed by free exchange between adults. On this view, a political morality that is egalitarian in a broad sense can nevertheless admit non-egalitarian principles such as need and desert, as well as equality. Walzer's approach allows for inequalities within different spheres so long as those who are superior in one sphere are not allowed to convert that into advantage in other spheres. To take another example, we need not worry that some people are richer than others so long as the rich are not able to buy political power, for example, by buying up poorer people's votes. The main threat to equality on this conception is not difference within particular spheres, but the potential for dominance across spheres.

Miller offers what he describes as a "revisionist" version of Walzer's complex egalitarianism (1990: 95). His ideal, in harmony with Walzer's vision, is a "state of affairs in which people regard and treat one another as of equal standing overall, despite the fact that in particular spheres achievements and holdings of goods are visibly unequal" (1990: 95). However, in contrast to Walzer, Miller believes that differences in two spheres – money and power – should be of direct egalitarian concern since great inequalities in these goods can "effectively swamp the other dimensions which in theory might serve to counteract them" (1990: 97). So whereas Walzer's complex egalitarianism appears to be compatible with any degree of inequality within these spheres, Miller's version calls for limits on inequalities in money and power. He believes that large income differences will "almost inevitably create a segregated society" where people with similar incomes associate almost exclusively with one another rather than mixing (1997: 96). In order for people to regard and treat one another as equals overall, we must prevent income inequalities from becoming too great.

While not denying that equality is an appropriate norm for some distributive practices, what emerges here is a vision of egalitarianism that says equality should also be employed as an overarching, but independent, value that regulates society's affairs in a broad sense. Consider the terminology Miller uses in describing the relationship between equality as a social or relational ideal and distribution: "Social

equality is not a distributive ideal in itself, but it does have distributive implications” (1998: 33); and “If we want our society to be egalitarian, then we will try to shape our distributive practices so that the emergence of hierarchy is discouraged” (1998: 34). Suppose we can choose between a reward system that honours big financial donors and one that honours non-rich people who donate a large amount of their time to voluntary causes. Miller suggests that there is nothing inherently unfair about either system (so long, of course, as the competitions are procedurally fair), but equality as a relational ideal will give us reasons for favouring the latter. It spreads advantage around better, preventing the person who is already superior to others in terms of wealth to capture yet another good. On this understanding of egalitarianism, the ideal of equality functions primarily as an overarching independent standard, appealing to the sorts of relationships citizens enjoy, which then shapes or regulates many different kinds of distributive practices.

Anderson and Scheffler echo the idea that equality regulates distributions. Anderson writes that “democratic equality guarantees not effective access to equal levels of functioning but effective access to levels of functioning sufficient to stand as an equal in society. For some functionings, equal citizenship requires equal levels. For example, each citizen is entitled to the same number of votes in an election as everyone else. But for other functionings, standing as an equal does not require equal levels of functioning” (1999a: 318-19). ‘Regarding one another as equals,’ ‘standing in relations of equality to others’ – these are consistently cited as the standards against which the justness of particular distributions of goods are then assessed. In addition to the example of political citizenship, which requires strict distributive equality of one person-one vote, Anderson refers to many other areas of social life, such as food, which do not require strict equality. To regard one another as equals, she argues, people do not require gourmet spreads to be laid before them. But one cannot stand as an equal with other citizens if one has to seek one’s dinner in the dumpster (320). Even if he has brought his predicament on himself, Anderson argues that an egalitarian society provides a lifetime guarantee of access to dignified sources of nutrition. The appeal to what is required in order for citizens to stand as equals thus attempts to detour around impenetrable questions about choice and circumstance in order to focus on issues such as basic needs.

For his part, Scheffler argues that “questions about egalitarian distributive norms must be *controlled* by some broader understanding of equality” (2003a: 23,

italics added); and that “the aim of enabling people to be fully cooperating members of society provides an *independent* standard for judging which disadvantages should be compensated. By this standard, some disadvantages should be compensated even if they result from bad ‘option luck,’ whereas others should not be compensated even if they result from bad ‘brute luck’” (30, italics added). An approach that starts from equality as a relational ideal is interested not primarily in questions about choice and chance, but rather in questions about the “nature of people’s ‘basic needs,’ the proper criteria for political institutions to use in distinguishing between genuine needs and what are merely very strong preferences... and especially, the degree of material inequality that is compatible with a conception of society as a fair system of cooperation among equals” (24). In harmony with Miller and Anderson, Scheffler suggests that rather than focusing exclusively on distributive fairness, defined in the luck egalitarian literature as the neutralisation of brute luck, an egalitarian who focuses more broadly on what is needed to sustain equal relations will ultimately be led to standards of distributive fairness that arise out of those prior intuitions and judgments.

This is a better reading than Arneson’s currency one of what the relational equality perspective implies for distributions in an egalitarian society. However, it faces at least two significant objections. When we appeal to a norm of relational equality to help “shape” or “control” distributive practices, it is evident that this standard permits a wide degree of latitude in what satisfies it. Let us focus on the issue of the distribution of income. The question is: what degree of income inequality is compatible with a society whose members stand in relations of equality? Miller offers two examples that appear to be indicative of his position on this. Drawing on his analysis of public opinion polls testing people’s attitudes to distributive justice, Miller argues that, in general, the empirical evidence shows that people believe current income differentials are too large (1992). So, he argues, “there is an opportunity to shape conceptions of wage fairness in the interests of social equality” (1998: 35). He suggests that people could be persuaded that the managing director of a company should earn no more than “three or four times” the wage of an unskilled worker in his company (1998: 35). Elsewhere, he recommends a maximum ratio of eight to one as the greatest degree of income inequality consistent with relational equality (1997: 94). Anderson appears to attribute less importance to narrowing income ratios, in the name of relational equality, than Miller. Citing Walzer,

Anderson argues that the degree of acceptable income inequality depends on how easy it is to convert wealth into other advantages (1999a: 326). But, in principle, it seems, she sees no reason to impose the sort of income ceiling that Miller believes is required to preserve relational equality: “Although there is a spectacular wealth difference between my family and Bill Gates’ family, my family enjoys... a fully satisfactory level of prosperity.... I see no morally compelling reason to worry about wealth disparities between the prosperous middle class and super-rich, provided the super-rich don’t use their wealth to undermine democracy – for example, by buying elections – or to oppress other people” (1999b: 3). In suggesting that her ideal egalitarian society may include “super-rich” people, Anderson’s intuition of what level of income inequality is compatible with relational egalitarianism appears to conflict with Miller’s intuition.⁷⁶ At the other end of the income spectrum, Anderson argues that her conception of the economy as a system of cooperative production wherein citizens “commission” one another to do the jobs they do, will mean that the meagre wages currently paid to low-skilled workers will not be publicly justifiable.

The ideal of relational equality will tend to recommend less income inequality than currently exists – and, as Scheffler notes, this is not a point of disagreement with most luck egalitarians (2003a: 7n). But the range of income ratios that appear to be compatible with relational equality indicates that the “control” that ideal exercises over specific distributive inequalities is loose. Some egalitarians (e.g. Arneson 1995) believe this is grounds for rejecting the approach altogether. However, I believe it points to the need for egalitarians who are attracted to this idea to come up with firmer guidelines on what degree of inequality (in income and other areas) is compatible with relational equality.⁷⁷ Such guidelines will inevitably be context-dependent, as both Miller (1990: 96-96) and Anderson (1999b: 316-20) note, and there will be disagreements. But these disagreements will be no more intractable (and maybe less so) than disagreements about where to draw the line between choice

⁷⁶ Indeed, some argue that Anderson’s democratic equality amounts to a form of sufficientarianism. I explore, and ultimately refute, this claim in chapter six.

⁷⁷ Maureen Ramsay (2005b) makes a case for Britain’s New Labour government to impose a maximum wage tied to the current minimum wage. As of October 2005, the minimum wage is £4.85 per hour. Calculated over a year, a fulltime minimum-wage earner would earn £10,088. Ramsay proposes the highest wage should be ten times this amount. Ramsay is also a critic of luck egalitarianism (2005a). It is interesting that proposals to put a ceiling on income inequality (as well as a floor) through wage-capping tend to come from those who distance themselves from the luck egalitarian approach.

and chance in influencing people's prospects and outcomes (Baker 1992: 106-07; Stark 2002).

A second objection holds that the appeal to the effects of inequality on relationships means that this approach ignores naked inequalities that obtain in the absence of any kind of relationship. Country A is overpopulated, resource-poor, and drought-stricken; many of its inhabitants are starving or malnourished. Country B has a small, prosperous population who enjoy the fruits of its abundant natural resources and temperate climate. Situated on opposite sides of the globe, Country A's poverty is completely unrelated to Country B's wealth as they have had no contact, for trade or other reasons. Egalitarians, the objection claims, should be moved by this bare inequality, but relational equality is not since no relations of domination or oppression obtain (Arneson 1995).

I agree that in the stated case, relational egalitarianism remains silent. And if many global and domestic inequalities were like this – that is, springing fully formed from purely natural contingencies of resource-location – then this would count as a strong reason for rejecting relational equality. The problem with the objection, however, is that it strains belief in an era of globalisation that the fate of any country could be completely unrelated to the fate of any other.⁷⁸ The hypothetical example speaks to the reactions that egalitarians tend to have to cosmic inequalities, on the one hand, which is what the scenario speaks to, and inequalities caused by social factors, on the other. As egalitarians, we should, of course, respond to both types. Impatience with luck egalitarianism stems from its tendency to focus on cosmic inequalities at the expense of social ones, or perhaps more precisely, on its tendency to assimilate social inequalities to the category of cosmic inequality through the employment of the category 'luck' to name the effects of social phenomena such as class, race, and gender structures. Invocations of purely cosmic inequalities lose their impact and plausibility in the face of what we know to be a highly globally interdependent world (Seabright 2004). For an example such as the one above to continue to count against an approach to egalitarianism that includes relational

⁷⁸ What also strains belief is Arneson's claim that luck egalitarians have "placed at the centre of their concern" the "inequality of life prospects between someone born into a family of poor peasants in Asia or African and someone born into a family of wealthy notables in Europe or North America" (1995: 247). To my knowledge, all of the hypothetical examples employed in the main luck egalitarian texts are unmistakeably westerners, many of them apparently quite well-off since it is their inability to fund trips to Spain, champagne, or an education in fine Renaissance artwork that detains us, *not* poor peasants in Asia and Africa.

equality as a norm, we will have to be able to convincingly demonstrate that the empirical assumptions hold.

3. RELATIONAL EQUALITY AND CITIZENSHIP

Anderson argues that a chief problem with luck egalitarianism is that it portrays generally unpleasant individuals: “beach bums, the lazy and irresponsible, people who can’t manage to entertain themselves with simple pleasures, religious fanatics;” “the stupid, talentless, and bitter people” (1999a: 288). Moreover, the literature fails to represent “actual egalitarian political movements” formed by women, blacks, gays and lesbians, the disabled; groups, that is, who have fought to become full citizens, with the legal, political, civil, and social rights and responsibilities that that status entails. In a more specific criticism, Anderson argues that luck egalitarians presuppose an individual citizen who is atomistic, egoistic, and self-sufficient (311).

Scheffler argues that Dworkin’s basic conception of equality is essentially a hierarchical one. He suggests that the opening example employed by Dworkin in his famous essay – a father dividing his estate amongst his children – does not depict a society of equals, but rather depicts one powerful party giving things to less powerful subjects. Dworkin brushes this off, accusing Scheffler of “deconstructive... critical maneuvers” (Dworkin 2003: 195). One’s reading of this example, and the significance to be attached to it, is somewhat immaterial anyway, since Scheffler has a broader, more thorough-going criticism that does not focus on one perhaps unrepresentative example. Scheffler argues that Dworkin’s abstract egalitarian principle itself (invoked repeatedly in his texts and therefore not dismissible as an unrepresentative example) also depicts hierarchy. According to Scheffler, Dworkin holds that “A ‘genuinely egalitarian’ community... is one that accepts the abstract principle that people should be treated as equals (or treated with equal concern) and whose ‘officials’ then administer social and political institutions in accordance with the best conception of what treatment as equals requires” (2003a: 37). Scheffler suggests that the ideal depicts government and governmental officials as the main actors or subjects who administer egalitarian justice to citizen-subjects. This seems troubling in itself, he suggests, but there is also a problem with what the abstract principle does *not* refer to or depict: “the ideal of equality applies to the relations

among group members and not merely to the treatment of individuals by the group as a whole. A group may have policies that treat all of its members with equal concern, yet the relations among group members may continue to be structured by mutually recognized differences of rank or status” (2003b: 205). In sum, Scheffler maintains that Dworkin’s abstract egalitarian principle fails to grasp the whole meaning of the value of equality since it does not address interactions *between* citizens, refers only to *government* treatment of citizens, and in this vein, may even impart an understanding of equality as compatible with hierarchy and unequal power.

These criticisms simultaneously construct an alternative picture of the sorts of citizens that relational egalitarians want. First, of course, relational egalitarians want citizens who regard themselves as moral equals, *not* as persons ordered in some kind of implicit social hierarchy based on whether they possess the ‘right’ talents. As Miller puts it, quoting approvingly from Walzer, the ideal of social equality describes a ‘society of misters’: people use “common modes of address,” “shake hands rather than bow,” “choose their friends according to common tastes and interests rather than according to social rank” (Miller 1998: 31). Moreover, they want citizens to understand themselves as making claims on one another because of their fundamental equality *as citizens* (Anderson 1999a: 312; Scheffler 2003a: 22). According to Scheffler, for instance, equality as a political ideal “highlights the claims that citizens are entitled to make on one another by virtue of their status *as* citizens, without any need of a moralized accounting of the details of their personal circumstances” (2003a: 22).

In constructing an implicit account of what citizens are like in the ideal relational egalitarian society, some proponents go further than merely characterising citizens’ daily interactions to suggesting that the ideal citizen has a specifically public role and political consciousness. This feature seems strongest in Anderson’s account, weakest in Miller’s, with Scheffler falling somewhere in between. Anderson describes a direct role for citizens in determining fair distributive shares. *Citizens*, not egalitarian planners guided by an ambition-sensitive, circumstance-insensitive distributive rule, decide what goods must be supplied collectively through a process of exchanging reasons and arguments. In Anderson’s terms, the goods that citizens agree to provide to one another socially must be the “object of collective willing” (1999a: 330), revealed through a democratic process: “Democracy is here

understood as collective self-determination by means of open discussion among equals, in accordance with rules acceptable to all” (1999a: 313).

For Miller, social equality emerges as a “by-product” of diverse performances in separate spheres, many of which are characterised by internal inequalities (1990). Miller’s vision evidently allows for greater variation in individuals’ political participation, including the possibility that some do not participate at all, whereas Anderson alludes to widespread or even universal citizen participation in decision-making. Scheffler’s criticism of Dworkin’s conception of equality as an essentially ‘administrative’ one implies that he believes an active role for citizens provides a better conception than one that constitutes citizens as passive recipients. Scheffler alludes to a vision of the citizen as an individual who is able and willing to play an active part in the discovery and negotiation of what are citizens’ basic needs; one who is not content to let officials on high determine the nature of these needs and to impose top-down policy solutions to fulfil them (2003a). However, unlike Anderson, Miller and Scheffler do not describe ways in which citizens will be actively involved in negotiating what citizens owe one another.

In general, then, relational egalitarians have engaged in a critique of the way luck egalitarians portray citizens. To a certain degree, this may have resonances with a civic republican critique of liberal citizenship. To take just one example, Mary Dietz argues that, “[u]nder liberalism, citizenship becomes less a collective, political activity than individual, economic activity – the right to pursue one’s interests, without hindrance, in the marketplace” (Dietz 1998: 382). This criticism aptly summarises some of the points made by relational egalitarians. None of the three considered here, however, engages in a full-blooded civic republican-style critique of the liberal conception of citizenship which would represent a much more radical challenge to luck egalitarianism than we have seen here. Although there are resonances with this critique (in Anderson’s view especially), relational egalitarians do not follow civic republicans in suggesting that individuals’ political role is their most important identity. Less radically, relational egalitarians suggest that the luck egalitarian tradition tends to portray citizens as either incapable (because too passive or stupid) or uninterested (because too self-interested, and not public-minded enough) in engaging in public discourse about what citizens owe to one another, though this tendency is stronger in Anderson than in Miller or Scheffler.

While it is clear that appeals to citizenship form an important strand of the relational egalitarian approach, what significance should be attached to this? Will Kymlicka and Wayne Norman (1994; 2000; see also Kymlicka 2002: chapter 7) argue that the 1990s saw a revival of the concept of citizenship. Several factors, both in real politics and in academic discourse, help to account for its new popularity. In real life, they suggest, the interest can be attributed at least in part to the fact that modern societies are increasingly culturally diverse. How might our standard notions of citizenship have to change in light of claims for minority rights and multiculturalism? In the philosophical literature, an important contributing factor is the “widely accepted” view that the attention to, and design of, just institutions (Rawls’s so-called ‘basic structure’) must be supplemented by an account of the “qualities and dispositions of the citizens who operate within these institutions and procedures” (Kymlicka and Norman 2000: 6).

On one hand, Kymlicka and Norman credit the surge of interest in the concept of citizenship with opening up many new avenues of inquiry and debate. It has inspired, for example, a great deal of work on the concepts of deliberative democracy, civic virtue, and the accommodation of minority cultures within liberal societies. On the other hand, they argue, the academic literature concerned with citizenship rarely clarifies what is at stake between different views. Each school of thought tends to promote the sorts of policies with which it is traditionally associated: “the left favored democratizing the welfare state long before they adopted the language of citizenship, just as feminists favoured day care and the New Right opposed the welfare state. It is not clear whether adopting the perspective of citizenship really leads to different policy conclusions than the more familiar perspectives of justice and democracy” (1994: 368). Furthermore, Kymlicka and Norman suggest that concrete policy proposals are seldom forthcoming from this literature in any event. They assert, “Much recent work on citizenship virtues seems quite hollow. In the absence of some account of legitimate and illegitimate ways to promote or enforce good citizenship, many works... reduce to a platitude: namely, society would be better if the people in it were nicer and more thoughtful” (1994: 369).⁷⁹

⁷⁹ In a reprise of this essay (see Kymlicka and Norman 2000), the authors repeat this conclusion but appear to distance themselves from it. They suggest that a “cynic” might reach that conclusion, and note in a footnote that this was an “uncharitable conclusion” on their part (Kymlicka and Norman

To a certain extent, this verdict applies to the relational equality objection. It is all very well to say that equality as a relational ideal recuperates an aspect of the meaning of equality that is lost or ignored by luck egalitarians. But what practical import does this ideal have? Kymlicka argues that it is “obviously impossible to compel civility between citizens in less formal settings – e.g. whether whites smile or scowl at an Asian family in the neighbourhood park” (2002: 301). It may be that this is precisely the sort of thing to which relational egalitarians gesture when they appeal to a “society of misters.” As Miller writes, “In objecting to inequality, we are objecting to social relations that we find unseemly – they involve incomprehension and mistrust between rich and poor, for instance, or arrogance on one side and forelock-tugging on the other” (1998: 24). Yet what can we really do, consistent with protecting basic freedoms of association and expression, to prevent unpleasant interactions between citizens? The issue is not, presumably, that luck egalitarians and their relational equality critics disagree about a principle of non-discrimination. Both will agree that it is illegitimate for government to discriminate against citizens on the basis of race, gender, and other morally irrelevant characteristics. This prohibition has gradually been extended beyond government to include civil society as well. As Kymlicka notes, “the obligation to treat people as equal citizens now applies to the most common everyday decisions of individuals. It is no longer permissible for businesses to refuse to hire black employees, or serve black customers, or to segregate their black employees and customers” (2002: 301). Here, too, luck egalitarians and their relational equality critics will surely be united in approval of this extension of the norm of non-discrimination. The point might be that the relational equality view is trying to extend this even further, and it is unclear how that should be done, consistent with basic liberties, and whether these efforts will, in any event, be effective.

While I find myself in agreement with Kymlicka and Norman that, sometimes, appeals to citizenship seem toothless, as applied to the authors under consideration here, this is not entirely fair. It is more plausible, in my view, to understand the relational equality view as finding in the citizenship literature

2000: 7). However, it should also be noted that Kymlicka retains the passage in the latest edition of his *Contemporary Political Philosophy* (2002: 316). Thus it is not clear how much he, at least, means to distance himself from this cynical evaluation of the debates. Having been reproduced at least three times, it seems reasonable to hold that this is Kymlicka and Norman’s genuine evaluation, cynical though it may be.

something valuable and interesting that is missing from the luck egalitarian discourse. For example, considering the passages from Anderson, Scheffler, and Miller quoted earlier, it is clear that the ideal world imagined by relational egalitarians speaks to people *interacting* on a daily basis, as citizen-strangers, whereas the ideal world imagined by luck egalitarians contains few if any references to this sort of interaction. As noted in chapter one, the individualistic nature of the examples employed by luck egalitarians is striking. Scheffler charges that “Dworkin gives no general characterization at all of the social relations among the participants” (Scheffler 2003a: 36). A review of equality of resources largely confirms this. The auction conjures up images of a group of people bargaining for bundles of resources, which they will then take away and use individually, according to their own wishes. Dworkin suggests that individuals under equality of resources are economically interdependent. The immigrants might, for example, come together occasionally to trade items; some apparently have a particular fondness for tomatoes. But, on the whole, they are portrayed as detached from one another, avoiding discussing their common life together even though “any likely rescue is many years away” (Dworkin 1981b: 285). The same point applies to the versions articulated by Cohen and Arneson. The citizen who emerges from luck egalitarian accounts is problematic, mainly because the individual as *citizen*, rather than as private possessor of bizarre tastes and consumer of goods, is largely absent. On this reading, that strand of the relational egalitarian perspective that appeals to citizenship should be understood, more modestly, as an attempt to bring the citizenship and egalitarian literatures more explicitly into dialogue with one another. This is an area where those who are critical of the luck egalitarian approach could fruitfully concentrate their efforts.

4. DEMOCRACY AND EQUALITY OF RESOURCES

Part of Scheffler’s criticism of equality of resources as administrative, statist, and hierarchical focuses on Dworkin’s formulation of political equality.⁸⁰ Scheffler does not go into much detail about the conceptions of democracy that Dworkin outlines – noting only that Dworkin’s preferred conception allows for “equality of

⁸⁰ Dworkin, ‘What is Equality? Part 4: Political Equality,’ first published in 1987, in *University of San Francisco Law Review*, vol. 22, 1987, pp. 1-30. References here are to *Sovereign Virtue* 2000, pp. 184-210.

impact” but rejects “equality of influence” – before issuing this verdict of the essay: “the upshot is that Dworkin’s ideal of equality does not require or even permit an equal distribution of power; and the kind of equal distribution of resources that it does require is not incompatible with social hierarchy or even, as he himself says, with ‘benevolent tyranny’” (Scheffler 2003a: 36-7). In other words, Scheffler suggests that the conception of democracy that emerges contributes yet more evidence of the overall approach’s tacit acceptance of hierarchy as compatible with egalitarian justice. Rather than ‘hierarchy,’ the better term here might be ‘anti-democratic,’ though Scheffler does not use that term.

Scheffler’s discussion of Dworkin’s conception of political equality is too brief to justify the strong criticism with which it concludes. In my view, this is something of a missed opportunity to examine a question that has yet to attract much interest amongst luck egalitarians and their critics: namely, what is the connection between luck egalitarianism and democracy?⁸¹ Do the various versions of luck egalitarianism address the democratic requirements and features of an egalitarian society, and if so, what are the results of this? In what remains, I propose to take some initial steps on this largely unexplored path by using Dworkin’s essay on political equality as my focus. More fleshed out, Dworkin’s conception of democracy has obvious attractions, which are not done justice by Scheffler. Ultimately, however, I argue that it is not fully satisfactory since it appears to be compatible with the political marginalisation of some social groups.

Dworkin argues that there are two main conceptions of democracy, which he labels the detached and dependent conceptions. The detached conception holds that each citizen should have the same degree of control or influence over a political outcome as every other citizen. He argues that most Americans favour the detached conception. Intuitively, it is very appealing. The hugely disproportionate influence in political affairs that, say, a Rockefeller enjoys provokes cries of indignation and unfairness from the American public, and the detached conception of democracy seems to provide an explanation for this reaction (195). Democratic legitimacy is deeply threatened when some people have much more control than others over political decision-making.

⁸¹ To my knowledge, Harry Brighouse (1996) has authored the only essay that specifically addresses luck egalitarianism and democracy, and the connections between the two.

However, a problem that the detached conception immediately confronts is that some people care deeply about politics while others do not, and some people turn out to be good at political activities such as speech-making while others prefer to develop other talents such as gardening. The detached conception would appear to require that we equalise people in an area to which some people attach great importance, but others attach little or none. In order to ensure that everyone has equal influence or control, it seems that ‘political animals’ will have to be suppressed somehow. Dworkin argues that the detached conception regards the “greater influence of politically motivated or experienced or charismatic people as a defect in political organisation, and take[s] whatever steps [it] could to eliminate or reduce it (195-6). This view seems to entail suppressing or prohibiting democratic activities, such as pamphletting, signature-gathering and lobbying, that most of us approve of and think of as essential to a healthy, mature democracy.

What this suggests is that our indignation and sense of unfairness about Rockefellers is not directed at unequal political influence *per se*. Rather, it is directed at the unequal political influence that money buys. Imagine a society in which everyone has equal wealth. If some people in this society have greater political influence, it derives from other sources besides money, such as charisma or wisdom – sources we do not find objectionable. Dworkin suggests that we care about people’s level of political influence today because we know that this inequality is an *effect* of unfairness in economic distribution. But, considered on its own, independent of economic injustice, we have no reason to expect or endorse equality in political power. Political influence is simply a good in the vast array of goods in the world in which people innocently differ in tastes and preferences. In other words, according to Dworkin, one reason we should reject a principle of equal political influence is that it is not our real concern, but rather parasitic on our concern that unequal wealth buys unequal political influence. If some people happen to have more power than other people, we should not jump to the conclusion that there is any unfairness.

Furthermore, if we turn our attention to outcomes, a conception of democracy defined as equality of political influence looks even less attractive. Suppose a political community faces a zoning decision. It can choose to zone a particular house

as a refuge for battered women or as a nursery for children.⁸² Thirty percent of the community favours zoning for the refuge. Seventy per cent are opposed because they worry about the effects it will have on the community – it might, for example, bring the violent ex-partners of the refuge’s occupants into the area. The majority does not have a strong preference for the nursery, because the neighbourhood has many nurseries – but they certainly do not want the refuge. Among the minority who favour the refuge are some individuals who are passionately committed to this option. On the detached conception, the likely outcome will be that the neighbourhood decides in favour of the nursery and against the refuge since it forbids those who are strongly in favour of the refuge from using whatever talents they have for persuading the others to come around to their way of thinking. The detached conception of democracy supplies an input test for political equality, but not an outcome test sensitive to whether or not the results of an equal political process treat citizens equally.

Dworkin argues that we should thus look for a different way to conceptualise political equality. Part of his preferred conception, the dependent version, has already been hinted at: it conceives of political equality as interlocking with an ideal of economic equality. Dworkin argues that “it is unjust that some people have as much money as a Rockefeller because that violates the distributive principles of equality... and the disproportionate influence their wealth gives them is a particularly deplorable consequence of the injustice because it allows them, among other things, to perpetuate and multiply their unfair advantages” (195). The dependent conception of democracy is thus conceptually linked to an ideal of equality of resources in the economy. If background unfairness in economic power is eliminated, we should not object to inequalities in political power since these will only be a function of innocent differences such as a zeal for politics or talent for public speaking. Inequalities in political power traceable to these sources are acceptable from an egalitarian point of view, but inequalities traceable to economic inequalities which are anyway condemned by equality of resources are not.

Linking political equality to equality of resources in the economy ensures what Dworkin calls the ‘distributive goals’ of democracy are met. But democracy also has ‘participatory goals’ that need to be addressed. Participatory goals refer to

⁸² This is not Dworkin’s example, although his essay does contain a hypothetical example of a community deciding whether to “build a new sports center or a new road system” (204).

how citizens conceive of themselves as political agents and whether or not they perceive themselves as politically effective. Since the dependent conception approves of unequal political influence that derives from unobjectionable sources, someone might object that this could lead to a world where a few highly motivated individuals effectively drown out the voices of the majority of citizens by their sheer (and legitimate) enthusiasm, and not because they have an unfair monopoly on broadcast media. Patterns could develop where the participatory goals of the society are endangered because some citizens are extremely active and influential while the rest gradually subside, feeling marginalized and ineffective. Dworkin argues that “We do not engage in politics as moral agents unless we sense that what we do can make a difference, and an adequate political process must strive, against formidable obstacles, to preserve that potential power for everyone. It must, that is, insure a degree of political leverage for each citizen” (202). Anticipating that some may wonder if he is trying to smuggle an ideal of equal political influence (already rejected as part of the detached conception) into his own preferred account, Dworkin emphasises that his conception argues for “the opportunity for *some* influence – enough to make political effort something other than pointless – rather than on the opportunity to have the same influence as anyone else has... That is a threshold notion, and nothing in it takes equality of influence to be an ideal toward which we should strive” (203). Concretely, Dworkin recommends that participatory goals of democracy can be “served only by providing everyone enough access to influential media, if he or she wishes, to give each person a fair chance to influence others if he or she can” (202).

To sum up, Dworkin argues that input and output conditions define the dependent conception of political equality (186). Input conditions concern the power that private citizens have, relative to one another, to influence public affairs, and Dworkin’s position is that everyone is entitled to a threshold amount of political power, such as access to influential media, if they want it.⁸³ Output conditions refer

⁸³ It should also be noted that the dependent conception requires equality of impact within voting districts. This is the uncontroversial principle of ‘one person, one vote’ of democracies everywhere which extend universal suffrage to adult citizens. In addition to this, the dependent conception “presumes equality of impact across” districts (203). This refers to the fact that in political practice in the US (and elsewhere), unequal political impact across districts is permitted, in the sense that the ratio of voters to elected representative is not identical from district to district. Although a perfectly identical ratio is the symbolic standard – it symbolises the idea that all citizens have exactly equal standing – for practical and historic reasons, it must actually be flexible enough to allow “deviations” (200). Practically, maintaining an identical voter-to-representative ratio in all electoral districts is

to the substantive outcomes of decisions taken by elected representatives, asking whether or not these treat all citizens with equal concern.

Dworkin's democratic conception seems unlikely to impress someone who does not accept that equality of resources describes or delivers a fair economic environment. I have suggested elsewhere reasons why we should doubt that the economic distribution recommended by equality of resources should be regarded as just from an egalitarian point of view. For example, equality of resources appears to do little to address income inequalities related to the valuations currently attached to different occupations, apparently carrying into the theory intact the wage inequalities of our own society. Although this is not a point I have argued, Scheffler suggests that equality of resources would shield from taxation lottery winnings provided people had equal chance to exercise this sort of option luck. Scheffler argues that this implication departs from the prevailing political morality (2003a). The point is, if these economic inequalities are not regarded as just, then the unequal political influence that may flow from them is correspondingly not acceptable.

However, this objection merely returns us to disagreements about Dworkin's conception of economic fairness. Are there any reasons independent of its reliance on equality of resources to object to the democratic ideal? To answer this, we assume that the economic arrangements generated by equality of resources are perfectly fair according to one's favourite vision. Despite this, intuitively, it still seems problematic if I exercise a hundred times more political influence than you do over a political decision. If this disparity were repeated across many political decisions, our uneasiness would likely increase. The intuition seems to be related to the minimalist notion of political power guaranteed to citizens in Dworkin's conception. For reasons of the participatory goals of democracy, everyone should enjoy a minimum level of political power – for example, through guaranteed access to the media – if they want it. As he notes, this is a threshold notion of political power: citizens should have access to enough political power so that their efforts are not “pointless.” That my share of political influence can be just more than pointless

impossible as people migrate, die and reach voting age. Historically, unequal ratios – therefore unequal political impact across districts – is permitted without thereby calling into question our equal concern for all citizens. Giving inner-city citizens somewhat more impact than they otherwise would have, for example, is compatible with the abstract ideal of symbolic equality, even though it is incompatible with perfect numerical equality of impact across districts (201).

but acceptable from the point of view of Dworkin's conception delivers a rather skimpy notion of democratic equality.

It is interesting that luck egalitarians typically place the mantle of 'egalitarian' on those who favour (some form of) equality in material and economic goods. They tend to be severely critical of theorists they suspect of promoting sufficiency or threshold arguments in this domain. Dworkin asks: "Would it be enough for a community to secure a minimal level of nutrition, housing, and medical care for everyone, and then to take no further interest in whether some citizens have vastly more wealth than others?" (2000: 2). He answers the question himself in his reply to Scheffler's criticisms: "It is hardly enough to say (although many political philosophers apparently think it is enough) that society owes everyone care for their most basic needs, but not economic equality" (2003: 198; see also Arneson 1995). Despite this disdain for a threshold approach in some domains, Dworkin believes that a threshold level of political influence is acceptable. This seems out of step with a more encompassing understanding of egalitarianism. As Harry Brighouse remarks,

Egalitarian political movements (as opposed to philosophers) have not distinguished the demand for more democracy and that for more material equality as separate demands, only one of which justified their designation as egalitarians. Yet most contemporary egalitarian philosophers have either ignored democracy as a dimension of equality, or have claimed that it has only a dependent or instrumental role: that it is desirable only insofar as it serves the independent requirements of egalitarian justice (1996: 118).

Democracy is one vitally important way that we express to one another our moral equality and recognise one another as equally qualified to participate in our collective self-government (Dahl 1989). This expressive function of democracy seems to be eroded if some citizens regularly enjoy much more control than others over our collective affairs, no matter how politically innocent are the sources of that inequality. Dworkin argues that "the best form of democracy is whatever form is most likely to produce the substantive decisions and results that treat all members of the community with equal concern" (186). This instrumental justification for democratic government does not accord any inherent value to democratic participation, and this seems to short-change it as a value.

This is still to assess Dworkin's dependent conception of democracy from the perspective of individuals' fates, however. When we shift to a group-based perspective, another worry comes into view. At one point in his discussion of the detached conception, Dworkin presents this scenario: "Imagine a society in which economic, social and cultural discrimination against women has been removed. If the average power of men and women is unequal in such a society – as it might be, in either direction – would that fact, just in itself, count as a defect in social organization?" (196). As Dworkin notes, this image is supposed to "tempt [readers] away from the ideal of equality of power" (196). But for me, the opposite happens. Would Dworkin be as comfortable with the scenario if we substituted 'blacks' and 'whites' for 'women' and 'men' here? His conception of democratic equality seems particularly unfortunate when it is viewed *not* from the perspective of individual variations in influence (derived, as his analysis invites us to think, from innocent differences in people's taste and talents for politics), but rather from the perspective of social groups, a perspective Dworkin himself invokes in the passage. He effectively suggests that his conception of democracy is compatible with the marginalisation or exclusion of social groups from political power, provided the substantive outcomes of the political process treat individuals with equal concern.

Many and good arguments have been advanced for the notion that social groups should enjoy an equal or proportional share of power in democratic societies. Many of these arguments have issued from feminist quarters.⁸⁴ This is unsurprising since, as Dworkin's example inadvertently reminds us, many people have regarded the near total exclusion of women from formal democratic power as perfectly compatible with an understanding of women and men, individually, as political equals. I am not suggesting that Dworkin believes women's real under-representation in politics is acceptable. However, the standard liberal view with regard to democracy – a view that Dworkin's remarks exemplify – is that, provided unjust background inequalities in economic resources are rectified, then a gender (or racial) imbalance in who our representatives are is perfectly acceptable. Thus, the liberal approach forecloses thinking about political inequalities in terms of the relationships between social groups, rather than between individuals. It is committed to a view that, absent background injustice, gender disparities in political

⁸⁴ Key contributions to this debate include Jane Mansbridge (1999); Phillips (1991a; 1993; 1995; 1998; 2004); Melissa Williams (1998; 2000); and Iris Marion Young (1990; 1998; 2001);

representation are acceptable, whereas for feminists, such disparities are indicative of historical and contemporary unjust background inequalities between women and men. As Phillips puts it, “Failing some weird stretch of DNA that attaches sex and race to the capacity to make speeches or deliberate on public affairs, the only explanation for under-representation is that something is blocking the way. At this point, it is not hugely significant whether the obstacle is a male conspiracy to exclude women or the sexual division of labour: whichever it is, there is some illegitimate process of exclusion” (2004: 8). In this view, gender equality in political representation becomes a litmus test for equality in general since feminists believe it is *not* primarily innocent differences in taste and talents for politics that keep women out, and propel (mainly white, in this country) men into the halls of power, but rather complex and deep-seated structures of inequality.

There is a huge debate around the arguments for gender and racial equality in political representation, and I do not intend to enter this debate here. Feminists who argue for equal gender representation are well aware of the difficulties with this position, and frequently do as good a job articulating the significant objections to it as they do the arguments in favour. Rather than getting into substantive reasons that are traded for either supporting or opposing equal gender representation in government, my aim here is simply to point to the debate itself as representing one promising way in which the relational equality view can be taken forward. Miller, Anderson, and Scheffler have argued that luck egalitarianism neglects an understanding of equality as an ideal concerning relationships between citizens. Although they develop the objection in some interesting ways, I suggest that one of the most promising elaborations of the notion of relational equality has been virtually neglected by its proponents. If we focus on democracy, the relational equality ideal easily points to one of the most glaring forms of contemporary relational inequality: the inequalities of political power between women and men, and between minorities and whites.

However, reaching this conclusion produces a tension with my starting place. I have suggested that the relational equality perspective attempts to shift attention away from questions of distribution and state-led egalitarian initiatives and towards relationships between citizens. But we have now arrived at an argument for the fair distribution of political power. This tension cannot be fully resolved here. While I believe that ‘mirror’ or proportional representation is a constitutive element of a truly

egalitarian society, you do not need to agree with me on that specific issue to accept the more general point of my analysis: discussions about the nature of the democratic systems in an ideal egalitarian society are largely absent in the luck equality literature. This seems problematic since our democratic arrangements are one of the most important ways available to us as citizens to express our belief in our fundamental equality. The existence of a permanent political underclass, as much as an economic underclass, is incontrovertible proof that our society is not an egalitarian one. We should take a *direct* interest in which citizens tend to hold power, and which citizens do not. Even if the radical argument for proportional representation is left for another day, there is still plenty of room to explore how an egalitarian society can be made a more politically inclusive one.

CHAPTER SIX

SUFFICIENCY, PRIORITY, AND PLURALISTIC EGALITARIANISM

PREVIOUS CHAPTERS HAVE established the legitimacy of at least some of the criticisms of luck egalitarianism, while suggesting areas of ambiguity and potential development. But there is an important objection – voiced especially by Arneson – that the alternatives offered by some critics of luck egalitarianism collapse into a non-egalitarian sufficiency view. I address this objection in this chapter, and argue that the alternative conceptions presented by Anderson and Martha Nussbaum are best understood not as sufficientarianism, but as a pluralistic egalitarianism that upholds an attractive political morality superior to Arneson's prioritarianism.

1. EGALITARIANISM VERSUS SUFFICIENCY

Harry Frankfurt's essay (1987) on sufficiency is widely regarded as a major reference point in the debates (Clayton and Williams 1999: 460; Crisp 2003: 762; Kekes 1997: 667; Phillips 1999: 6; Rosenberg 1995; Temkin 2003: 65).⁸⁵ Frankfurt construes sufficiency specifically as a doctrine about money, whose central principle holds that "what is morally important with respect to money is for everyone to have enough" (1987: 22). This contrasts with egalitarianism, which he defines as the "doctrine that it is desirable for everyone to have the same amounts of income and of wealth (for short, 'money')" (1987: 21).⁸⁶ The main aim in Frankfurt's analysis is to show that the reasons often given for supporting egalitarianism actually turn out to be reasons for supporting sufficientarianism instead. This leads Frankfurt to conclude that the doctrine of sufficiency is morally superior to egalitarianism. He ends with an attempt to articulate the notion of having "enough" money.

⁸⁵ Pre-dating Frankfurt's contribution is JR Lucas's (1971), who takes a similarly dim view of egalitarianism, particularly because he believes it will require or induce a dull uniformity: "We regard ourselves as individuals, each one different, each one a whole person, knobbly, not fitting exactly into any mould: and we do not like it if, in the name of Equality or anything else, we are wrapped up and put in a carton and labelled, indistinguishably from a lot of others" (1971: 151). I disagree with Lucas's point about the implications of egalitarianism, but I like his prose.

⁸⁶ It should be noted that Frankfurt's account involves a double oversimplification, equating first 'money egalitarianism' with 'economic egalitarianism,' and then the latter with egalitarianism in general. This causes him to adopt the false view that controversial utilitarian assumptions that ground welfarist versions of equality – such as the principle of diminishing marginal utility – appear in all other versions. While I do not take up these aspects of Frankfurt's analysis, see Rosenberg (1995) for a discussion.

At least three significant objections to egalitarianism can be distinguished in Frankfurt's critique. First, he complains that egalitarianism is *alienating*. It invites people constantly to compare their situation with that of their neighbours, thereby diverting a "person's attention away from discovering – within his experience of himself and of his life – what he himself really cares about and what will actually satisfy him" (23). Given people's variety, there is not one level of wealth that is right for all. Accordingly, people should instead turn their attention inwards, and ask themselves what truly matters to them, and form their "economic goals" (23) on *that* basis, rather than on the basis of what the Joneses have. Frankfurt's second objection, known as the argument from 'egalitarian confusion' (Arneson 2002: 180) says that egalitarians' real concern for *sufficiency* masquerades as concern for economic equality. We think gaps in wealth between very poor and middle class families are bad, but an identical-sized gap between rich and super-rich families does not concern us. Ultimately, it is absolute, not relative, poverty that matters. He singles out Ronald Dworkin as making this mistake, arguing that what Dworkin "actually considers to be morally important" is not that some "Americans have *smaller shares* than others" but rather that the "members of this minority *do not earn decent livings*" (Frankfurt 1987: 33-34, italics in original). The third objection says that egalitarianism is fetishistic, in that it focuses on means to ends, rather than on ends themselves. Again, what ultimately matters morally is how well people's lives go, not the amount of money they have. Frankfurt aims this criticism directly at Rawls's primary goods metric of equality (41-43). According to Frankfurt, even though Rawls acknowledges that primary goods are only means to ends, he nevertheless insists that the rational thing is for a person to want as much of them as possible.⁸⁷

⁸⁷ For a response that defends Rawlsian egalitarianism against this criticism, see Robert Goodin (1987). Goodin argues that Frankfurt conflates money fetishism and equality-of-money fetishism. The first is bad since money is simply a means to ends, so fixating on money for money's sake is fetishistic. But money is a *necessary* means to ends. People will want to have some idea of the absolute amount of money they need to satisfy their ends. In addition, people will also need to know how their bank account compares with their neighbours' accounts. "It may well be none of my business how many widgets others have, or how well off they are in consequence. But it certainly is my business how much money others have with which to bid against me for widgets. The size of their bankrolls relative to my own will determine how many widgets I can purchase, and *ex hypothesi* those widgets are required in order for me to do something that morally matters" (1987: 46-47). Thus, Goodin argues, it turns out that we *do* need to interest ourselves in comparative wealth. "Fixing your eye on some ultimate end, and ignoring altogether oncoming traffic, is hardly a recommended way of arriving at your chosen destination," he remarks (1987: 47). For his part, Dworkin readily agrees that we ultimately care about how people's lives go. Nevertheless, he insists, we should not make the mistake of skipping over comparisons of resources and move straight to welfare, since that view encounters problems (2000: chapter 7).

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This ignores the fact that money and things can be anxiety-inducing for people, insofar as it requires them to spend “more time and effort in managing [them] and in making decisions concerning [their] use” (42). This leads back around to Frankfurt’s first thought that the pursuit of equality causes people to become distracted from focusing on their personal needs and desires for a fulfilling life.

These criticisms then lead into Frankfurt’s attempt to construct an account of sufficiency, which depends on defining when someone is content with what they have. He notices there are two general cases when it would make sense to say that a person is content with the amount of money he has. In the first case, the person has enough money when he is suffering “no substantial distress or satisfaction” and is generally content with his life. In the second case, the person is not content with his life, but money would make no difference, since the source of his unhappiness cannot be fixed by more money – he may, for instance, be unlucky in love. Frankfurt then elaborates on the first case. The account he gives is complex, but the basic idea is that I have ‘enough’ when I have no “active interest” in getting more (39). This level of sufficiency is consistent with my knowing that I *could* have more, even with my knowing that my life might be *better* if I had more (39). The key ingredient is that I am content with what I have and do not have an interest in striving for more. Frankfurt anticipates that some will find this strange, and will wonder what kinds of reasons a person could give for eschewing having more, when they in fact know that they could have more (40). He argues that such a person has a very good reason to hand: “*he is satisfied with the amount of satisfaction he already has*. Being satisfied with the way things are is unmistakably an excellent reason for having no great interest in changing them” (40, italics in original). Frankfurt allows that some may think such a person is dull and unambitious, but he counters this with the thought that contentment with what I have “may be based upon a conscientiously intelligent and penetrating evaluation of the circumstances of [my] life” (41).

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A complication in the general doctrine of sufficiency that Frankfurt addresses but does not resolve concerns the issue of ‘being content with’ my wealth. He notes that sufficiency can include two variants: it can say that I have sufficient money when I *declare* myself content with my lot; or that I have sufficient when it would be *reasonable* for me to be content with my lot. Frankfurt notes that this is a “very important question” but then proceeds in the rest of the analysis to drop the latter interpretation (38). The two variants are likely to yield very different distributive

outcomes, and the first one, which makes sufficiency entirely subjective, is open to the expensive tastes problem, among others. It is unfortunate that Frankfurt does not make more of an attempt to settle this question in relation to his own position.

One point made by Frankfurt that writers from various points on the political spectrum concede is the fact that once someone has reached a certain level of wealth, more money on top of that is counterproductive. Frankfurt makes this point in the language of distraction, noting how the drive to keep up with my wealthier neighbours can become an unhealthy obsession, preventing me from imagining my own ideal life on my own terms. Citing Aristotle, Martha Nussbaum agrees, suggesting that there is a point of negative returns on wealth: “after a certain ‘limit,’ wealth becomes counterproductive, a distraction from things that matter” (2000: 86).⁸⁸ A second point that some egalitarians concede is that the gap between the rich and super-rich, or even between the comfortably well-off and the rich, is not morally troublesome, or at least, not particularly urgent. For example, Anne Phillips ventures that the “images of poverty in the midst of wealth are what give greatest urgency to egalitarian politics, and... these images are far more compelling than the fact that some people drive Jaguars while others make do with the cheapest of Fords” (1999: 62; see also Anderson 1999a; 1999b). On this view, it can seem a bit disingenuous of egalitarians to arrive at a moral concern for the poor via otiose notions of inequality, when we can get to the same place directly by saying we should attend to the poor.

So Frankfurt’s admonition that we shouldn’t ‘mind the gap’ is validated to a certain extent. However, we can agree with the claim that gaps between the rich and super-rich are not bad without being compelled to agree that nothing besides “avoiding grim conditions of life” (Arneson 2002: 196) matters morally. The part that Frankfurt gets right is that one reason justifying forced transfers from rich to poor is that the lives of the poor are (usually) just plain bad. But such transfers can be grounded on a prioritarian principle of justice as well as a sufficientarian one, and

⁸⁸ A different counterproductivity argument against egalitarianism is to be found in a critique by Jan Narveson, who says it is bad to redistribute money from rich to poor since the rich are obviously the productive people in society, and the poor are self-evidently unproductive: “Forced transfers from rich to poor, from capitalists to proletarians, will *worsen* the lot of the poor even as it decreases the wealth of the rich. Not only is egalitarianism biased, but the particular people against whom it is biased are the *productive*... It is not too much to say, even, that egalitarianism is a conspiracy against those it claims to be trying to help” (Narveson 1998: 92, italics in original). As provocative as it is, I do not intend to take up this contention here.

the former has certain advantages that sufficiency lacks. This, anyway, is part of the case that Arneson develops in favour of a prioritarian approach to justice. But before considering those issues, we should clarify in what ways egalitarianism is better than sufficiency, where both doctrines are considered in their basic forms.

Whether on weaker equality of opportunity versions (e.g. Jacobs 2004) or stronger equality of outcome accounts (e.g. Phillips 2004), egalitarianism provides a benchmark defining standards of fair and equitable treatment for all persons. This seems particularly important in areas where people are still forming their ideas about what they want out of life, including their “economic goals.” So, for example, a principle of equality in primary and secondary education is uncontroversial in liberal societies. We do not think it is okay if white children get Cadillac educations and black children get ‘good enough’ educations – say, educations that make them functionally literate and numerate but skimp on music, physical education, and art.⁸⁹ We think that educating children to an equal level is intrinsically as well as instrumentally important since it is a good that conditions access to many other goods in life. So far as is possible (and taking into account children with special needs), everyone ought to get roughly the same as a matter of justice, and it is not enough to say that some people require only threshold or basic educations.

While the strengths of egalitarianism are showcased through educational inequalities, it should be noted that this might have less force against a more complex form of sufficiency. As Adam Swift notes, the following demands can emerge from a sufficiency position: “‘All our children have a right to a roof over their heads, three meals a day, decent health care, and an education that will prepare them to participate in the political life of their society and equip them with the skills they need to compete in the job market’” (Swift 2001: 121). There is a tendency to assume that sufficiency doctrines always take the form of setting monetary thresholds (this seems to be the presumption, for example, in Arneson 2002). This might be due to the influence of Frankfurt’s contribution, which is couched explicitly in terms of money sufficiency. But, as we shall see later, other theorists favour thresholds that are not only monetary. This different emphasis changes the balance between egalitarianism and sufficiency.

⁸⁹ For an interesting recent account of race-based educational inequalities in New York City, see Jonathan Kozol (2005). Never mind ‘frills’ such as art and music, Kozol documents the way public schools dominated by black children frequently do not even have adequate toilet facilities.

Another way equality is better than sufficiency is with regard to the problem of deformed or adaptive preferences. By insisting that everyone should have equal resources or money, egalitarianism detours around such problematic figures as the ‘submissive housewife’ and Tiny Tim – individuals, that is, who settle for much less than their due. Sufficiency, on the other hand, might take these individuals’ declarations that they are ‘content,’ that what they have is ‘good enough,’ at face value. It might then seem indifferent to the deprivations associated with gender hierarchy and other entrenched inequalities. Of course, this picture is too simple. There is little consensus amongst egalitarians about the bearing of people’s expressed desires on just distributions (see chapters one through three). As has repeatedly emerged through my discussion, there are also serious doubts that egalitarianism – including specifically its dominant luck egalitarian variants – is properly sensitive to deformed preferences either.

What does seem uncontroversial is that the average egalitarian philosopher gives this issue more consideration than Frankfurt. He alludes to the problem of deformed preferences only once, in a footnote, remarking that, “People often adjust their desires to their circumstances. There is a danger that sheer discouragement, or an interest in avoiding frustration and conflict, may lead them to settle for too little. It surely cannot be presumed that someone’s life is genuinely fulfilling, or that it is reasonable for the person to be satisfied with it, simply because he does not complain” (1987: 41). This truncated treatment of deformed preferences is a problem for a view that makes what a person is entitled to receive depend on her sense of when she has enough. This problem could be alleviated if we had clear guidelines about what people need, so that we avoid the problem of giving too little to those with distorted understandings of their needs and interests. But as already noted, while deeming the issue “very important,” Frankfurt evidently thinks it not important enough to warrant developing such an account.

Egalitarianism condemns discrimination but Frankfurtian sufficiency does not. In one formulation, Frankfurt writes that the “*only* morally compelling reason for trying to make the worse off better off is, in my judgment, that their lives are in some degree bad lives” (35n, italics added). If A has a top job and B is stuck at the bottom because of racist discrimination, but nevertheless earns a living wage and does not have a ‘bad’ life, then it appears B has no grounds for complaint under Frankfurt’s view. But, as Larry Temkin writes, the “injustice of discrimination does not

disappear just because someone is 'sufficiently' well off (Temkin 2003a: 66). It may be objected that Frankfurt's opposition to sexist and racist discrimination goes without saying. Indeed, in the contemporary literature, most philosophers who articulate theories of distributive justice both (a) emphasise that they mean to address social arrangements for an ideal society, where sexist and racist discrimination is presupposed to be absent; and (b) explicitly state that they hold such discrimination to be illegitimate. However, even though these stipulations may go without saying, most writers nevertheless still do attach them to their accounts. Frankfurt does not, and without stipulations to this effect, it is left open whether Frankfurt regards economic inequalities that are traceable to discrimination morally objectionable. Note that this is not a problem that necessarily afflicts all sufficientarian theories. If I say that guaranteed thresholds of capability are constitutive of social justice, for example, does this mean I must bite my tongue on the issue of racist and sexist discrimination? Of course not, and as we shall see in the discussions of Anderson and Nussbaum, their views explicitly prohibit such discrimination on grounds of justice. The wider point is that, at minimum, a non-discrimination principle must be welded to sufficiency if it is going to be an adequate approach to distributive justice.

The fact that sufficiency's normative goal is to get everyone to a particular threshold provokes several further interrelated concerns. How, for example, can we settle on a threshold in a non-arbitrary way? As Phillips notes, "what we regard as sufficient is itself conditioned by what those richer than us enjoy... In a society where access to the common culture has come to depend on watching the same programmes on TV, having a television set becomes a necessity rather than a luxury" (1999: 62). Even on the more plausible, reasonability-standard version of sufficiency, there are still problems with identifying a non-arbitrary threshold. This is because there are still bound to be large variations in the amounts of money it is reasonable for different people to be satisfied with. Arneson paints a picture of the richest man in the world – "let us call him 'Bill Gates'" – who develops ambitious plans, which it is quite reasonable for him to have, and which he is actively interested in pursuing. "Frankfurt's construal of what it is for a person to have enough money then yields the conclusion that in this sort of case the richest man in the world might not have enough" (2002: 182).

Wherever it is set, sufficiency also seems to invest the threshold with more moral weight than it can bear. First, there are cases involving individuals who fall

just either side of the line. Suppose that I have £49 and you have £51, and the income sufficiency threshold has been set at £50, which affords a person a minimally decent life, but by no means a comfortable life. This means that I attract aid, but you do not, which seems unfair to you since you are unlikely to be dramatically different to me in overall welfare. (In social policy terms, any threshold may lead to the problem of the ‘poverty trap,’ where individuals who move above the threshold lose forms of support that previously maintained a more reasonable quality of life.)

Second, there may be difficulties regarding individuals who are below the sufficiency threshold, and those who are well above it. Imagine a situation where we can choose to move one individual who is just barely below the threshold to just barely above it, or use the same resources to move millions of people who live moderately good lives above the threshold to absolutely “blissful” lives (Arneson 2002: 188). Sufficiency, at least on its strictest versions, must help the lone individual.⁹⁰ Third, there could be difficulties involving agents who are just barely below the threshold and those who are far below it and in fact can never be brought to the level of sufficiency. Here is Arneson again: “Suppose millions of people are leading lives of hellish quality, perhaps at the level of concentration camp victims. Suppose further that they can be raised to at best a moderate quality of life, close to the threshold, but [not actually reaching it]... We could instead take one individual whose prospects are currently just below the threshold level and boost her prospects by a tiny bit, so as to place them at the threshold” (2002: 188-89). Again, a view that accords strict priority to sufficiency must choose the single individual over the suffering millions.

What should we say about these issues? It should be noted that they do not actually tout the merits of egalitarianism, but rather call into question some of the basic implications of sufficiency. I do not find the last worries about conflicts between threshold-impinging actions and non-threshold-impinging actions as troubling as the earlier objections, since their empirical assumptions are so far-fetched that it is unlikely they would ever crop up in real life. The issue of a non-arbitrary threshold remains, but I postpone discussion of this to the next section, where it can be engaged in the context of examining Elizabeth Anderson’s and Martha Nussbaum’s approaches to social justice.

⁹⁰ More will be said about strict and moderate sufficiency theories below.

In summary, I have tried to demonstrate ways in which egalitarianism emerges as a more plausible approach to social justice than sufficiency, when those views are understood in their basic forms, and particularly when egalitarianism is understood as requiring equality of outcome. However, I have also suggested several ways in which that judgment is complicated when the comparison involves the considerably more complicated forms of luck egalitarianism that currently dominate the field. The next section moves to a related but significantly different comparison between prioritarianism and moderate sufficiency.

2. PRIORITARIANISM VERSUS MODERATE SUFFICIENCY

In several recent articles, Arneson has suggested that the more interesting and pressing debate occurs between the doctrines of *priority* and sufficiency, rather than equality and sufficiency. The basic norm behind the prioritarian view is that “benefiting people matters more the worse off those people are” (Crisp 2003: 751; see also Parfitt 1998: 12). Its affinity to sufficiency, which holds that everyone should have enough for a decent life, is clear. As Swift explains, sufficiency resembles prioritarianism insofar as it directs our attention to “those who have least.” However, unlike prioritarianism and other ‘diminishing principles’ of distribution, sufficiency “operates with a cut-off point. Rather than people’s claims diminishing gradually, as a more or less smooth function of what they already have, this approach posits a sharp cut-off point or discontinuity” (Swift 2001: 121).⁹¹

Arneson criticises sufficiency doctrines “in large part by touting the merits of an alternative theory of justice” (2006: 19), namely, his responsibility-catering prioritarianism (RCP). RCP constitutes a weighted prioritarian view, not the simple one just described.⁹² Arneson gives the following characterisation of RCP:

According to the priority family of moral principles, one ought always to maximize a function of human well-being that gives weight to two

⁹¹ Prioritarianism also resembles egalitarianism, but there are important differences. One reason prompting some theorists to move from egalitarian to prioritarian doctrines is that the latter avoids the levelling down objection (for discussion, see Crisp 2003; Parfitt 1998; Temkin 2003). Prioritarians permit advantages to go to people who are already better off so long as they do not worsen the situation of the worse off, whereas egalitarianism forbids this. As Arneson notes, prioritarianism welcomes a “random meteor shower [that] confers benefits costlessly on some already advantaged people to the status quo ante in which well-being is less for some people and better for none, but more equally divided” (2000: 341n).

⁹² For discussions of simple and weighted priority views, see Crisp (2003); Parfitt (1998).

factors: the greater the well-being gain for a person that one can achieve, the greater the moral value of the gain; and the lower the person's lifetime well-being level would be in the absence of this gain, the greater the moral value of the gain. ... To arrive at a specific moral principle within this family, it is necessary to set weights on the comparative value of increasing aggregate well-being and obtaining well-being gains for the badly off" (2006: 27).

Thus, even though RCP "tilts in favour of the worst off," (2000a; 2006), the worst off may not always be the ones to receive the benefit. It all depends on the numbers and the weighting given to the various concerns. Ultimately, RCP holds that "institutions and practices should be set and actions chosen to maximize moral value" (2000a: 343). Thus, as Arneson observes, the basic character of RCP is utilitarian and act-consequentialist (2006: 26-31; 2002: 196). Suppose we face a choice between saving a life or giving bites of chocolate to people who are very well-off. According to RCP, the right choice "depends on the numbers." But "if the number of beneficiaries is large enough on the side of the chocolate-bite eaters and small enough on the side of those severely disadvantaged persons... the prioritarian must say that the right answer is to stuff the extremely well off with chocolate" (2006: 30).⁹³

Two other features of Arneson's view should be noted. First, the above passage omits another factor that Arneson considers morally relevant to distributive justice: personal responsibility. Adding the factor of individual responsibility to the foregoing account, RCP holds that it is "morally more valuable to provide a gain in well-being of a given size for a person with a given well-being prospect if she is less rather than more responsible for her present condition (if it is bad)" (2000a: 344). Second, RCP employs an objective account of well-being: what matters is "the quality of life that individuals reach... in other words their level of well-being, where this is identified neither with bare preference satisfaction nor enjoyment but with achievement of what is objectively worthwhile or choiceworthy in human life" (2000a: 341).

We already have a pretty good idea of the basic sufficiency doctrine. In Arneson's words, sufficiency represents the "principle that the distribution of

⁹³ I believe the chocolates-versus-life-saving choice first appears in Crisp (2003).

resources in society is just if and only if everyone has enough” (2002: 173).

Provided that “everyone has enough, that some people have more income and wealth than others violates no fundamental principle of justice or morality” (2002: 173).

This can be understood as the strict form of sufficiency. Arneson argues that moderate forms have proved more popular in recent years. He suggests that the moderate sufficiency view is characterised by the following three claims:

“(a) there is a good enough level of well-being gains for those who are below the threshold; (b) the further an individual is below the threshold, the greater the moral value of securing a well-being gain of a given size for that individual; and (c) above the threshold, well-being gains and losses count for something in determining what to do, but achieving a gain or avoidance of loss for any person below threshold has strict lexical priority over achieving instead any gain or avoidance of loss of any size for any number of individuals who are and always will be above the threshold” (2006: 28-29).

Moderate sufficiency preserves a key feature of strict sufficiency by recognising a threshold level of wellbeing or flourishing to which governments should aim to bring all citizens (claim (a)). It resembles prioritarianism in tilting towards the worst off (claim (b)). In cases where our choice of action or policy affects only individuals who are below the threshold, according to Arneson, “moderate sufficiency just is priority” (2006: 29). Moderate sufficiency departs from strict sufficiency in that it recognizes that non-threshold impinging-actions also have moral value; specifically, that improvements in the lives of those who are above the threshold “count for something” (claim (c)).

Arneson characterises Elizabeth Anderson’s democratic egalitarianism and Martha Nussbaum’s capabilities approach as sufficiency views (2002; 2006). He notes that Anderson’s approach says that government should guarantee equally to all citizens “the capacity to achieve a threshold acceptable level in these three domains, the generic human, the sphere of association, and the political” and that “inequalities above the threshold are not deemed per se morally undesirable” (2000a: 347). As for Nussbaum, her theory “identifies the level of sufficiency as being a good-enough level of positive freedom. On her account, the person who has enough possesses the capability to function at an acceptable level in all of the ways that are individually

necessary and together sufficient for a decent quality of human life” (Arneson 2002: 174; see also 2006: 19).

Arneson seems somewhat ambivalent about precisely how to characterise Anderson and Nussbaum’s views. On one hand, he explicitly says they are moderate sufficientarians. On the other hand, his characterization of Anderson’s view brings it more in line with what he understands to be the strict version: it stipulates a threshold and it says that inequalities above the threshold are not morally relevant. If we are choosing between a tax policy that favours the working-class and one that favours the rich in a population where, despite the inequality, all are above the threshold, democratic equality says “the issue is a ‘don’t care’ from the standpoint of justice” (2000a: 347). Furthermore, he says that even though these writers adhere to moderate sufficiency, it is right to analyse their views as though they are strict sufficiency views. So it is unclear why Arneson seems to feel the need to distinguish moderate and strict versions of sufficiency if he feels that there is no real difference between them at the end of the day.⁹⁴

Whatever the status of particular theories as strict or moderate sufficientarian, Arneson argues that moderate sufficiency is still vulnerable to the two most trenchant objections that strict sufficiency encounters. First, the threshold remains, and therefore moderate sufficiency still requires but lacks “some plausible justification of why the sufficiency line is drawn in one place rather than somewhere else and why this particular line is morally significant” (2006: 29). Second, it is still a discontinuous moral theory. Making a tiny improvement, threshold-impinging or not, to a sub-threshold individual, is always more important than improving the prospects of those who are above the threshold, even if this improvement could be great. Arneson characterises this as “a jump in our moral response” and argues that no justification for such jumps can be found (2002: 194).

The good-enough level for a decent life is not self-evident, so a concern for many is how sufficientarians are going to identify a non-arbitrary threshold. I find this objection somewhat mysterious. To my knowledge, neither Anderson nor

⁹⁴ There are other unfortunate ambiguities and slippages in Arneson’s claims about sufficientarians. In one analysis, Arneson states that he means to consider a Walzerian version of sufficiency and a ‘generic’ version. However, he then goes on to discuss Frankfurt’s articulation of the ideal for several pages, while Walzer’s theory gets only a few mentions, and the ‘generic’ sufficiency theory disappears altogether. This tends to suggest that he regards all of these – Walzerian ‘spherical’ justice, Frankfurtian sufficiency, and generic sufficiency – as essentially interchangeable, but he has offered no arguments for this improbable position.

Nussbaum have ever claimed that the thresholds identified by their theories as the normative goals for societies are non-arbitrary. Both readily admit that what is considered 'enough' is relative to the society in question; that it varies, for example, with cultural norms, the natural environment, and individual circumstance. Anderson sketches an example which says that what counts as enough in the area of food, for people like us is, negatively, sufficient money to avoid eating out of a dumpster, or positively, sufficient money to buy food fit for consumption in social gatherings (1999a: 320).

However, specific examples aside, both are somewhat evasive about an overall approach to determining thresholds for the different capabilities. Nussbaum appeals to the idea of enjoying capabilities at a level that is "worthy" of being human (2000: 73), but this does not shed any additional light on the issue. Anderson suggests that in some cases, the threshold level is easy to determine since it is equal and therefore identical for everyone: "For some functionings, equal citizenship requires equal levels. For example, each citizen is entitled to the same number of votes in an election as everyone else. But for other functionings, standing as an equal does not require equal levels of functionings. To be capable of standing as an equal in civil society requires literacy. But in the US context, it does not require literacy in any language other than English, nor the ability to interpret obscure works of theory" (1999a: 318-19). In general, she suggests, the thresholds can be decided through a democratic process. Handing the threshold issue over to democratic assemblies raises another set of issues that might be controversial, such as tyranny of the majority. However, at least this move returns the issue to the realm of politics, rather than leaving it in the realm of metaphysics (Stark 2002).

The negative implications of thresholds seem most forceful when pursued at the abstract level of hypothetical examples, such as those favoured by Arneson (should we choose the option that moves "billions and billions" from a "modest existence to perfectionist bliss" or the one individual who is just shy of the threshold? (2006: 28)). Though the choice is striking, it is unlikely ever to materialise in a choice between public policies for real societies. The point is, Anderson and Nussbaum propose approaches to justice that feature thresholds because they believe these offer realistic and relatively tangible goals at which real governments and societies can aim. In societies where most do not have sufficient for living a good life, the appeal to a threshold simply tries to set a realistic target of

achievement. As Nussbaum writes, in relation to the question of what principled stance the capabilities approach takes to equality, “almost all world societies are very far from even providing the basic minimum of truly human functioning, where many or even most women are concerned; I therefore leave the debate about levels of equality for a later stage, when the differences become meaningful in practice” (2000: 86). This response does not dispute the apparent unfairness in the hypothetical scenarios, but does remind us that the empirical assumptions which ground the latter ones are completely implausible. Sufficiency is an urgent project because millions of people do not have enough to live on, and we should not let these fictitious people who are apparently denied lives of ‘bliss’ distract us from that reality.

Finally, it might be worth pointing out that, under certain conditions, the threshold is not always as arbitrary as the counterexamples to sufficiency like to suggest. Frankfurt describes a case where 40 units of medicine must be divided amongst 10 sick people. Unfortunately, each person needs five units to survive. The egalitarian, it seems, will condemn everyone to death by assigning them equal units of medicine, whereas the sufficientarian will divide the medicine to ensure that eight people survive. Biological facts about human health and medical facts about the power of drugs combine here to point to a non-arbitrary threshold. To be sure, both scenarios have very unpleasant consequences, but I submit that most people will be prepared to say that the sufficiency option is morally preferable.

3. ARE ANDERSON AND NUSSBAUM SUFFICIENTARIANS?

Thus far, I have accepted the terms of Arneson’s argument that Anderson and Nussbaum’s theories can be characterised as sufficiency theories. In this section, I argue that they are not plausibly regarded as sufficientarians, if by that we mean they espouse a view that says the only morally important thing is to ensure that people have enough. In my view, Nussbaum and Anderson argue for sufficiency as part of a broader package of principles for achieving social justice. In this sense, their approaches are not unlike those of other egalitarians who argue that the egalitarian project comprises several normative aims and principles; that it is fundamentally

pluralistic. My argument begins by noting that Arneson himself is ambivalent about the basic character of these theories.⁹⁵

I have already noted that Arneson asserts what is evidently an inconsequential distinction between strict and moderate sufficiency since he ultimately assesses all theories as though they are strict. He also seems to waver on what theories belong to that (unstable) category in the first place. For example, Arneson sometimes suggests that Amartya Sen's capability approach is a "representative liberal egalitarian view" (1995: 247n; 1989) but at other times suggests that it is a sufficiency doctrine (2006). What can explain this double, and seemingly contradictory, classification? My explanation is that, sometimes, Arneson assesses competing theories in their capacity as general approaches to social justice, acknowledging that they comprise a family of normative aims and principles and concerns. At other times, he reduces competing theories to what he takes to be their single most important commitment, and assesses them on the basis of that principle alone. This is what he does, somewhat defensively, in the essay which contrasts several sufficientarian theories to RCP (2002). He notices that "the sufficientarian doctrine that everyone should have enough might be proposed at a lower level of abstraction and intended to serve as a rough-and-ready public policy guide. The idea of this practical sufficiency norm would be that whatever exactly a just society is, it does not allow people to languish in readily avoidable abject misery and poverty..." (2002: 175). He suggests that various moral outlooks converge on this practical sufficiency norm. Nevertheless, he continues, "this essay assesses sufficientarianism as a candidate fundamental moral principle – as a statement of what ultimately matters morally" (175), indicating that he believes Frankfurt, Walzer, Nussbaum, and Anderson have proposed sufficientarianism as appropriate at this fundamental level. "My critique," he concludes, "is not an attack on a view that no one defends" (175).⁹⁶

⁹⁵ Arneson is, of course, entitled to his own interpretation of what Nussbaum and Anderson's theories amount to. But as far as I know, he is alone in asserting that they give primary importance to sufficiency thresholds in their approaches to justice, establishing that they are therefore, ultimately, sufficientarian in nature. To take just one example of an alternative interpretation, Peter Vallentyne (2002: 530) argues that Frankfurt defends a sufficiency view, while Anderson is a "social status egalitarian," more in line with David Miller.

⁹⁶ Specifically with reference to Nussbaum's view, Alexander Kaufman writes that "Arneson focuses on the approach's commitment to securing threshold levels of basic capabilities. The centrality of this commitment, he argues, establishes that the theory is sufficientarian" (Kaufman 2006: 10). Kaufman disputes his characterisation.

The notion that Nussbaum and Anderson's theories are ones which say that the only morally important thing is to ensure that people have enough is a reductive treatment of those views, yielding a (mis)characterisation that even Arneson seems uncomfortable with. There are, arguably, three core constitutive features that Anderson and Nussbaum can lay claim to in virtue of their approaches to social justice: (1) they say that there are certain substantive goods that individuals should have in order to live good human lives; (2) they say that governments should *guarantee* these goods unconditionally to all citizens; in other words, citizens have rights and entitlements to certain things; and (3) they say that governments should ensure that each citizen is able to access a threshold level of these goods, if she chooses. Arneson has focussed on the third of these three central constitutive features out of proportion to the other two. Anderson and Nussbaum *do* assert that there are threshold levels of functioning that all citizens should reach. But to focus on this in isolation from the other two constitutive claims of justice distorts their views. The reasons that the assurance of a threshold is important are contained in the other two central claims. So some of the justificatory "story" that Arneson is searching for with regards to the notion of a threshold (2006: 29), and which he claims cannot be adequately told by sufficientarians, will be found in these two areas.

A Substantive Goods Approach to Social Justice

The first and perhaps most striking core constitutive feature of Anderson and Nussbaum's approaches to social justice is that they are universalists, arguing that all human beings need certain goods in order to live truly human lives. Each attempts to identify in a substantive way what these goods are. As is well known, Nussbaum has drawn up a list of ten "central capabilities" that she believes are universal goods for humans, and as such, ought to be guaranteed to all citizens by their governments. The current list is as follows: (1) life, (2) bodily health, (3) bodily integrity, (4) senses, imagination and thought, (5) emotions, (6) practical reason, (7) affiliation, (8) other species, (9) play, and (10) control over one's environment (2000: 78-80; see also 1999: 41-2).⁹⁷ Anderson also adopts the language of capabilities in her account.

⁹⁷ Details of what is meant by each term are provided; for example, the capability of life means "being able to live to the end of a human life of normal length; not dying prematurely, or before one's life is so reduced as to be not worth living"; and the capability of emotions means "being able to have attachments to things and people outside ourselves; to love those who love us and care for us, to

She suggests that the central capabilities can be organized into three general areas of individual functioning: “as a human being, as a participant in a system of cooperative production, and as a citizen of a democratic state” (1999: 317). Her account is at once vaguer and more specific than Nussbaum’s. It is vaguer because she does not suggest, as Nussbaum does, that the list is finite. Appealing to three general realms of human functioning leaves it open as to how many specific capabilities might be part of each realm. Her account is more specific than Nussbaum’s because, through examples, Anderson indicates particular capabilities that she regards as essential and others that she regards as non-essential. For example, she notes that while some people hold card-playing and Tahitian vacations as very important in their lives, these things are not essential to any of the three general realms of human functioning. However, basic civil and political rights, such as voting, free speech, and having the right to enter and participate in the public institutions of civil society, are central capabilities and thus should be guaranteed to everyone.

To avoid the thought that people will be forced to perform activities that they personally object to or are indifferent about, both Nussbaum and Anderson argue that the normative goal is to ensure that everyone has access to the central capabilities, not that each must actually function in those areas (Nussbaum 2000: 87; Anderson 1999: 318). Government must ensure that everyone has the capability to do and be various things, not that people are actually functioning in that way. In addition, both follow Rawls in asserting that the central capabilities are analogous to his primary goods – that is, they are things that most people will want, no matter what else they want.⁹⁸

In saying that the substantive goods feature is a core constitutive element of their approaches, of course I do not mean to suggest that the lists and their items are uncontroversial. The opposite is true.⁹⁹ My point is merely that this is a core and

grieve at their absence; in general, to love, to grieve, to experience longing, gratitude and justified anger” (2000: 78).

⁹⁸ It should be noted that Nussbaum and Anderson identify capabilities as the appropriate space for interpersonal comparisons. This distinguishes their positions from Frankfurt, who seems to be allergic to interpersonal comparisons since they alienate and distract people from what really matters. Nussbaum and Anderson, on the other hand, suggest that interpersonal comparisons in the space of central capabilities are what alert us to issues of unfairness and equity.

⁹⁹ For example, in relation to Nussbaum’s work, issues about the central capabilities that have proved controversial include her claim that they are universal goods, and whether this means her approach is perfectionist (see contributions to the October 2000 issue of *Ethics* devoted to Nussbaum’s political philosophy).

dominant feature, at least as central and important in their projects as is the assertion of thresholds of sufficiency.

Unconditional Entitlements

The second core constitutive feature of their approaches is that they insist citizens have rights or entitlements to access the central capabilities. According to Nussbaum, the “basic goods supply a set of political constraints – citizens should be provided with these, whatever else politics also pursues. There is a very close connection between the account of central capabilities and an account of basic human rights; indeed, the capabilities account is one way of further fleshing out an account of human rights” (148-9). Anderson tends not to use the language of rights. Nevertheless, it is clear from her account that she believes that citizens are unconditionally entitled to certain basic goods just in virtue of being citizens and human beings. She argues that there are “certain goods to which all citizens must have effective access over the course of their whole lives.... And starting-gate theories, or any other principles that allow law-abiding citizens to lose access to adequate levels of these goods, are unacceptable” (1999: 314).

In invoking citizens’ basic rights and entitlements as an element and condition of social justice, Nussbaum and Anderson appeal implicitly and explicitly, and on various points, to Rawls’s social contractarian tradition of justice. As is well known, Rawls developed his contractarian approach to justice, which gives priority to the basic rights and liberties in part as an explicit rejection of utilitarian justice (Rawls 1999, especially 27-30, 52-56). Rawls rejects utilitarianism because it fails to treat each person as an end in herself, and is prepared to sacrifice some individuals’ rights to maximize utility. Nussbaum follows Rawls (as well as Kant and Marx) in specifying a principle of ‘each person as end.’ Nussbaum disagrees with Rawls on the issue of articulating a definite list of human goods – she says we need one and should not be shy about it; Rawls refrains from this, particularly in his later work. They agree, however, on the idea that governments should guarantee to all citizens certain things, and that this guarantee should be the achievement of a specifically political agreement, rather than a comprehensive one.

For her part, Anderson appeals to Rawls in motivating her account of what the ideal of equality points to in terms of social arrangements between real persons. Citing Rawls, she writes that the ideal of equality asserts “that all competent adults

are equally moral agents: everyone equally has the power to develop and exercise moral responsibility, to cooperate with others according to principles of justice, to shape and fulfil a conception of their good” (Anderson 1999a: 312). Her account of justice echoes Rawls’s, too, in applying a standard of public justifiability in determining what citizens owe to one another. Again, citing Rawls, she writes that “democratic equality regards two people as equals when each accepts the obligation to justify their actions by principles acceptable to the other, and in which they take mutual consultation, reciprocation, and recognition for granted” (1999a: 313). Finally, she also follows Rawls’s view in political liberalism: democratic equality says it promotes the goods it promotes not because they are objectively the best or most important goods, but “in virtue of being a possible object of collective willing. Neutral goods are the goods we can reasonably agree to collectively provide, given the fact of pluralism” (1999a: 330). Again, as with Nussbaum, Anderson’s convergence with Rawlsian contractarian tradition does not preclude disagreements. Most obviously, while she believes that incomes ought to be more equal, she does not accept the difference principle’s commitment to forbidding all income inequalities that do not improve the position of the worst off (1999a: 326; 1999b:3).

The adherence to a generally Rawlsian contractarian tradition is further strengthened by the fact that each unequivocally rejects the utilitarian approach to social justice (Nussbaum 2000: chapter 2; Anderson 1993; 1999b). As is well known, utilitarian approaches that take the maximisation of utility as their normative goal tend towards egalitarianism since, on the assumption of diminishing marginal utility, they recommend that money be redistributed from the rich to the poor. However, this tendency to egalitarianism is just a contingent by-product, given certain conditions. If utility would be maximised by depriving a few innocent people of all their belongings and throwing them in prison for no reason, then utilitarianism would recommend that course of action. This is not the place to rehearse all the problems with utility-maximising approaches to social justice.¹⁰⁰ Suffice it to say that I endorse these criticisms, and as a consequence, I believe that utility-maximising approaches should be rejected.

As mentioned earlier, Arneson’s RCP is a maximising form of utilitarianism. He has noted as a conflict between his approach to social justice and those of

¹⁰⁰ For two representative accounts, see Kymlicka 2002: Chapter 1; Jean Hampton 1997.

Nussbaum and Anderson that his sanctions the violations of individuals' rights if that would maximise utility (2000; 2006). To revisit his earlier example, Arneson demonstrates that, depending on the numbers, his theory recommends "stuff[ing] the extremely well off with extra chocolate" at the cost of ignoring "severely disadvantaged persons who stand to gain an incredible windfall benefit" (2006: 30). The "tyranny of aggregation should be accepted, not resisted," Arneson concludes, noting that if we accept it, it will seem like "legitimate government, not tyranny" (2006: 30).¹⁰¹ Or, to take a more realistic conflict, Anderson holds that all citizens have a right to participate in the democratic institutions of their society. Sufficient access to these democratic institutions is an inviolable right of all citizens. Making this right a real one for some citizens might prove expensive, for example, because they have disabilities, such as deafness and immobility, which require special arrangements. If faced with the choice, we must choose the policy that will protect the democratic rights of all citizens, even if this causes an overall loss of welfare to society, including the welfare of disabled citizens in whose interests the policy was drawn up to protect in the first place. Arneson believes this is the wrong choice; we should choose the policy that maximises overall welfare, even if this comes at the cost of "restricting some people's democratic rights" (2000a).

Arneson's awareness of the fundamental normative clash in their views sits uneasily with a different argument he makes. In his treatment of them as sufficientarians, Arneson claims to shown that Nussbaum and Anderson's moderate sufficiency is vulnerable to the aggregation objection in the same way that RCP is. And he takes this as proof that if we are moderate sufficientarians, we should abandon that and adopt RCP instead (2006). The basic idea of Arneson's analysis is that the feature of moderate sufficiency that ostensibly makes it more attractive than strict sufficiency – i.e. that it moves from a single principle of sufficiency to a set of principles, which reduces the stringency of the priority it nevertheless still gives to getting people to the threshold – does not do so since it ends up transforming moderate sufficiency into an aggregative doctrine, which is something its proponents want to avoid. But this argument has to overlook the different fundamental assumptions and normative commitments grounding contractarian-based approaches

¹⁰¹ "Aggregation is the claim that for any loss or evil, however great its magnitude, that befalls one person, there is a greater loss or evil constituted by the sum of much smaller losses or evils suffered by a large number of persons" (Arneson 2006: 41).

to justice and utilitarian ones. A moderate sufficientarian, such as Anderson or Nussbaum, moves to RCP on pain of abandoning one of her central tenets: namely, that each person is an end in herself, possessing fundamental rights and entitlements that must not be sacrificed for any other social goal. Arneson seems to forget or overlook this fundamental difference in his recent analysis, which, again, may be a result of his overly narrow interpretation of their views.

To return to the main issue, Nussbaum's and Anderson's view that an adequate conception of social justice includes the commitment that people, just by virtue of being citizens and human beings, are entitled to certain things, resonates more widely in the debates around luck egalitarianism. Strict adherence to the luck egalitarian line on individual responsibility is widely regarded as yielding a view that contradicts deep-seated egalitarian intuitions that a just society should help the needy, even if they have brought their neediness upon themselves through bad choices. The "fact that a person's urgent medical needs can be traced to his own negligence or foolishness or high-risk behavior is not normally seen as making it legitimate to deny him the care he needs," Samuel Scheffler observes. "Still less do people automatically forfeit any claim to assistance if it turns out that their urgent needs are the result of prudent or well-considered choices that simply turned out badly" (2003: 18-19). More generally, Andrew Mason writes that luck egalitarianism seems to "entail giving up the idea that a commitment to equality requires us to meet certain needs regardless of how they came about" (2000: 227). These observations contain both a criticism of luck egalitarianism for its apparent willingness to abandon needy people whose neediness derives from their own choices, as well as a suggestion that egalitarianism should be committed to meeting "certain needs" of all citizens "regardless of how they come about." In general, many egalitarians are now expressing doubts about the essentially conditional aid that luck egalitarianism offers to citizens (for example, Armstrong 2003; 2005).

Equality, suggests Mason, *requires* us to meet certain needs. Recall from chapter three Mason's argument that society has a duty to pick up at least some of the tab for the financial needs of women who choose, out of moral convictions in harmony with gendered social norms, to sacrifice their careers in order to raise their children themselves. Beyond this specific (but common) case, Mason does not offer any guidance as to which needs of its citizens society ought to provide for collectively. Nussbaum and Anderson do, however, provide guidance on these

questions. So it is on *this* account – their attempt to try to specify precisely what citizens are entitled to as a matter of right – that Nussbaum and Anderson may be distinguishable from other egalitarians. But they evidently join many other egalitarians on the basic idea that it is a fundamental constituent principle of egalitarianism that we should meet people’s basic needs.

According to Arneson, at least two commitments must be in place for a view to qualify as sufficientarian: (1) it must hold that morally, the most important thing is to get everyone to the threshold, and (2) it must hold that, provided everyone is at or above the threshold, the division of resources above it is not morally important. It is implausible to attribute this to either Nussbaum or Anderson, for their approaches are motivated by several normative aims, only one of which addresses itself to the issue of thresholds. There is no question that they do appeal to sufficiency thresholds as one goal of social justice. But asserting this as a goal in no way commits them to saying that that is the only morally important thing about a society’s division of resources, or even that it is always the most important moral consideration. Asserting that a society should aim to get everyone to a decent threshold of capabilities also does not commit them to saying the division of resources above the threshold is a ‘don’t care’ from the perspective of justice. Both explicitly argue that a principle of non-discrimination is an essential condition of social justice, and this principle represents at least one way morally to ground criticism of above-threshold divisions. Anderson writes that “If having the capabilities needed to avoid oppression were all that mattered, then egalitarians would not oppose discrimination among the relatively privileged – for example, the glass ceiling for female executives. But egalitarians also aim at enabling all citizens to stand as equals to one another in civil society, and this requires that careers be open to talents” (1999a: 316-17). This implicitly says that sufficiency is not “all that matters” to justice. This is but one example of a place wherein these theorists appeal to the idea that there are multiple normative aims within a project of social justice.

4. PLURALISTIC EGALITARIANISM

In the previous sections, I tried to problematise Arneson’s characterization of Nussbaum and Anderson’s approaches to justice as sufficientarian by arguing that the notion of a threshold represents only one of three core, constitutive features of

their theories. In giving the appropriate weight to the other important features of their views, we are nudged towards the idea that they adopt a pluralistic interpretation of the demands of social justice.¹⁰² Justice is not appropriately conceived as consisting in only one distributive aim or principle; rather, it consists in multiple ideals and principles. In this sense, their accounts have parallels with the views of several theorists whose status as egalitarians is evidently not under dispute.

Proposals to establish unconditional basic income (UBI) schemes in liberal societies are at the centre of a lively debate, at both philosophical and practical levels, which extends well beyond the immediate context of luck egalitarian debates (see, for example, Farrelly 1999; Parijs 1996, 1995, 1992, 1991; Robeyns 2001; Segall 2005). Nevertheless, UBI proposals have also emerged explicitly in philosophical debates over the plausibility and attractiveness of luck egalitarianism. Several egalitarians have proposed UBI explicitly as an antidote to luck egalitarianism (Hinton 2001; McKinnon 2003; Wolff 1998). Recall from chapter four that Jonathan Wolff and Timothy Hinton criticised luck egalitarianism on the grounds that it fails to show equal respect to all citizens. They believe that it treats some citizens disrespectfully because it requires intrusive scrutiny of (mainly poor) individuals' lives, and passes demeaning judgments about the use that citizens have made of their personal talents, or lack thereof. The upshot for them is that this aspect of luck egalitarianism is deeply unattractive and can be avoided by eliminating the processes that involve the disrespectful treatment. Wolff argues that "egalitarian legislators" and "egalitarian philosophers" (1998: 120-121) should be committed to "unconditional welfare benefits" (97; 121) in order to genuinely treat all citizens with equal respect. He grants that unconditional benefits schemes may be abused by some citizens, but argues that it is overall preferable from an egalitarian point of view to have a social safety net, represented by unconditional income, that protects all citizens' self-respect and respect-standing.

Wolff's case for UBI rests on the thought that it is required by a view of the egalitarian project that caters to the principles of fairness and respect – a view he calls the 'egalitarian ethos.' He notes that this is a different reason for supporting it than a reason from justice, such as Hillel Steiner's (1994) view that justice requires

¹⁰² In her earlier work on the ethical limitations of the market, Anderson (1993) explicitly invokes a pluralist as opposed to a monistic understanding of value. In this work, however, she does not directly address questions of equality.

“UBI as a consequence of our joint ownership of the earth” (Wolff 1998: 121). It also differs from the reason from efficiency: the idea, that is, we should have a system of UBI because it is cheaper than an egalitarian system which requires data collection and enforcement (1998: 121).

In the course of establishing the case, Wolff argues against what he takes to be the interpretation of egalitarianism shared by luck egalitarians, regardless of currency. They all hold the ‘lexical priority of fairness’ thesis, which says that “egalitarianism is best constituted by a lexically prior notion of fairness” (103). This entails a commitment to the view that “there is one prior value – fairness – and that all other egalitarian values are either means to, or subordinate to, fairness” (106). Wolff categorically rejects this, arguing that egalitarianism comprises “a collection of values, which may sometimes conflict and among which there are no universal priority rules” (118). In this analysis, Wolff tends to suggest that the “collection” of values is dominated by two: fairness and respect (106). He does not indicate what other values might form part of the collection.

The crucial problem with this understanding of egalitarianism is that if egalitarianism is constituted by a collection of values and normative goals, how do we know which one is more important when it appears both cannot obtain in social arrangements at the same time? This is a problem which is said *not* to afflict ‘lexical priority of fairness’ egalitarianism (hereafter, LPFE). As Wolff notes, “monist or lexically priority views are often popular for the apparent theoretical rigor that they offer. If we believe, say, that the single or lexically prior egalitarian value is fairness, then it appears that we have a decision procedure to cover all possible cases. Without that we have to rely on intuitionistic balancing, and different individuals’ intuitions may differ, leaving us without public standards of justification” (118).

Wolff’s mounts two responses to this implicit challenge. The first rejects the premise that LPFE can always identify the right course of action and never confronts dilemmas or conflicts in value. There are two lines of argument here, one relating to resourcist versions of luck egalitarianism and one relating to welfarist versions. In the case of resourcism, Wolff argues that there is internal incoherence. Resourcists are committed to the lexical priority of fairness thesis *and* to a resourcist thesis which asserts that the best conception of equality is equality of opportunity for resources. However, self-respect or the lack of it is only sensible as a welfarist concept: belief in “lowered respect-standing” is not the lack of a resource, internal or external” (116).

Thus, if we are going to acknowledge self-respect as a concern for egalitarians, we have to accept that it is a welfarist concern. But resourcists maintain that they are unmoved by welfarist concerns. So, according to Wolff, resourcists cannot hold onto both theses – lexical priority of fairness thesis and the resourcist thesis – simultaneously. As for the other case, Wolff argues that welfarists are drawn into a position that involves two forms of fairness in conflict. On one hand, welfarists will say that data collection is unfair since it requires people of low talent to reveal shameful things about themselves. On the other hand, if they do not collect such data, they will be exposed to other forms of unfairness – namely, the free-rider problem. From a welfarist perspective, the problem of shameful revelation means that “fairness requires both close scrutiny and for us to refrain from close scrutiny” (1998: 117-8). The point of this is to undermine the claim that LPFE approaches are principle-governed and therefore avoid intuitive balancing of conflicting principles.¹⁰³

Wolff’s second response implicitly accepts that egalitarianism must be a project driven by “intuitionistic balancing” (118) at some level. This is suggested by his argument that egalitarianism “needs a dynamic balance” so that social institutions are characterised both by fairness and by avoidance of disrespect (1998: 120). This response accepts that our social arrangements will not always cater first and exclusively to the value of fairness. Sometimes, they will cater to issues of respect. Part of what helps to achieve the ‘dynamic balance’ of fairness and respect is the unconditional welfare benefits scheme he endorses. Thus, according to Wolff, UBI is one element in the pluralistic egalitarian project that he envisions.

Hinton proposes a social justice scheme that combines Rawlsian maximin distribution for workers and a UBI for those who are either unable to work or choose not to work at their most productive occupation. The justification for such a scheme is at least three-fold. First, he follows Wolff in endorsing the egalitarian reason of showing respect for all. Second, he also appeals to the notion that we all enjoy a pre-political entitlement to the world’s resources; there is “joint ownership in the world’s

¹⁰³ I also argued in chapter one that Cohen’s response to Dworkin’s example of Jude reveals that his equality of access to advantage theory appears to have no way to establish how much money Jude is owed *in principle*, suggesting that the amount Cohen wants to award him in compensation is arbitrary from the point of view of equality.

resources” (83).¹⁰⁴ Third, he appears to appeal to the concept of need, but mixes this with the concept of equality or equal standing: “equalizing access to health care is... not grounded on the need to ameliorate the effects of brute luck. But it is grounded on the need to promote and sustain an equal standing for all. Those who are disabled and infirm share joint ownership with the rest of us. A proper acknowledgement of their status necessitates ensuring that they receive the medical care and other special resources that they *need*.” (2001: 83, italics added). This passage reveals a mixture of justifications, in particular, mixing a justification for redistribution on the basis of equality with justification on the basis of need. It also has clear parallels with Anderson’s claims that the positive aim of egalitarian justice is to ensure that everyone has access to the capabilities that enable them to stand as equals with everyone else (1999).

We have now assembled an analysis of Anderson’s and Nussbaum’s approaches to justice, which notes that they appeal to (1) a notion of universal, substantive human goods; (2) the idea that citizens have unconditional entitlements and rights to these central goods; and (3) that a threshold of sufficiency in some of these areas is an appropriate goal at which governments may aim. We have also assembled an analysis of Wolff’s and Hinton’s approaches, which similarly admit of multiple values and aims within egalitarian justice. The juxtaposition is designed to demonstrate that the concerns that so-called sufficientarians and so-called egalitarians have, in the context of social justice, admit of a great deal of overlap and similarity. This calls into question the desire to pigeon-hole particular theorists, particularly when their approaches explicitly appeal to several different normative goals and ideals.

In a recent analysis of Anderson’s democratic egalitarianism, Alexander Brown (2005b) has argued for a reconciliation between, and combination of, what he calls the ‘traditional egalitarian concerns’ embodied in Anderson’s analysis, with the luck egalitarian concerns. He identifies the ‘traditional egalitarian concerns’ as including the “struggle to eliminate extreme poverty, exploitation, oppression, and lack of access to valued functionings” (2005b: 331). He identifies the luck egalitarian concern as the attempt to “mitigate the influence on people’s lives of brute luck, [and to] attribute the costs of voluntary choices to the individuals

¹⁰⁴ Thus, Hinton appears to share Steiner’s left-libertarian justification for UBI. For more on the various ideological justifications for UBI, see contributions to Van Parijs (1992).

themselves wherever possible” (2005b: 331). Ultimately, he argues, this yields a “pluralistic view of justice as equality” (331). Following Brown, I would characterise Anderson and Nussbaum’s approaches as pluralistic egalitarian views. Each is constituted by several distinct principles and ideals. Prominently among these are: (1) a belief in the fundamental equality of human beings which requires that human beings be treated in certain ways; (2) a belief that strict equality is sometimes required by justice, such as in the realm of basic political and legal rights; and (3) a belief that justice requires other things – such as meeting basic needs or treating people with respect – whose achievement may see greater material equality emerge as a by-product.

Some may object that this plays too fast and loose with the notion of egalitarianism. For example, by arguing that a principle of justice which does not aim at equality directly but sees it emerge as a by-product of some other aim can be a constitutive element of a pluralistic egalitarian view, I fall foul of Joseph Raz’s interpretations of egalitarianism. Raz defines *strictly egalitarian principles* as those which take the following form: “All Fs who do not have G have a right to G if some Fs have G” (1988: 225). According to Raz, there are at least two unique things about strictly egalitarian principles. One is that equality is not only their result but also their purpose (225). This compares to non-egalitarian principles which may realize equal distributions as a by-product, but where other, non-equality-related, reasons for action drive the redistribution (230). The other thing is that strictly egalitarian principles are strictly indifferent about two courses of action for achieving equality; that is, they are indifferent between (1) depriving those who have G of G so that now none have G, or (2) transferring some G to those who do not have G so that now all have some G. This indifference stems from the fact that strictly egalitarian principles do not believe that people who happen to have something have a right to it. From the point of view of strictly egalitarian principles, instead of “achieving equality by giving the benefit to those who lack it, one can equally... achieve it by denying the benefit to those who have it, thus preventing the right under the principle from coming into being” (Raz 1990: 227).

Temkin argues that too many different positions have come under the label ‘egalitarianism’ (Temkin 2003b: 766-67). As far as he is concerned, genuine egalitarian views adhere to the following tenets: “it is bad for some to be worse off than others through no fault or choice of their own” but “egalitarians are not

committed to thinking that deserved inequalities are as bad as undeserved ones. In fact, I think that deserved inequalities, if there are any, are not bad at all” (2003b: 767).

Of course, reasons of rigour and precision might steer us towards these narrower understandings of the egalitarian project. However, I do not detect much enthusiasm for this in the recent debates (Schmidtz 2002). Both of these narrower interpretations of egalitarianism include commitments that are unappealing: the indifference to rights and to the choice between the courses of action in Raz’s description; and the thought that deserved inequalities are not bad at all in Temkin’s. I believe that a pluralistic egalitarian approach is an acceptable expansion of the basic doctrine since it includes more of the issues that are of fundamental concern to egalitarians.

RCP is not the best approach to social justice, since, as a maximising form of utilitarianism, it sanctions the violation of individuals’ rights if that course of action maximises utility. Nussbaum’s and Anderson’s views, on the other hand, are both rooted in a broadly Rawlsian social contractarian tradition and therefore uphold individuals’ fundamental rights and interests. Arneson’s characterisation of Nussbaum and Anderson’s views as dominated by a sufficientarian ethic is reductive, and it is more plausible to interpret them as pluralistic egalitarians. Sufficiency, defined as the commitment to divide resources so that the basic needs of all citizens are met, is a genuine and integral part of the egalitarian project, not antithetical to it.

CONCLUSION

When I started my research, my general aim was to defend the importance of the political value of equality to contemporary feminist political thought. My perception was that contemporary academic feminism was in danger of misplacing the ideal of equality in pursuit of the politics of difference, and influenced as I am by liberal and socialist feminism, I wanted to help reverse this process. I therefore turned to authors engaging in the most lively, penetrating, and agenda-setting discourse of equality in contemporary theory: the post-Rawlsian liberal egalitarians discussed here. However, upon becoming more familiar with this literature, I found that I myself was unconvinced. This was unfortunate for my initial project. If the object was to make equality broadly appealing to feminists again, then it was a shaky start if the putative champion of equality was not persuaded by the dominant discourse.

As I became immersed in the research, my initial perceptions of both contemporary feminist and egalitarian liberal thought changed. Feminist thought was not as dismissive of the ideal of equality as I had sometimes imagined, and liberal – by now, luck – egalitarianism revealed itself to be a deeply interesting and challenging project. As should be obvious by now, I still believe, on balance, that luck egalitarianism poorly reflects some aspects of the modern ideal of equality, that it appeals to some morally dubious principles, and employs concepts still disfigured by the traditional male-bias of liberalism. But my research now suggests where reformulation of luck egalitarianism is possible, and demonstrates how such reformulation would benefit from closer engagement with feminist perspectives.

My object, in the thesis, has been to clarify and test out three key objections to luck egalitarianism and one counter-objection pressed by luck egalitarians to a rival approach. For each objection, I have identified both what mainstream critics *do* claim is wrong with luck egalitarianism, and what they could additionally say in order to realise the full force of their objection. The implication here is that while there are genuine disagreements between luck egalitarians and their critics about the ideal of equality, the critics have not always been clear enough about what is at stake. Employing key feminist arguments and perspectives, I have shown how the

objections to luck egalitarianism also represent staging grounds for adding new elements to a theory of equality.

The first objection notes that the chance/choice distinction is a problematic basis for an egalitarian political morality. Any aspect of a person's condition mixes choice and chance in a way that seems utterly resistant to disentangling, even in principle, and certainly in political practice. On occasion, luck egalitarians recognise this. Nevertheless, they are still prepared to give choice make-or-break significance in determining what individuals, in justice, are owed. Inequalities apparently traceable to responsible choice are more complicated than typically represented by luck egalitarianism because of the pervasive influence of gender conditioning on choices. Following Cohen, Mason suggests that an egalitarian social ethos may be necessary to ensure full equality of access for men and women. The appeal to an ethos calls into question the traditional liberal distinction between public and private because it implies that the achievement of an egalitarian society requires not only just social institutions but also that people's choices and conduct within institutions promotes equality. As Mason's analysis reveals, this implies non-neutrality between conceptions of the good; for example, between inegalitarian and egalitarian parenting arrangements. Nussbaum, Anderson, Yuracko, and other feminists are forthright that some goods seem to be more important than others from the point of view of social justice, and they are prepared to accept the non-neutrality towards ends that this implies. I did not address the complex issues around comprehensive versus political forms of liberalism, nor arguments for perfectionism. But if we want to get away from a choice-centred egalitarianism, we cannot avoid these issues.

The second objection sees the luck egalitarian literature as preoccupied with morally arbitrary variations of talent and native abilities amongst individuals, and neutralising these through compensation. Wolff, Hinton, and other critics believe this demeans those are represented as having 'low' talents and 'undesirable' mental and physical features. I share this objection, but have argued that it needs to be connected to the politics of recognition in order for it to have real force against luck egalitarianism. Otherwise, it can be dismissed as merely an objection to the way in which the ideal of luck equality is implemented. The politics of recognition claims that society remains divided and less than just not only because of class divisions but also because of cultural ones. Cultural as well as economic hierarchies prevent people from regarding one another as equals and enjoying full citizenship. While

society can be made fairer by wider and deeper enforcement of equal opportunities for men and women, this very enforcement can mask and legitimise unexamined cultural stereotypes and hierarchies of value. Getting more women into non-traditional jobs is an economic victory for gender equality, but if the wages attached to jobs traditionally coded as 'feminine' and 'masculine' remain unchallenged, then full citizenship for men and women on equal terms is still unmet. There are resonances in Wolff's and Hinton's more focussed respect objection to luck equality with this deeper challenge to egalitarian liberal ways of conceptualising the remaining challenges to equal citizenship in post-industrial welfare state democracies.

Third, luck egalitarianism has also been criticised for treating equality mainly as a matter of distribution. Anderson, Scheffler, and Miller challenge the tendency to see equality in terms of how a 'distributor of good things distributes them to individuals,' arguing that equality is better understood as an ideal governing the social relationships between citizens. This too is an important and valid objection, but suffers from ambiguity. I have argued that it leaves itself open to the claim of displacing fundamental issues of economic inequality for misty-eyed appeals to civic virtues that are easy to knock down. One promising way to deflect this interpretation is to bind the 'relational equality' view more tightly to arguments for substantive political equality. The relationship between luck egalitarianism and democracy is under-studied. I took significant steps toward filling this gap by querying Dworkin's democratic conception. I showed that his instrumentalist justification for democracy is compatible with the political marginalisation of some social groups and thus should be rejected. The ideal of equality refers not just to people in their capacity as consumers and producers, but also as citizens with the right to be recognised as effective political actors. The relational equality critics of luck egalitarianism appeal to this idea, but the implications of their criticism have yet to be fully clarified. Some feminists have suggested that the full meaning and value of democratic inclusion implies proportional political representation for women and men and majority and minority ethnic groups in legislative bodies. I have argued that this is one direction in which the relational equality perspective could be more fruitfully developed.

In their basic forms, equality, priority, and sufficiency are competing programmes for distributive justice. In chapter six, I addressed an objection from luck egalitarians that some of their opponents, particularly Anderson and Nussbaum,

are basically sufficientarians. If true, this would be a serious objection. But I have argued that this is a reductive characterisation of Anderson's and Nussbaum's theories, which appeal to several different substantive components of social justice. They affirm people's fundamental rights; they condemn and prohibit sexual and racial discrimination; they uphold equality of opportunity; and they advance propositions about what goods ought most to matter in an egalitarian society so that we can then talk about how these should be fairly distributed. In short, I show that these are rich moral theories, expressing recognisably *egalitarian* political moralities, that are more pluralistic than luck egalitarian ones. We should not, I argue, pigeonhole theories of social justice as supposedly expressing just one major principle.

As the critical evaluation of luck egalitarianism and formulation of alternative egalitarian theories continue, I regard the following as some of the main outstanding tasks. It has been suggested that luck egalitarianism may be supplemented in various ways in order to mitigate what might seem to be its harsh treatment of the imprudent and reckless. It may be possible, for example, to supplement it with an egalitarian ethos, or appeal to moral duties independent of justice to meet people's needs. These possibilities warrant further investigation to determine to what extent they are compatible with the overall luck egalitarian approach. A more decisive break with the luck egalitarian tradition also seems a real possibility, given the dissatisfaction expressed about many of its central elements. I believe a pluralistic approach to egalitarianism is promising, but much work remains to be done in this area. As it stands, non-luck egalitarians believe that meeting basic needs; prohibiting racist, sexist and other forms of discrimination; showing respect for all citizens in their diversity; and the inclusion of citizens in democratic deliberation about what they owe one another, are all genuine egalitarian ideals that should be combined with the emphasis on fairness in distribution. Egalitarians are united in the belief that a more equal society is a better society, but there is little to be gained by insisting that only some version of equality of resources or welfare provides the answers to the many problems of human inequality that we face.

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