

## Luck and Equality

Susan Hurley

Proceedings of the Aristotelian Society Supp. Volume LXXV (2001), pp. 51-72. See also response by Richard Arneson.

A shorter version in Chinese translation, forthcoming in Political Philosophy, Nicholas Bunnin, Qiu Renzong and Jiang Yi, eds. (Beijing: Chinese Social Sciences Press).

### 1. Introduction.

Gerald Cohen has claimed that a large part of the fundamental egalitarian aim is to neutralize the influence on distribution of luck, of factors for which people are not responsible (Cohen 1989, 908).<sup>1</sup> He writes: "For anyone who thinks that initial advantage and inherent capacity are unjust distributors thinks so because he believes that they make a person's fate depend too much on sheer luck..." (1989, 932). He develops a version of egalitarianism, "equal access to advantage", that is guided by the view that "... the fundamental distinction for an egalitarian is between choice and luck in the shaping of people's fates" (1989, 907-8).

Cohen argues that his cut between choice and luck is truer to the motivation of Ronald Dworkin's resource-egalitarian theory of justice than Dworkin's own suggested cut between preferences and resources. While luck can fall on either side of the preference/resource divide, genuine choice contrasts with luck (1989, 931). Cohen in this way incorporates within his version of egalitarianism what he regards as the most powerful ideas in the arsenal of the anti-egalitarian right: the ideas of choice and responsibility.

The assumption that the fundamental motivating aim of egalitarianism is to neutralize luck is indeed implicit in much egalitarian theorizing. Cohen, along with John Roemer and Richard Arneson, have made this assumption explicit and articulated it with admirable clarity. They've advanced the discussion of justice to a new stage by doing so.

---

<sup>1</sup> Dworkin (1981a, 1981 b) and Cohen (1989) distinguish brute luck from option luck. On this usage, people can be responsible for the results of option luck, for example, by choosing to run risks. But people are not responsible for what is a matter of brute luck. In Cohen's view, egalitarians aim to neutralize brute luck, or influences on distribution for which people are not responsible. However, there has also been a tendency simply to use "luck" rather than "brute luck" to refer to factors for which people are not responsible; Cohen himself slips into this usage in opposing choice to luck later in his "Currency" article. On this usage, Cohen's view is that egalitarians aim to neutralize luck. I follow this latter usage. If people are responsible for their 'option luck,' then in my usage, it is not really a matter of luck for them.

Nevertheless, I shall here argue that the aim to neutralize luck cannot provide a basis for egalitarianism. The term 'basis' is ambiguous, but I choose it deliberately, to cover two possibilities. The luck-neutralizing aim might be held to be a basis for egalitarianism in at least two different senses; I deny that it can provide a basis for egalitarianism in either sense.

First, the aim to neutralize luck could explicate egalitarianism. It could contribute to identifying and specifying what egalitarianism is and what it demands, though without providing any independent justification or reason for egalitarianism. We can refer to this as the *specification* sense of 'basis'.

Second, the aim to neutralize luck could provide some independent, non-question-begging reason or justification, for egalitarianism. We can refer to this as the *justification* sense of 'basis'. The literature on luck-neutralizing egalitarianism does not always make it clear which of these two claims is in play.

To argue that the aim to neutralize luck cannot provide a basis for egalitarianism in either of these senses, I will assume that there is some minimal independent constraint on what could count as egalitarianism. Otherwise, anything that the luck-neutralizing aim leads to could be stipulated to be egalitarianism, and the issue degenerates. The minimal constraint I adopt is this. To count as egalitarian, a doctrine must, for some  $X$ , favor relatively more equal patterns of distribution of  $X$  over relatively less equal patterns of  $X$ , other things equal. It must, that is, count relative equality in the pattern of distribution in some dimension as pro tanto a good thing, even if it can be outweighed by other values. In that sense, the constraint is a *patterning* constraint: a constraint on *how* egalitarianism distributes whatever it distributes, rather than a constraint on *what* it distributes. The constraint is minimal because it does not require that genuine egalitarianism favor absolute equality, only that it favor relatively more equal patterns over relatively less equal patterns. Moreover, it does not require that this preference for more equal patterns of distribution override other values, only that it holds other things equal.

For example, an egalitarian view could hold that equalities in some dimension do not need to be justified, while departures from equality do. Or, it could show how relatively equal patterns of distribution in some dimension tend to be justified, while relatively unequal distributions tend to be more difficult to justify. But a view that requires all possible patterns of distribution to be justified on the same terms, and has no differential tendency to justify equal patterns of distribution, would not count as genuinely egalitarian, given this minimal patterning constraint.

If we combine this patterning constraint on what counts as egalitarianism with my claim that the aim to neutralize luck cannot provide a basis for egalitarianism, we get the following. First, the aim to neutralize luck does not specify a demand for relatively more equal patterns of distribution, other things equal, nor does it specify that equality should be

treated as a default position, departures from which need justification. The aim to neutralize luck per se has no inherent tendency to hit the target of relatively more equal patterns of distribution. Second, the aim to neutralize luck cannot provide any independent, non-question-begging reason or justification for favoring relatively equal patterns of distribution, other things equal.<sup>2</sup>

It may be tempting to think that even if the luck-neutralizing aim cannot provide any independent reason for egalitarianism, it can nevertheless at least contribute to specifying egalitarian patterns of distribution. It may seem possible to avoid my arguments, that is, by adopting the less ambitious specification strategy and foregoing any claim to justification. But I hope to show that this move does not succeed.

Here's a preview of my argument. I first distinguish two roles responsibility might have in theories of distributive justice: a currency role, in determining *what* we redistribute, namely, the currency of distributive justice, vs. a patterning role, in determining *how* we redistribute. If the aim to neutralize luck is to provide a basis for egalitarianism, then responsibility would need to play a patterning role, not just a currency role. Given the minimal constraint on egalitarianism I described above, responsibility would have not just to tell us what to distribute, but also to say something about how to distribute, and in particular to favor relatively equal distributions, other things equal.

I then argue that responsibility cannot play a patterning role--cannot tell us how to distribute. In particular, the aim to neutralize luck neither specifies nor provides any independent reason for favoring patterns of distribution that are more rather than less equal. I will explain how the assumption that luck-neutralization can play a patterning role in egalitarianism runs a danger of making the *egalitarian fallacy* and is open to the *luck neutralizer's dilemma* and several other problems.

## 2. The limits of the currency role of responsibility in justice and the egalitarian fallacy

Luck-neutralizing egalitarianism gives responsibility a role in defining what it is that distributive justice distributes: in defining the *currency* of egalitarian justice, as Cohen (1989) puts it. In effect, responsibility acts as a filter, which yields the equalisandum or currency of egalitarian justice. We only aim to redistribute goods that are a matter of luck for people, not goods people are responsible for. Luck and responsibility here are correlative terms. For example, we do not redistribute goods people are responsible for via their choices, including the outcomes of chosen gambles.<sup>3</sup> But we do redistribute manna from heaven.

---

<sup>2</sup> In Hurley (2000a, and in progress) I argue that egalitarianism does not need the luck-neutralizing aim, and indeed may be stronger without it.

<sup>3</sup> Again, if people are responsible for their 'option luck', then it is not part of what luck-neutralizing egalitarian aims to neutralize.

However, responsibility in its currency role cannot do all the work of specifying norms of distributive justice. For present purposes, there are at least two respects in which this is true.

First, there is a preliminary point. Responsibility in its currency role contributes to telling us *what* to redistribute, by acting as a filter on some independently specified good or goods, but it does not determine that independent specification. For example, we could aim to equalize *resources* for which people are not responsible, or *welfare* for which people are not responsible, or *both*. As Cohen (1989) argues, the luck/responsibility distinction cuts across the resource/welfare distinction. Both resources and welfare are covered by Cohen's conception of "advantage". The point here, which should be kept in mind as background to the my arguments here, is that some such independent specification of the good is needed and that it is not provided by responsibility. We don't aim to equalize just anything and everything of any kind for which someone is not responsible. That would be absurd. For a given conception of the good, responsibility filters out goods within the original specification, only letting goods pass through into the currency of distributive justice to the extent people are not responsible for them, to the extent they are a matter of luck. For example, on a choice-based understanding of the responsibility/luck distinction, goods that are (at least partially) the result of suitable choices are (at least partially) exempted from redistribution.

Second, we should distinguish the question of *what* we aim to redistribute from the question of *how* we aim to redistribute: the currency of distributive justice from the pattern of distribution demanded by justice. A rule or function specifying a pattern of distribution cannot be applied until what we're distributing is defined. In that sense currency issues are prior to patterning issues. Nevertheless, knowing *what* to redistribute does not tell us *how* to redistribute it. Applied to luck-neutralizing views, the point is that the currency role of responsibility does not specify any particular pattern of distribution of the currency. The fact that our concern is with the distribution of goods that are a matter of luck, for which people are not responsible, rather than of something else, does not in itself tell us how to distribute these goods. This second point is central to my arguments here.

For example, consider the distinction Parfit (1995) draws between equality and priority. This is a distinction in the space of patterns, not currencies: in 'how' space, not in 'what' space. Egalitarianism proper is concerned with whether certain people are actually worse off than other people, and the relations between the actual states of different people. Priority views, such as a maximin view, are rather concerned with the relations between individuals' actual states and other possible states they might have been in, with whether people are worse off than they might have been, and with absolute levels of well-being. According to a priority view, benefits to the worse off matter more, not because of the relationship of the worse off to other people, but because of the absolute level the worse off are at. Maximin can be regarded as an extreme form of a priority view, according to which benefits to the worst off matter most. On a priority view, equality between people can,

under certain assumptions, be a means to making the worse off better off (see Cohen 1992), but the relation of equality between people per se is not an essential concern. Equality between people is of merely instrumental value on the priority view.<sup>4</sup>

Suppose we aim to redistribute goods that are a matter of luck, manna from heaven. Does this determine whether we should aim to equalize goods that are a matter of luck or instead aim to maximin goods that are a matter of luck? It might seem that our aim favors equality over maximin, for the following reason. If an unequal distribution of goods that are a matter of luck turns out to be what maximin requires, because of incentive and trickle down effects, then there will be differences between people with respect to goods that are a matter of luck. If differences with respect to goods that are a matter of luck themselves count as matters of luck, then not all luck will have been neutralized under a maximin rule applied to goods that are a matter of luck. It may be thought that if people would not be responsible for the differences in currency levels that maximin would require, then a luck-neutralizer cannot accept a maximin rule and must prefer an equalizing rule.

However, this is an illusion. The currency role of responsibility and the aim to redistribute goods that are a matter of luck are equally consistent with equality on the one hand and with maximin on the other hand. It might be true both that people would not be responsible for the *differences* in currency levels that maximin would require and also that people would not be responsible for the *sameness* in currency levels that equalizing would require. The fact that people are *not* responsible for *difference* does not entail that they *are* responsible for *nondifference*. There is no more a priori reason to regard difference of position as a matter of luck than to regard sameness of position as a matter of luck: people may not be responsible for either. So considerations of responsibility do not direct us to take equality as the default position: they neither specify nor justify doing so. The immediate consequence of this point is that luck-neutralizing per se does not require us to neutralize only one kind of relation that is a matter of luck and not another. In particular, it does not require us to equalize rather than to maximin manna from heaven. People are not responsible for equal amounts of manna, or any other particular amounts; they are not responsible for it at all.

A certain fallacy may make it hard to see the point just made. This is the fallacy of moving from:

(1) It is a matter of luck that *a* and *b* are unequal

to:

---

<sup>4</sup> This may be an advantage to the priority view. While the priority view has egalitarian consequences, it will not be subject to some of the objections that a view favoring equality per se is subject to, such as objections to leveling everyone down to the worst off position for the sake of equality.

(2) It would not be a matter of luck if  $a$  and  $b$  were equal.

This is just as fallacious as the move from:

(3) It is a matter of luck that  $a$  and  $b$  are equal

to:

(4) It would not be a matter of luck if  $a$  and  $b$  were unequal.

The move from (1) to (2) can be called *the egalitarian fallacy*, since it could be used in an attempt to specify or justify an egalitarian pattern of distribution. While the move from (1) to (2) might be subliminally tempting to egalitarians, the move from (3) to (4) will not be. But both moves are fallacious. One reason for this is that both fail to respect a scope distinction, between internal and external negation (that is, between negation outside the scope of the operator “It is/would be a matter of luck that...”, and negation inside its scope). In the arguments that follow various points are exposed at which the egalitarian fallacy might be tacitly relied on. However, I am not accusing any particular egalitarian of committing this fallacy. Since the move is obviously fallacious when made explicit, it would be present only implicitly and would raise issues of interpretation that are not my concern here.

It might be suggested that even if responsibility neither specifies nor justifies taking equality as a default position, it nevertheless can be used to justify departures from equality. Call this view the *equality-default view*. This position does not *argue* for the claim that it would not be a matter of luck if  $a$  and  $b$  were equal, so there is no danger of its being propped up by the egalitarian fallacy. Rather, it is simply not concerned with whether equalities are a matter of luck or not.

Suppose that at this point we concede for the sake of argument that responsibility can contribute to determining what counts as an egalitarian pattern, within this view. Inequalities are either allowed or disallowed by reference to responsibility. But responsibility does not play a patterning role in relation to the aspect of this view that is specifically egalitarian: that is, in relation to its assumption of equality as a default position, departures from which must be justified. Therefore, this is not a case in which responsibility provides a basis for egalitarianism.

To see this, consider a different view, the *inequality-default view*. This view takes an unequal distribution as the default position: aristocrats should have more than peasants, whether this is a matter of luck or not. Departures from this inequality, including equality, need to be justified by responsibility. Only equalities for which people are responsible are permitted, not equalities that are a matter of luck. Responsibility plays a patterning role in the inequality-default view to just the same extent it does in the equality-default view. The specifically egalitarian character of the equality-default view owes nothing to the aim to

neutralize luck. The choice of default position is a feature that can vary quite independently of the patterning role of responsibility. Thus, the aim to neutralize luck does not provide a basis for the egalitarianism of the equality default view, even if it does play a patterning role.

Now someone may grant the importance of distinguishing the currency and patterning roles, the ‘what’ and ‘how’ questions about distribution, and concede that knowing what does not tell us how. But he may go on to suggest that responsibility be used only to answer the currency question, to act as a filter that yields the equalisandum of distributive justice. It need not be used to answer the question about pattern, about how to distribute.

The reply is that, for present purposes, this suggestion concedes that the luck-neutralizing aim does not provide a basis for egalitarianism. To do that, the luck-neutralizing aim must have some egalitarian patterning implications. Here I am appealing to the minimal patterning constraint on what can count as egalitarianism. For example, there is no reason to regard a doctrine that tells us to redistribute what people are not responsible for as a form of egalitarianism, if it tells us to redistribute very unequally, in a way that exaggerates rather than mitigates any prior inequalities. If responsibility merely tells us what to redistribute, but something else tells us to favor relatively equal distributions, then in the relevant sense responsibility is not providing a basis for egalitarianism, even if it is playing some role in specifying egalitarian demands.

### 3. Can responsibility tell us how to distribute? The luck-neutralizer’s dilemma.

Suppose it is conceded that giving responsibility a role in determining what is to be redistributed does not in itself either specify or support egalitarian patterns of redistribution. Nevertheless, it might be argued that responsibility can and should be given an independent *patterning role* in addition to or instead of a currency-defining role, and that in this role it justifies, or at least specifies, equality. Let’s see what we can make of this suggestion.

I shall argue that it is not just the case that responsibility *should not* be given a patterning role, but that there is reason to doubt that it even *can* play such a role. First, it cannot justify equality in particular. But second and more fundamentally, there are deeper underlying problems with the very idea that responsibility can specify any particular pattern as the goal of redistribution, whether egalitarian or otherwise. An exception may be where responsibility is used just to permit departures from an independently specified default pattern; but we’ve already seen that this provides no basis for egalitarianism. The overall conclusion will be that the aim to neutralize luck cannot provide a basis for egalitarianism, either in the sense of justification or of specification.

First, then: the idea of neutralizing bad or good luck provides no independent reason to favor equality as a principle of distribution. This claim cuts against the idea that the aim to neutralize luck could provide a *justifying* basis for egalitarianism. I argue for it by means of a dilemma. And to set the dilemma up, I need to begin with a distinction.

What is meant by “bad luck”? The phrase is ambiguous, between interpersonal and counterfactual readings. In the *interpersonal* reading, I compare my situation with other people’s situations. I have bad luck when as a matter of luck I am worse off than others. In the *counterfactual* reading, I compare my actual situation with other possible situations I might have been in. I have bad luck when as a matter of luck I am worse off than I might have been.

Either way, I shall argue, the aim to neutralize bad luck does nothing to justify an equal pattern of distribution. Here’s the *luck-neutralizer’s dilemma*:

First horn of dilemma: On the one hand, consider interpersonal bad luck, which involves my situation being worse than that of others, in respect of aspects of my situation which are a matter of luck. Neutralizing bad luck in this sense does specify an equal pattern of distribution of whatever is a matter of luck. But this specification is trivial, since inequality is used to identify bad luck. By definition, I would not have bad luck if I were no worse off than others. The aim to neutralize bad luck in the interpersonal sense provides no independent reason to favor equality as pattern of distribution of whatever is a matter of luck. It begs the question of justification and just helps itself to the goal of equality (see and cf. Parfit 1995, 27).

The point about begging the question here is related to points already made about the equality default view. On the interpersonal understanding of neutralizing bad luck, the aim is to eliminate just inequalities for which people are not responsible. Equalities for which people are not responsible are ignored. So of course the result of the exercise will be to equalize people in respects for which they are not responsible! But no justification is given for favoring or defaulting to equality. Notice that this point applies to the distribution of what is a matter of luck. Inequalities for which people are responsible are not here relevant.

Second horn of dilemma: On the other hand, consider bad luck in the second, counterfactual sense. What pattern are we left with when bad luck in this sense is neutralized? There is no reason to think it would be an equal distribution, or that it would be more equal than the starting distribution. Suppose my situation is a matter of luck, and that if the factors for which I am not responsible were eliminated, then my situation would be better than it is, and I would be responsible for it. Parallel remarks apply to you. If you and I were put in these respective counterfactual positions, our bad luck in the counterfactual sense would have been neutralized. But of course there’s no reason to think the result would be equality between you and me, or would even tend toward more equal patterns of distribution. The situation I would be responsible for, if my counterfactual bad

luck were neutralized, may be very different from the situation you would be responsible for, if your counterfactual bad luck were neutralized. Suppose it is determinate in the first place what you and I would be responsible for, under these counterfactual suppositions--about which I'll shortly argue there is room for doubt. Even so, neutralizing counterfactual bad luck is no more likely inherently to lead from inequality to equality, than to lead from one inequality to another inequality. Indeed, you and I might start out equal, as a matter of bad luck for each of us; we could both have been better off, though differently well off. In that case, neutralizing our counterfactual bad luck might lead us from equality to inequality. The idea of neutralizing bad luck in the counterfactual sense not only provides no reason to favor equality, but it does not even specify an egalitarian pattern of distribution.

Of course, someone who aims to neutralize luck does not aim to eliminate inequalities that are not a matter of luck, for which people are responsible. But the point here is that there is no reason to think that eliminating inequalities that are a matter of luck in the counterfactual sense will tend to lead to equality rather than to different inequalities that are not a matter of luck. There is no inherent connection between neutralizing counterfactual luck and equality.

You might think you can get around the second horn of the dilemma if you believe that no one is responsible for anything, or if you first use responsibility to filter the currency so that the only goods you are interested in redistributing are goods for which people are not responsible--manna from heaven. But considerations of responsibility and luck neither specify nor justify equalizing even pure manna from heaven. If people are not responsible for anything, or for any of the manna, it does not follow that they are all responsible for the same thing, or for the same amount of manna. If everything is a matter of luck, equality is no less a matter of luck than any other distribution. If no one is responsible for anything, then responsibility cannot specify or favor an equal pattern of distribution, or indeed any other.<sup>5</sup>

So the luck-neutralizer's dilemma is this: The idea of bad luck is ambiguous. On the interpersonal reading neutralizing bad luck leads to equality but only trivially, by building inequality into bad luck. On the counterfactual reading, neutralizing bad luck does not even specify redistribution toward equality rather than toward various other possible patterns of redistribution. The aim to neutralize bad luck can seem to lead to equality nontrivially if one equivocates between these two readings. But on neither the interpersonal nor the counterfactual reading does the aim to neutralize bad luck provide a basis for egalitarianism. Parallel points hold for good luck. The idea that considerations of responsibility and luck justify equality as a pattern of distribution may be an illusion born of this ambiguity.

#### 4. Can responsibility tell us how to distribute?, continued. Problems of interpersonal and counterfactual responsibility.

---

<sup>5</sup> This point is developed further elsewhere (Hurley, in progress); see the summary of arguments in the final section below.

Someone might be persuaded by the luck-neutralizer's dilemma that the aim to neutralize luck cannot provide a justification for egalitarianism, but still believe that it can provide at least a specification of egalitarianism. I now want to focus on why luck-neutralization cannot even do this.

The counterfactual sense of bad luck that featured in the second horn of the dilemma leads into a deeper set of problems with the aim to find a pattern that neutralizes luck. There are two respects in which responsibility judgments are unsuited to the role of specifying a pattern of distribution across persons. First, responsibility judgments are not primarily about *interpersonal relations, relations between the goods positions of different people*. For reasons that will emerge, I will call this *the boring problem*. Second, responsibility judgments may not extend in any determinate way to counterfactual situations. When people are not responsible for what they have, there may not be anything determinate, either to be found or constructed, that they would be responsible for instead, under counterfactual conditions in which factors for which they are not responsible are eliminated. I will call this *the indeterminacy problem*. These two points combine to cast doubt on whether responsibility can play a patterning role at all, not just on its support for an egalitarian pattern in particular.

One qualification: As already mentioned, an exception to the claim that responsibility cannot play any patterning role may be the case in which responsibility is used merely to permit departures from an independently specified default pattern. But as already argued, this exception provides no counterexample to my general claim that responsibility cannot provide a basis for egalitarianism. So I set this case aside and now consider the difficulties about responsibility in any more substantial patterning role, whether egalitarian or not.

I'll begin with the boring problem. Even when people are responsible for their own positions, it doesn't follow that they are responsible for the *relations* between their own positions and the positions of others. Judgments of responsibility seem prima-facie not to have the right form to specify a pattern of distribution across persons. Examples of relevant judgments are: I am not responsible for my musical gifts, but I am responsible for the wages I earn for my hard work as a psychiatric nurse. Such responsibility judgments are primarily about *relations between people and goods*: between individuals and the goods to which they are causally related, whether by choice or by factors that are a matter of luck. These judgments are needed for responsibility to play a currency role: certain goods are up for redistribution to the extent they are a matter of luck for their possessors.

But notice what would be needed in order for responsibility to play a patterning role. What would be directly at issue is not whether *someone's level of goods* is a matter of luck *for her*. Rather, it would be whether *relations between the levels of different people* are matters of luck *for them*. A patterning role for responsibility would require a shift of focus from responsibility relations between an individual and the goods she enjoys, to the

relations between the goods positions of different people, such as equality or maximin. If responsibility were to play such a role, it would require us to consider in the first instance whether people are responsible for the *relation* of their own position to that of other people: for example, whether *differences* are a matter of luck. However, this may depend on whether people are responsible for the goods they have.

How is my responsibility for my relation to others related to my responsibility for my own level of goods? Consider first the following questions about *interpersonal* luck and responsibility. Let  $X$  and  $Y$  be levels of goods enjoyed by individuals. If Sam is responsible for  $X$  and Joe is responsible for  $X + Y$ , is either responsible for the difference between their goods positions? If Doris is responsible for  $X$  and Lois is also responsible for  $X$ , is either responsible for the sameness of their goods positions? In both cases, despite each person's responsibility for his or her own position, the relations between persons are at least partly a matter of luck for each of them, for a simple, uninteresting reason.

Consider responsibility for difference first. If Sam is not responsible for Joe's position, then he is not wholly responsible for the difference between his goods position and Joe's.<sup>6</sup> While Sam's own goods position is not a matter of luck for him, the relation between his position and Joe's is partly a matter of luck for Sam. Reciprocal remarks apply to Joe. There may well be no one person who is responsible for the relation between Sam and Joe's positions, even if Sam and Joe are collectively responsible for it, or each is partly responsible for it.

Parallel remarks apply to Doris and Lois and responsibility for sameness. If neither is responsible for the other's goods position, then neither is wholly responsible for the sameness of their positions. The sameness of their position may be partly a matter of luck for each of them, even though they are both responsible for their own positions.

So, if individuals are not generally responsible for other people's positions, then individuals are in general no more responsible for interpersonal sameness than for interpersonal difference of position, for this same boring, obvious reason. Put the other way round, equality of position is no less a matter of luck than difference is. Even when individuals are responsible for their own positions, relations between them are at least partly matters of luck.

Next consider the following questions about *counterfactual* luck and responsibility. We've just seen that even when Sam and Joe, Doris and Lois are each responsible for their own positions, it does not follow that they are responsible for relations between their

---

<sup>6</sup> A qualification is needed: it is conceivable that Sam has arranged things so that whatever Joe's currency level is, he Sam has  $Y$  less than Joe. Then Sam might be responsible for the difference between their currency positions even though he is not responsible for Joe's position. A similar qualification applies to Doris and Lois. But these stipulations make for special and quirky cases, and do not alter the main message of the text.

positions. But if such relations are at least partly a matter of luck for them, are there other counterfactual relations that would not be a matter of luck for them, that would neutralize luck? No, for the uninteresting reason already given: if one person is not responsible for what another is responsible for, then the relations between their positions are at least partly a matter of luck for him. This boring point applies in other possible worlds as much as in the actual world. One person is no more responsible for counterfactual relations between his position and another's position than for actual relations. We have not yet got a use for the idea that counterfactual relations between people--whether of difference or sameness--might neutralize luck--even in the straightforward case, where all individuals concerned are responsible for their own actual positions.

Now a luck-neutralizer may reply that so long as each person is responsible for her actual position, he is not concerned with whether relations between them are nevertheless partly a matter of luck. Fair enough. Let's thus now consider a situation in which Sam and Joe, Doris and Lois are *not* responsible for their own actual positions. This is the kind of situation that we would be addressing if we had already used responsibility in its currency role, to filter out goods for which people are responsible. Can we now go on to give responsibility a patterning role? No, because the prospects for finding a clear sense in which counterfactual relations between people might not be a matter of luck are now even worse. We now face not just the boring problem that one person isn't responsible for the relation, whether actual or counterfactual, between his position and other person's. We now face an additional problem, the indeterminacy problem.

It is hard enough to say whether people are responsible for what they have actually got. But in order to neutralize luck understood counterfactually, we'd have to know more than this, to answer a further question. We'd have to be able to say, when people are not responsible for what they actually have got, what they *would* be responsible for instead, if factors for which they are not responsible were eliminated. Otherwise we'd merely be moving from one distribution that is a matter of luck to another, which might be equally a matter of luck. The point here is not just that there is no reason to assume we'd all be responsible for the same thing. More fundamentally, it is highly doubtful that we have any general, nonarbitrary basis for answering this further question. In many cases the answer is simply indeterminate.

Hard as it is to arrive at judgments about whether someone is responsible for the position she actually has, we can often reasonably decide that someone is indeed not. Suppose, for example, we adhere to a reason-responsiveness view of responsibility. Then we might judge that someone is not responsible because the actual sequence of causes leading to the actions that result in her position do not meet a reason-responsiveness condition. But it is another thing entirely to say what she would have been responsible for instead, if the responsibility-defeating factors did not obtain. In some cases it will be possible, but in many cases it will be simply indeterminate. For example, how can we say what someone would have chosen or done or been responsible for if she had, counterfactually, satisfied a reason-responsiveness condition? Different reasonable people can make different reason-responsive choices. Indeed, if we are not determinists, we

might think that any given reasonable person can make different reason-responsive choices.

Let me spell out why judgments about whether individuals are responsible for their actual goods positions leave an indeterminacy problem. Suppose we have made such judgments. Doris is a surfer and part time janitor. She is responsible for her relatively low goods position,  $X$ , so it is exempt from luck-neutralizing redistribution. We leave her position as it is. Sam is not responsible for his relatively low goods position,  $X$ ; his low income is bad luck for him. What goods position should he be in instead? Joe is only partly responsible for his goods position,  $X + Y$ ; his high income is partly good luck for him. What goods position should he be in instead?

Sam's goods and part of Joe's goods are matters of luck for them, so are within the currency of redistribution, by the currency role of responsibility. But if responsibility is to play a patterning role as well as a currency role, it must tell us not just *what* we can redistribute, but *how*. Judgments about whether or not people's actual goods positions are matters of luck for them, by themselves, cannot show us what pattern of redistribution we should try to achieve instead. If responsibility is to play this patterning role as well as a currency role, further counterfactual judgments of responsibility are needed, such as: If Sam had five times his actual income, that would not be a matter of luck for him. If Joe had a third of his actual income, that would not be a matter of luck for him. If responsibility is to play a patterning role, it must tell us what luck-neutral baseline we should aim to put a person at through redistribution, when her actual goods position is a matter of luck. It must tell us what someone would be responsible for instead, when she is not responsible for what she actually has.

However, such judgments are in general highly problematic. They would go beyond our ordinary practices of judging whether people are responsible for what they actually have. What could be the basis for them? Can our practices of using the concept of responsibility in some way be extended to answer these questions? When people are not responsible for what they actually have, what is it for them to be responsible for something else instead, for something else not to be a matter of luck? And how can we know what that something else is?

Perhaps in some cases we can say. If Joe had not received a lucky legacy from a distant uncle, he would have one third of his actual income, and that would not have been a matter of luck for him because it would be due to his own choices and efforts and hard work. But such clear-cut cases are the exception rather than the rule. If Sam had not had the deprived childhood that makes his current low income bad luck for him, what would he have been responsible for instead? He might have chosen to be a workaholic or a surfer, or anything in between.

It is tempting to avoid the indeterminacy problem by assuming that when people are not responsible for what they have, we should redistribute in a way that leaves them all

equally well off. Now, perhaps we should assume this. My point here is not to deny this, but rather to deny that considerations of responsibility and luck specify taking equality as the default pattern. Some other basis for doing so is needed. There is no reason to assume that the baseline of what people would be responsible for, when they are not responsible for what they have, is the same for different people. People might not be responsible for what they actually have, even when each has the same as the others; equal goods positions may be no less matters of luck than unequal ones. Simply to assume equality as the default position may indeed be the right thing to do. But we should not suppose we are neutralizing luck when we do so. Considerations of luck and responsibility do not resolve the indeterminacy problem.

Responsibility does not justify taking equal option sets as a default position either (see and cf. Arneson 1989, 1990). Someone may or may not be responsible for the set of options he faces, but whether he is does not depend on whether he faces the same options as others. And if someone can acquire responsibility for goods by certain choices he makes within his set of options, he doesn't cease to be responsible because of the relation of his option set to that of others. Someone's responsibility given the choices he makes within his set of options does not depend on his having the same set of options as someone else. Responsibility does not depend on equality, or build equality in.

Is the indeterminacy problem just an epistemological problem, a problem of how we can *know* the answers? Or is it rather a problem about *what it is in virtue of which certain counterfactual claims are true*, claims about what in particular someone would be responsible for under counterfactual conditions, when she is not responsible for what she actually has. It may be both. But in any case, I strongly doubt that these are problems we can or should or need to try to solve. We have a use for confirming someone's responsibility for what he does and for what he has. We also have a use for excusing people from responsibility. But when we excuse, we do not generally reinstate responsibility for some counterfactual state of affairs. Our judgments of responsibility often simply do not extend determinately this far. Efforts to wring more determinacy out of our concept of responsibility than it is designed for invite arbitrariness.

The problems with counterfactual responsibility just sketched are related to problems for the idea of hypothetical choice as a condition of responsibility (see Hurley 2000b, 2000c). Hypothetical choice, unlike actual choice and control, need involve no actual causal relationship between the person and what he would counterfactually choose. Its very causal costlessness makes for indeterminacy: I would choose to be a brilliant mathematician if I had the talent, or a brilliant artist, musician, novelist, or scientist. So what? There are too many things that people would choose, or would not choose to avoid, under various counterfactual conditions. Further constraint is needed to narrow the focus down to those things people are actually responsible for. The most plausible candidates to provide such constraint, such as actual choice or control, involve causal relations between people and what they are responsible for.

## 5. Summary and remaining issues.

I have argued that the aim to neutralize luck cannot provide a basis for egalitarianism. It can neither specify nor justify an egalitarian pattern of distribution. Luck and responsibility can play a role in determining *what* justice requires to be redistributed, but from this we cannot derive *how* to distribute: we cannot derive a pattern of distribution from the currency of distributive justice. Nor does responsibility provide a basis for taking equality as a default position, departures from which must be justified. My argument for these claims was developed in terms of a dilemma, according to whether luck is understood in interpersonal or counterfactual terms. On the one hand, the aim to neutralize interpersonal bad luck does specify an egalitarian pattern of distribution, but only trivially, since interpersonal inequality is used to define bad luck. On the other hand, the aim to neutralize counterfactual bad luck does not specify or justify an egalitarian pattern of distribution.

Elsewhere (Hurley, in progress) I consider further whether the luck-neutralizing aim can do any more to provide a basis for egalitarianism if we assume that no one is responsible for anything. I'll provide a brief preview here of some of these remaining issues.

The luck-neutralizing aim is often phrased as an aim to neutralize the *effects* of luck (though it doesn't have to be). I argue that the aim to neutralize the *effects* of luck is closely linked to what I call *the regression principle*, which holds that responsibility for something requires responsibility for its *causes*. On certain plausible assumptions the regression principle makes responsibility impossible (see and compare Hurley 2000b; 2000c; Strawson 1994; 1986, 26-30, 56, etc.; Scanlon 1988, 152-153; 1998, ch. 6). If we aim to neutralize the *effects* of luck anywhere back in the causal chain, then we are effectively refusing to hold people responsible for something unless they are also responsible for its *causes* (cf. Roemer 1987, 216). But since on plausible assumptions no one can be responsible for causes all the way back, we are thus effectively refusing to hold anyone responsible at all. It doesn't matter whether the point is put in terms of the *causes* of nonluck or the *effects* of luck.

Suppose it is conceded that considerations of responsibility cannot provide a basis for egalitarianism *in general*. Even so, it may seem that if responsibility is held to be impossible, that very impossibility does provide a basis for egalitarianism. I argue that this is an illusion. I explain how it can arise, first, if a version of the egalitarian fallacy is committed, or, second, if something like an autonomous bare self is assumed to be common to all people.

First, the aim to neutralize luck combined with the view that no one is responsible for anything provide no basis for taking equality to be the default position. That some difference between *a* and *b* is a matter of luck does not entail that it would not be a matter of luck if *a* and *b* were equal in this respect. This basic point holds even when all

differences between people are a matter of luck. If everything is a matter of luck, nondifference is just as much a matter of luck as difference. Luck-neutralization per se does not favor egalitarian luck over inegalitarian luck.

We should thus be wary of a non sequitur. If we aim to neutralize the effects of luck, but ultimately everything turns out to be among those effects, it is at best *indeterminate* what would neutralize the effects of luck. We cannot infer that equality will do so.

But there is also a further danger, of incoherence. If responsibility is impossible, then it is *impossible* to neutralize the effects of luck (not merely indeterminate what would do so): no possible state of affairs could do so. Going for equality as a default position cannot be a way of doing the impossible, that is, of neutralizing luck, even if it has some other justification. It is incoherent to hold both that responsibility is impossible and that equality would neutralize luck. If responsibility is impossible, then everything must be a matter of luck and it is impossible to neutralize luck.

Second, I consider another possible source for the assumption that eliminating responsibility somehow supports equality, an implicit view that each of us harbors something like an autonomous bare self. It might be thought that we can argue for equality from the supposition of identical autonomous bare selves, which are supposedly what is left when everything that is a matter of luck is stripped away from the self (see and compare Roemer 1986, 781; 1985, 178-79). I argue, against this kind of view, that if everything is a matter of luck, then there are no such things as autonomous bare selves. Moreover, responsibility and autonomy may be properties of selves that, to be selves at all, must also have some features that are a matter of luck. Finally, even if stripping away factors that are a matter of luck were to leave autonomous bare selves behind, there would be no reason to assume that there were no relevant differences between such autonomous bare selves.

Note that I have not argued against egalitarianism, or even against the view that equality should be taken as a default position when people are not responsible for what they have. Rather, I have argued that considerations of responsibility and luck do not provide a basis for these views. But there may well be some other basis for egalitarianism (see Hurley 2000a). We need to think further about that could be.

## Bibliography

- Arneson, R. (1989) "Equality of Opportunity for Welfare," *Philosophical Studies* 56, 77-93.
- (1990) "Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare," *Philosophy and Public Affairs* 19, 159-94.
- Cohen, G. A. (1989) "On the Currency of Egalitarian Justice," *Ethics* 99 (4), 906-44.
- (1992), "Incentives, Inequality and Community," in *The Tanner Lectures on Human Values*, Vol. 13, Grete Petersen, ed. Salt Lake City: University of Utah Press, 263-329.
- Dworkin, Ronald (1981a) "What Is Equality? Part I: Equality of Welfare," *Philosophy and Public Affairs* 10, 185-246.
- (1981b) "What is Equality? Part 2: Equality of Resources," *Philosophy and Public Affairs* 10, 283-345.
- Hurley, S. L. (2000a) "Cognitivism in Political Philosophy," in *Morality and Well-Being: Essays in Honour of James Griffin*, Roger Crisp and Brad Hooker, eds. Oxford: Oxford University Press, 177-208.
- (2000b) "Is Responsibility Essentially Impossible?," *Philosophical Studies* 99, 229-268.
- (2000c) "Responsibility, Reason, and Irrelevant Alternatives", *Philosophy and Public Affairs* 28 (3), 205-241.
- (in progress), *Justice, Luck, and Knowledge*.
- Nozick, Robert (1974), *Anarchy, State and Utopia*. New York, USA: Basic Books.
- Parfit, Derek (1995), "Equality or Priority?," The Lindley Lecture, 1991, Dept. of Philosophy, University of Kansas.
- Rawls, John (1982) "Social Unity and Primary Goods", in *Utilitarianism and Beyond*, Amartya Sen and Bernard Williams, eds. Cambridge, England: Cambridge University Press.
- Roemer, John E. (1985) "Equality of Talent," *Economics and Philosophy* 1, 151-87.
- (1986) "Equality of Resources implies Equality of Welfare," *Quarterly Journal of Economics* CI, 751-84.
- (1987) "Egalitarianism, Responsibility and Information," *Economics and Philosophy* 3, 215-44.

--- (1993) "A Pragmatic Theory of Responsibility for the Egalitarian Planner," *Philosophy and Public Affairs* 22.

--- (1995) "Equality and Responsibility," *Boston Review* 20 (2), 3-7, 15-6.

--- (1996), *Theories of Distributive Justice*. Cambridge: Harvard University Press.

---- (1998), *Equality of Opportunity*. Cambridge: Harvard University Press.

Scanlon, T. M. (1986) "Equality of Resources and Equality of Welfare: A Forced Marriage?," *Ethics* 97, 111-8.

--- (1988), "The Significance of Choice," in *The Tanner Lectures on Human Values*, Vol. VIII, S. MacMurrin, ed. Salt Lake City, USA: University of Utah Press, 151-216.

--- (1998), *What We Owe to Each Other*. Cambridge: Harvard University Press.

Strawson, Galen (1986), *Freedom and Belief*. London, England: Methuen.

--- (1994) "The Impossibility of Moral Responsibility," *Philosophical Studies* 75, 5-24.