

Equality for Inegalitarians

By George Sher

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Author's uncorrected draft

By Andy Lamey

Bill Gates has long been ranked by *Forbes* magazine as the world's richest person. Between 2013 and 2014 the co-founder of Microsoft saw his net-worth increase by US\$14 billion, an amount larger than the Gross Domestic Product of Iceland. *Forbes* ranked Gates and other billionaires on a scale of one to ten to indicate how "self-made" they were: "a 1 indicating the fortune was completely inherited, while a 10 was for a Horatio Algeresque journey." Gates' score of eight reflected the magazine's view that, while he had the limited advantage of an upper middle-class background, his ascent into the financial elite was by and large the result of his own efforts. Gates overall was to be admired for the shrewd choices that drove his ascent.

Proponents of luck egalitarianism would take a different view. For luck egalitarians, Gates' fortune was not the result of his own doing above all. Equally influential were the contingencies of Gates' social background, beyond the generic class benefits. When Gates was in the eighth grade for example, the mothers' club at his Seattle private school bought a teletype machine on which Gates was able to master computer programming. Gates thereby gained a fateful advantage over kids in the poorer neighbourhood of South Seattle and elsewhere. Gates also had the benefit of high native intelligence and a temperament well-suited to the solitary nature of working on code, characteristics that would give him a head start even against many of his well-off peers. A luck egalitarian account of Gates' wealth would thus reject the language of self-making and instead give weight to both the chosen

and unchosen factors behind Gates ascent. They include not only the happy coincidences of Gates upbringing but the natural endowments he was lucky to be born with.

Like *Forbes* and the wider social attitude the magazine represents, luck egalitarianism admires the human capacity to shape one's own life. It is just that for luck egalitarians, contemporary culture exaggerates the degree to which the accumulation of wealth can be explained purely in terms of choice. Given the inevitable role of luck in economic affairs—including the luck of being born with a lucrative talent—we should be comfortable with redistributing wealth to a greater degree than is currently the norm. Inequalities that genuinely are the result of choice are acceptable are acceptable on a luck egalitarian account, but those due to luck should be redistributed away. Libertarians and other defenders of property rights have long appealed to choice and effort as grounds for *not* redistributing wealth. The novel twist of luck egalitarianism is that it appeals to the same underlying principles, the role of choice, to make the case for extensive redistribution.

Luck egalitarianism rose to prominence in the 1980s and 1990s when it was defended by such distinguished philosophers as Richard Arneson, Thomas Nagel and G.A. Cohen, and is now a leading view in analytic political philosophy (albeit one Arneson no longer subscribes to). The term "luck egalitarianism" was coined by a critic, Elizabeth Anderson, who challenged the theory in a famous 1999 article, "What is the Point of Equality?" George Sher's excellent book picks up where Anderson left off. According to Sher, despite its prominence and many nimble defenders, luck egalitarianism rests on philosophically dubious foundations. We should reject it, Sher argues, in

favour of a philosophy that seeks, not to neutralize the role of luck in political and economic life, but one that instead tries to ensure that people are well-enough off to live their lives effectively.

Much of the luck egalitarian literature has been devoted to working out the theory's implications and debating what particular goods (resources, welfare, opportunity for welfare etc.) should be equalized. Less attention has been devoted to justifying two core commitments all versions of the theory share: First, that inequalities due to luck rather than choice are unjust and so should be redistributed away; second, that inequalities that are due to the choices of the parties involved are just and so should be permitted. Much of Sher's book consists of a sustained examination of the second idea. Despite its centrality in the theory, he argues, luck egalitarians have failed to adequately support the claim that inequalities due to choice should be considered just.

It is common for luck egalitarians to defend chosen inequalities on the grounds that the affected parties are themselves responsible for them. Responsibility however can be understood in more than one way. One possibility is that responsibility for a choice boils down to control over the outcome. The problem with such a view however is illustrated by the case of Whisper, who at age 19 is a member of the Goth subculture. After she gets a tattoo that extends across her forehead Whisper has trouble getting a job anywhere except cheap bars and coffee shops.

Sher notes that in order for an outcome to fall under our control, we need to first know that a given action will bring it about. But if someone had asked Whisper before getting her tattoo if it might have negative career consequences she would have said no—because she never really thought about it. To the extent that Whisper had any awareness that the tattoo put her

job opportunities at risk, that knowledge was so far from her mind as to play no role in her decision to get her tattoo. Her limited job prospects are thus a result of her choices but not something over which she exercised meaningful control.

This is a problem for luck egalitarianism's claim that outcomes that are the result of our own actions are just. For if that justice ultimately depends on the individual in question controlling the outcome, then control is not the right principle by which to justify tolerable inequalities, for the reason that many were never subject to control by the individual involved, a possibility that Whisper's tragic career in hospitality illustrates.

One move a luck egalitarian might make in response is to interpret responsibility in way that does not emphasize control. For example, we often hold people accountable for outcomes they bring about through negligence, which suggests a notion of responsibility that can apply even in cases like Whisper's, where the outcome is not foreseen. The notion of responsibility here is connected to the idea of treating others as responsible agents. On this approach, we view our fellow agents as being entitled to make their own decisions regarding their own affairs.

Few political ideas would seem as compelling as the thought that agency warrants moral respect. Rather than challenge this bedrock notion (which his own theory will go to make use of) Sher argues that an understanding of responsibility based on respecting agency will not help luck egalitarianism. What luck egalitarianism needs is a notion of responsibility it can use to justify chosen inequalities. Yet it does not seem inconsistent to say both that people should be recognized as responsible agents and that we sometimes should rescue them from disasters they have brought on themselves. If I build

my house in an earthquake zone and it then collapses, you commit no inconsistency by helping me rebuild. As Sher writes, treating someone as a responsible agent who deserves to make his own decisions does not entail “allowing him to live with the disastrous consequences of those decisions” (40). Moreover, when someone makes a catastrophically bad choice, she is responsible at most for her own level of advantage. Luck egalitarianism however wants to justify inequalities, which also involve the level of advantages of others. It is not at all clear how responsibility for one’s own outcomes can justify a relation of inequality to the outcomes of others for which the worse-off party is not responsible.

At this point the luck egalitarian might embrace a third notion of responsibility, one that is based on comparative desert. Such a notion is captured in the remark of another philosopher quoted by Sher, who holds that “individuals deserve rewards that are proportional to their productive labors” (48). Inequality however has many causes other than differences in productive labour. Some people are better at managing existing resources, other are good at avoiding risky gambles, and so on. Luck egalitarianism needs a justification for inequalities that are the result of a wide range of actions and choices, not just those involving the power to produce. Given that control, agency, desert and other options Sher canvases cannot justify inequality in the way luck egalitarianism needs, Sher concludes that no version of the theory will work, and we should abandon luck egalitarianism altogether.

The second half of Sher’s book argues for his preferred view. Sher’s case begins with an account of “why we are moral equals,” as one of his chapter titles puts it, an issue that he argues luck egalitarians have neglected. The

crucial fact is that each of us is a centre of consciousness. When we examine that consciousness, we find that despite the many differences between conscious beings, there are underlying commonalities. They include “the assumptions that the world is temporally as well as spatially ordered, that the person himself is an embodied subject who has existed in the past and will exist for at least some time in the future, that various courses of action are open to him, that the world gives him reason to do some things and refrain from doing others” (82).

These fundamental aspects of consciousness give rise to corresponding interests. They include an interest in staying alive long enough to pursue our aims; being free to revise our ends in light of our best reasons; and having the various goods required to achieve our ends (Sher’s examples include health, wealth and social co-operation.) (83). On Sher’s account there is an underlying symmetry between our status as minded beings and moral subjects, and our equality includes an equal interest in successfully performing the activities that our structures of consciousness propel us toward.

To fulfill these interests we need to overcome the barriers to living a “characteristically human life,” many of which are social and economic (96). An individual for example can fail to think clearly because he is too malnourished, or fail to plan for the future because his environment is too unstable. Thus by noting the standards of success internal to our most characteristic activities, we are able to identify the fundamental interest society should safeguard for all of its subjects: the interest in living one’s life effectively.

This of course is a highly abstract good, and Sher goes on to flesh out its political implications. Regarding distributive justice, the state must provide

its citizens with enough resources and opportunities sufficient to achieve the goals of an effective life. What goals it is reasonable to have however are determined in part *by* one's resources and opportunities. Sher therefore argues that the threshold of entitlement should be the level at which a person has enough resources and opportunities to create further resources and opportunities through his or her own efforts. Sher's theory is thus a version of sufficientarianism, with the original touch that the threshold of sufficiency is pegged to the point at which an individual achieves " a measure of leverage" over how many resources and opportunities she will possess in the future (139).

Sher's finely argued account has many further nuances and details. A compelling feature of the theory is its ability to answer the question that bedevils luck egalitarianism, that of justifying inequalities that are the result of our own choices. On Sher's account, such inequalities are justified because they are the inevitable outcome of granting a person enough autonomy necessary to live an effective life. Part of what allows someone to achieve command over their own affairs is being allowed to make their own decisions and live with the consequences. This idea has obvious similarities to the luck egalitarian notion of responsible agency, but with the crucial difference that Sher can consistently defend helping someone whose choices have disastrous outcomes. Outcomes that bring someone below the level of resources and opportunities needed to meet the leverage threshold are to be counteracted regardless of how they came about, through choice or any other means.

Another attractive feature of Sher's account is its understanding of contingency in human affairs. Anderson characterized the luck egalitarian project of neutralizing the effects of luck as an attempt to achieve the

impossible goal of correcting cosmic injustice. There is something alienating about a theory of justice with such a daunting standard. Our choices are inevitably conditioned and shaped by antecedent social and genetic factors. Rather than view choice and luck as deep opposites we should view choice as a means of “coping with contingency,” as Sher nicely puts it (112).

Sher’s theory says that if someone falls below the threshold of resources and opportunities necessary for effective living, it does not matter if this is a result of her own choice. This aspect of the theory is less attractive. Suppose you and I both require treatment for cancer, in a society that only has enough resources to treat one of us. Your cancer is due to an inherited condition while mine is due to a smoking habit that my doctor for years advised me to give up, and which I could easily have done, but which I never even attempted. Unlike you, my poor health is partly due to my own choices. It seems reasonable to say that you deserve care before me, yet Sher’s theory does not accommodate this “responsibility-catering” impulse, as Richard Arneson has dubbed it.

Sher’s discussion of distributive justice is superb, at once deeply informed and persuasively argued. His chapter on the basis of universal equality by comparison is less impressive. Sher’s discussion includes an extended critical comparison of his view to that of Peter Singer, who has also argued for the equal consideration of interests. Sher’s purpose is partly to note similarities between the two views, but he does not adequately acknowledge just how deep the similarities are. Sher exaggerates the difference between his view and Singer’s by offering an uncharitable reading of Singer, according to which Singer denies equality has any factual basis (such as the fact that we are sentient beings). A more plausible reading is that Singer’s account denies that

equality is *just* a factual matter. A better basis on which to distinguish Singer and Sher's theories is that while Singer is careful to distinguish interests generated by being conscious from those generated by being *self*-conscious from those generated by being human (a notion Singer rejects), these three categories are confusingly run together in Sher's discussion. Singer for example has dealt extensively, if controversially, with the question of the moral status of human beings who have severe mental handicaps, such that they possess interests generated by consciousness but not self-consciousness. Sher mentions the mentally handicapped in passing without spelling out the implications of his view for their case.

This is small beer. *Equality for Inegalitarians* is political philosophy at its very best. With any justice, it will serve as a reference point for discussions of justice for many years to come.