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Equality, Luck, and Pragmatism

DAVID RONDEL
McMaster University

The concept of luck has played a fairly divisive role in modern moral philosophy. Indeed, one plausible way to characterize the chasm between the two most dominant ethical doctrines of the last century—Kantian or deontological theories on the one hand and utilitarianism or other teleological theories on the other—is to observe the approximately inverted moral significance that each assigns to the concept of luck.

In using the term "luck" this way I have in mind the idea that Thomas Nagel alludes to:

> Whether we succeed or fail in what we try to do nearly always depends to some extent on factors beyond our control. This is true of murder, altruism, revolution, the sacrifice of certain interests for the sake of others—almost any morally important act . . . there is a morally significant difference between reckless driving and manslaughter. *But whether a reckless driver hits a pedestrian depends on the presence of the pedestrian at the point where he recklessly passes a red light*. (Nagel 1979, 25, emphasis added)

For Kant, of course, luck as it is characterized here could have nothing whatsoever to do with morality. To be a moral agent, after all, is to act in accordance with the unconditioned dictates of the moral law. The seemingly infinite abyss of contingencies that can determine whether actions so undertaken are successful, or turn out as one hoped or intended they would, cannot be, Kant has it, the subject of morality properly understood. The Kantian view is one for which "there cannot be moral risk" as Nagel aptly put it (1979, 24). On this view, someone could not be judged morally culpable if an action originating from a good will happened (unluckily we might say) to turn out badly because of some unforeseen (or unforeseeable) turn of events. And conversely: an action born from a bad or evil will cannot be morally vindicated if a certain lucky turn of events happened to bring about a state of affairs that was in the end desirable. The idea, in short, is that the success or failure of an action, whether it accomplishes or fails to accomplish its intended aims (which will nearly always depend on luck)

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is irrelevant to the moral character of that action.[1] Kant would have quite literally and wholeheartedly endorsed the old slogan "It's the thought that counts."

Not surprisingly, utilitarianism and similar doctrines tend to see the moral significance of luck in roughly the opposite way. After all, any moral theory that appraises actions on the basis of their consequences, whatever sorts of consequences the particular theory happens to encourage, will inexorably make both good and bad luck of crucial moral import. Contrary to the Kantian view, every action for the utilitarian involves a form of calculated moral risk.

I offer this brief preamble about the problem of moral luck so as to bring the aims of the present essay into sharper focus. It will be my burden here to show that Kant's idea about morality's imperviousness to luck has been imported, virtually intact, into the heart of contemporary egalitarian theory. For reasons that I will try to make clear in the pages that follow, I see this as an unfortunate development. But more constructively, I will argue that certain themes in John Dewey's philosophy point to an understanding of equality and its political value that is far superior, for reasons I will adumbrate, to that Kant-inspired picture of equality which has become, since Rawls, so widespread among egalitarian philosophers.

Rawls and the Natural Lottery

John Rawls's work on justice and equality gives Kant's idea about the impossibility of moral luck an interesting political twist. It can be brought into focus by examining what Rawls calls "the natural lottery," an idea that provides an apt metaphor, he thinks, for "the arbitrariness found in nature" (1971, 102).

The image of a lottery is instructive. It suggests that the distribution of natural assets and (initial) social circumstances is guided by nothing beyond the luck of nature's draw. This strikes me as a very powerful idea. Who could deny, after all, that my having been born with a sense of sight; or with the use of my limbs; or with sound mental faculties; or without AIDS; or into a reasonably affluent family and country; or into a nurturing household refers back to anything beyond brute, lucky contingency? Unless one believes that an infinitely wise God oversees and controls these sorts of things—an idea that Rawls seems to have found offensive—one will think that the ways in which people's natural assets and initial social circumstances happened to have been distributed reflects nothing more substantive than the results of an entirely arbitrary lottery. One will think, in other words, that the only difference between someone born with a sense of sight, say, and someone born blind—to take only one kind of example—is that the former person enjoyed a stroke of good luck, while the latter person, correspondingly, endured a stroke of bad.

Rawls's understanding of equality is heavily anchored upon the view that the results of the natural (and social) lottery ought to be "mitigated" by principles of distributive justice. As he says, "No one deserves [in the *moral* sense of desert]

his greater natural capacity nor merits a more favorable starting place in society" (102).[2] It is because the assets doled out by nature's lottery are "morally arbitrary" that "society must give more attention to those with fewer native assets and to those born into the less favorable social positions. The idea is to redress the bias of contingencies in the direction of equality" (100).

Rawls brings the luck versus choice distinction into the forefront of his account of equality. His idea is that justice requires compensating people for the inequalities that derive from the arbitrariness of the natural lottery, whereas inequalities that can be traced back to the choices that people have made (about how best to live their lives, or about what sorts of endeavors to pursue or avoid) need not be corrected by justice. The only permissible inequalities, from the point of view of justice, are those that originate from the choices that individuals have voluntarily made.[3]

It should be clear that this idea is glaringly Kantian. Just as Kant insisted that the moral character of actions must be immune to factors of luck, that only those features of a moral situation over which an agent exercised choice had candidacy for moral praise or blame, Rawls maintains that justice must correct, as far as the "difference principle" will sanction, the inequalities that derive from unchosen features of people's circumstances. In both cases, the effects of luck and contingency are rendered normatively sterile. It is not an embellishment to say that Rawls's theory of justice, and by extension of equality, takes as its central point of departure the Kantian thesis according to which factors of luck are explicitly expelled from judgments of morality.

This crucial premise of Rawls's egalitarianism, the one imported directly from Kant's pages, has become something akin to religious dogma among contemporary egalitarians. Most egalitarians these days take it as basic that, as one commentator rehearses it, "inequalities in the advantages that people enjoy are acceptable if they derive from the choices that people have voluntarily made, but the inequalities deriving from unchosen features of people's circumstances are unjust" (Scheffler 2003, 5). Philosophers who accept this formula for distinguishing between just and unjust inequalities are those for whom Elizabeth Anderson's title "luck egalitarianism" (henceforth LE) is intended.[4] There are diverse positions that fall under this rubric, but the general idea that luck and choice are the definitive concepts for determining whether a distributive scheme is just, or whether certain inequalities are acceptable, underscores the most necessary feature of the genus. I will say more shortly about what I find wrongheaded about LE. I will also show the extent to which Dewey's understanding of equality offers an important corrective to it. But for the moment, let us pause to consider why LE, and the moral picture against whose background it is made intelligible, has become the most live and momentous egalitarian doctrine of recent decades.

LE has at its core an admittedly sensible moral idea. Namely, that people cannot be held responsible, from a moral point of view or from the standpoint of justice, for what is beyond their control. Just think about how ubiquitous this

platitude is in our everyday moral thinking! Consider, only for its rhetorical force, the different attitudes we might instinctively bring toward someone who is *born* with AIDS (contracted via mother-child transmission) versus someone who contracts the disease after years of unprotected sex with many partners; or consider the quick, unthinking distinction we might make between someone who is poor because he cannot work (due to some physical disability say) and someone who is poor because he gambled his fortune away at the blackjack tables of Las Vegas. More concretely, consider the "debates" that currently rage about the moral status of homosexuality. Those who wish to condemn homosexuality as morally despicable need to do so, if they want their condemnation to be at all coherent, on the strict grounds that being gay is, as the Christian conservative phrase goes, "a lifestyle choice." If being gay were just an unchosen feature about someone, a brute fact arbitrarily dispensed by the luck of nature's lottery—like having green eyes, say, or being six feet tall—the condemnation of it as *immoral* would lose whatever intelligibility it may have otherwise had. It almost goes without saying, then, that our ordinary moral thinking is profoundly shaped by the very same distinction (between luck and choice) that gives rise to LE. Surely that is what makes LE so intuitively attractive, and explains why it has become, by far, the most popular kind of egalitarian doctrine of recent times.

We pragmatists, however, to use one of Richard Rorty's favorite phrases, have been taught to stay on guard against entrenched moral intuitions that may have outlived their utility. We think it's obvious that a moral intuition, no matter how deeply ingrained in our thinking, is only as valuable as its ability to supply hypotheses "to be used and tested in projects of reform" (Dewey 1959, 192), to assist us, that is, in diagnosing and dealing with the ever changing "problems of men." While the luck versus choice distinction may have other valuable applications, I think it recommends an approach to distributive justice and the study of equality that is, if not dangerous, entirely misguided.

Luck Egalitarianism and its Discontents

The most conspicuous problem with LE stems from the difficulty in deciding which features of a person's situation derive from choice and which from luck. There are, after all, substantively different ways to make the cut between the two. This difficulty is reflected, most transparently I think, in the debates on "expensive tastes" now popular in the egalitarian literature. One rather illustrative example, originally from G. A. Cohen's pages,[5] involves "someone [who] yearns to be a photographer but finds that if he is to realize his dream he must spend the greater part of his income buying expensive cameras and lenses" (Dworkin 2000, 288). What should LE say about this case? On the one hand, clearly, it is our photographer friend's choice about whether or not to purchase the costly equipment, or about whether to pursue his ambition at all. On the other hand, however, "he

did not choose to have the ambition" (288), it's something he got stuck with, and he would be miserable if he ignored its directives. It is not clear—and this lack of clarity is corroborated by the furious debates about expensive tastes in the literature—whether to characterize the comparative disadvantage that our photographer would endure as deriving from bad luck (he didn't choose to have his photographic ambition) or from choice (it was his deliberate decision to buy the cameras and lenses).[6] Even if we were to concede that both luck *and* choice played a role in this case, how might we decide *which* choices and *which* factors of luck, specifically, were the relevant or decisive ones?

All of this makes vivid one of LE's most obvious faults. Namely, it brings the free-will/determinism controversy into the heart of political philosophy. I think this is deeply problematic, for a whole host of reasons that I don't have the space here to spell out in detail.[7] But Rawls's phrase "political not metaphysical" seems like the right thing for us to say about the topic of equality here. After all, egalitarians are typically not metaphysicians, people with views on recondite topics like the nature and scope of a free will. Rather, they are people who, in Anderson's words, "seek a social order in which persons stand in relations of equality. They seek to live together in a democratic community, as opposed to a hierarchical one" (1999, 313). By inadvertently placing an irresolvable metaphysical puzzle at the center of their worries, luck egalitarians have lost sight of the important fact that equality has an inherently political dimension; they have lost sight of the important fact that actually existing egalitarian movements are, above all, social and political movements, not philosophical ones.

This last point underscores a more general problem with LE. In making the concepts of luck and choice decisive to discussions of equality, luck egalitarians have created a vast ocean between "egalitarian theory," on the one hand, and egalitarian practice, on the other. Again, this can be confirmed by reflecting on some of the characters that luck egalitarians have singled out in their writings.

Ronald Dworkin asks whether a person for whom ordinary tap water tastes "unbearably sour" should be compensated for his buying expensive bottled water (2000, 288); G. A. Cohen wonders whether people who are particularly susceptible to cold, and therefore need special, expensive sweaters should, be remunerated (1989, 917–21); Cohen also considers "people who find chickens' eggs disgusting" and need to buy more expensive plovers' eggs (in Burley 2004, 8); Phillipe Van Parijs thinks that lazy, able-bodied surfers who are unwilling to work should be supported by the state (1991, 101–31). Other philosophers have wondered about compensating the stupid, the incurably gloomy, the ugly, those who are easily bored, women who can't get pregnant, and a whole host of other unfortunate characters. "What has happened," Elizabeth Anderson asks, "to the concerns of the politically oppressed? What about inequalities of race, gender, class, and caste? Where are the victims of nationalist genocide, slavery, and ethnic subordination?" (1999, 288).

When the gulf between theory and practice becomes as pronounced as this, there is good reason to suppose that something has gone terribly wrong—a point about which we pragmatists are especially sensitive. Those of us who agree with Dewey that "social theory exists as an idle luxury rather than as a guiding method of inquiry and planning" (1959, 193) will find it baffling that luck egalitarians pay so little attention to the people who are *actually* fighting for equality: the working poor, ethnic minorities, women, gays and lesbians, the physically disabled, and so on. (Recall that would-be photographers and tap water haters have never organized a political movement.) One need not be a wholesale pragmatist to find it troubling that philosophical writing on equality has become so radically divorced from what Dewey calls "the social and moral strifes" of our day.

Despite the obvious force of these objections, there is in my view an even more fundamental criticism to which luck egalitarians are susceptible. Namely, that in letting luck and choice animate their conception of equality, luck egalitarians both badly misunderstand the political point of equality and inadvertently undermine one of its motivating features.

Luck egalitarians adopt the view that the primary point of equality, its fundamental aim, is to compensate people for undeserved bad luck or to correct what Anderson calls "a cosmic injustice." I have already registered my complaint that LE fails for this reason to account for the political aims with which egalitarians are most often concerned, like ending oppression, for example, or seeking equal treatment for a group of people who are systematically dominated or exploited. The most disconcerting consequence of this emphasis on luck and choice, however, is that it requires people seeking equality to represent themselves (albeit implicitly) as inferior and unfortunate. More particularly, such people need to claim that the inequality they suffer owes its origin to the rotten deal they got from nature's lottery.[8] But this badly obfuscates the motivation of people seeking equality. Women, for example, do not demand equality because they had the bad luck of being born into a world that was, alas, patriarchal; factory workers do not lobby for decent wages because (unluckily for them) a university education was not a live prospect in their childhood neighborhoods; aboriginal and other marginalized peoples don't seek equal treatment on the grounds that one cannot choose the race or ethnicity to which one belongs. In cases such as these the demand for equality is motivated not by considerations of undeserved bad luck, but by the claim that people deserve to be treated equally, as at present they are not. In short and to sum up, the point of equality is not merely the correction of unchosen contingencies. It is the desire for a social order in which people stand to one another in relations of equality.

So much for the case against LE. I think that the three main criticisms I outlined: (1) that LE makes metaphysics too central; (2) that it fosters a dubious chasm between egalitarian theory and practice; and (3) that it obfuscates the real point of equality, are not only compatible with Deweyan pragmatism, but very much in its spirit. Indeed, I think that were Dewey to have lived in the

present time, after Rawls's profound influence on political philosophy, he might have criticized LE along the same lines.[9] In what remains of my paper, I want to discus Dewey's own understanding of equality, and highlight the ways in which it is successful where LE is problematic. For reasons of space I shall need to be brief about this.

Dewey on Equality

Although there is a place in Dewey's account for considerations of luck and choice, they are by no means the central concepts. As he says, equality "denotes effective regard for whatever is distinctive and unique in each" (1954, 151). His egalitarianism, therefore, substitutes the question "Is the inequality a result of luck or choice?" with the rather different one "Is the inequality affecting someone's opportunity 'to realize the potentialities of which he is possessed'?" (2000, 59). The shift here is significant. Instead of asking about the metaphysical source of the inequality, whether it is traceable to luck or choice, Dewey asks about its practical consequences. As he says, "one person is morally equal to others when he has the same opportunity for developing his capacities and playing his part that others have" (in Gouinlock 1994, 191). All of this suggests that Dewey's account is similar, in spirit if not in detail, to the kind of "capabilities approach" to equality developed by, among others, Amartya Sen.[10] Correspondingly, Dewey thinks that people should be equal in their "effective freedom." This requires, on the one hand, "the absence or removal of any legal or social obstacles to free access to social participation," as well as "command of resources adequate to allow us to participate in meaningful ways," on the other (Welchman 1995, 198). Again, the focus is not, as for LE, on the cosmic source of the inequality; it is on the *real* capabilities (the word *effective* should be underscored) that individuals have for democratic participation and moral growth.

These remarks are of course importantly incomplete. But I think they provide a frame with which we can appreciate the superiority of Dewey's egalitarianism. First, Dewey's account has no use for the free-will/determinism controversy, and would probably eschew the suggestion that that controversy is significant, if it ever is, to our political thinking about equality. Second, unlike LE, Dewey's approach to equality features both a negative and positive dimension. While LE insists that the point of equality is to eliminate the effects of brute luck (as if a democratic Aaddition to that, the importance of ameliorating people's positive capacities for democratic participation, moral growth, and more meaningful "associated activity." Third, as one would expect, Dewey does not dwell in the remote provinces of abstract theory as luck egalitarians do. He is on the ground, so to speak, stressing the importance of observation, experimentalist intervention, and empirical responsibility. This latter point ensures that egalitarian theory and practice remain integrated, as pragmatists insist they must. And finally, fourth, in

placing emphasis on the capacities of individuals, Dewey's account grasps, in a way that LE cannot, that the fundamental point of equality is not merely the search for a just distributive scheme. Our aim in pursuing equality, Dewey reminds us, has its home within a much broader moral and democratic ideal: "the search for the great community."[11]

Notes

1. As Kant himself put it: "A good will is not good because of what it effects or accomplishes—because of its fitness for attaining some proposed end; it is good through its willing alone. . . . Its usefulness or fruitlessness can neither add to, nor subtract from, this value" (Kant 1964, 62).

2. Rawls calls it a "moral truism" that "we do not deserve [morally] our place in the distribution of native endowments" (Rawls 2001, 74).

3. This is not exactly Rawls's view since he wants principles of justice to "mitigate" the various contingencies of the natural lottery, rather than to eliminate them altogether. For an excellent account of the subtleties of Rawls's position see Norman Daniels's "Rawls's Complex Egalitarianism," collected in Freeman (2003)

4. Cf. Anderson (1999). While there are doubts about whether Rawls himself should be classified as a "luck egalitarian," I think it is still fair to credit him with captaining the movement in the same way, perhaps, as the early Wittgenstein might be said to have captained logical positivism though he was never himself a logical positivist.

5. Cf. Cohen (1989).

6. These difficulties are exacerbated when we consider the different sorts of luck that may be operative in a case like this. Was our photographer, who Cohen names "Paul," unlucky because (a) the natural lottery happened to give him his ambition for photography, or (b) because photography is a comparatively expensive ambition to pursue? It seems clear enough that only (b) makes his luck "bad." If photography were a relatively painless ambition to pursue, one that did not require a great sacrifice of income, we would probably say that it was Paul's "good" luck to have that ambition, rather than one that was more expensive.

7. Cf. Stark (2002) for more on this.

8. Egalitarian claims are thus couched, for LE, in the assumption that those seeking equality are, or have been, unfortunate. But people don't seek equality *because* they are unfortunate, because they are worthy objects of sympathy or pity. They seek equality because they are entitled to equal treatment! Just think about how self-hating and erroneous it would be for women, or black folks, say, to claim the right to equal treatment because it was unfortunate or unlucky to have been born a woman, or black. How could any self-respecting person think that way?

9. I should explicitly acknowledge that this critique of LE is largely Anderson's.

10. Cf. Sen (1992) and Nussbaum and Sen (1993).

11. I am grateful to Craig Hanks, Colin Koopman, Alex Livingston, Bill Myers, Kai Nielsen, and the audience at the 2007 SAAP annual meeting in Columbia, South Carolina, for helpful comments on an earlier version of this paper.

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