Cynthia A. Stark*

Luck, Nature and Institutions

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Abstract: In addition to having an institutional *site* or *scope*, a theory of distributive justice might also have an institutional *'reach'* or *currency*. It has the first when it applies to only social (and not natural) phenomena. It has the second when it distributes only socially produced (and not naturally occurring) goods. One objection to luck egalitarianism is that it has absurd implications. In response, Tan has defended a luck egalitarian account that has a strictly institutional reach. I argue, first, that Tan's view contains two fatal ambiguities and, second, that, to be sound, it requires an institutional currency. This second argument implies that virtually all extant luck egalitarian currencies are incompatible with his approach. I argue, third, that the alleged absurd implications often have little to do with the extent of luck egalitarianism's reach.

Keywords: luck egalitarianism, distributive justice, Tan, inequality, currency of justice, Rawls, natural talents, institutions

1 Introduction

Currently there is an extensive literature debating whether or not theories of distributive justice should be *institutional*. This dispute primarily concerns the proper *site* and *scope* of justice (Abizedeh 2007; Blake 2002; Cohen 1997; Murphy 1999; Nagel 2005; Sangiovanni 2007). Proponents of institutionalism regarding the *site* of justice claim that principles of justice should apply only to social institutions and not to the choices of individuals living under those institutions. Proponents of institutionalism regarding the *scope* of justice claim that demands of justice hold only between individuals who are institutionally connected with one another—members of the same cooperative scheme, for example—and not between persons as such.

In this paper, I discuss two other ways in which justice can be institutional, which have been comparatively neglected in the literature. Both have to do with the relationship between nature and justice. The first of these concerns is what I will call the *'reach'* of justice (Tan 2011, pp. 402 ff., 2012,

***Corresponding author: Cynthia A. Stark,** Philosophy, University of Utah, Salt Lake City, UT 84112-9057, USA, E-mail: cynthia.stark@utah.edu

p. 103).[1] The issue is whether natural phenomena can themselves be a matter of justice or whether only the institutional treatment of natural phenomena can be a matter of justice. The second concerns the *currency* of justice. A theory of justice can be institutional, I maintain, if its currency is confined to socially produced goods (such as wealth) and does not include naturally occurring goods (such as welfare).

My target in this essay is a version of luck egalitarianism outlined by Kok-Chor Tan. Tan argues for an institutional[2] view of luck egalitarianism designed, in part, to avoid a widely held objection to luck egalitarianism, namely that it has absurd implications because it requires compensating people any time they suffer from bad luck. The worry is that because the world is, in a sense, saturated with luck, it is, for the luck egalitarian, also saturated with issues of injustice. Tan's argument is noteworthy insofar as it attempts a wholistic, rather than a piecemeal, rescue of luck egalitarianism.[3] Its structure therefore deserves careful scrutiny. While I argue that Tan's view cannot be sustained, my aim is not to defend traditional, non-institutional luck egalitarianism but rather to help hasten the demise of luck egalitarianism, which has been influential for several decades in the field of distributive justice.

I present three lines of argument. The first is that Tan's view in fact takes two different forms, both of which have fatal flaws by luck egalitarian standards. Hence, neither is a plausible alternative to non-institutional luck egalitarianism. The second is that unless it uses an institutional currency of justice, the account fails to uphold a central idea of luck egalitarianism, namely that people should not be held responsible for their bad luck. This argument shows that the luck egalitarian doctrine would have to be considerably renovated because existing views endorse natural rather than institutional currencies (Arneson 1989; Cohen 1989; Dworkin 1981b; see also Dworkin 1981a.) The third is that, independent of the first two problems, Tan's view fails in the end to avoid the absurd implication objection because that objection is often not directed at the reach of luck egalitarian justice.

1 Tan calls this the 'subject matter' of justice.

2 Tan argues that justice is institutional in its site and in its reach but not in its scope or its currency. When I refer in this paper to his institutionalism, I am referring to his view about the reach of justice unless I indicate otherwise.

3 One piecemeal tactic for avoiding some of the alleged absurd implications of luck egalitarianism is to invoke the notion of value pluralism. See, for example, Segall (2007) and Eyal (2007). For further references to egalitarian proponents of pluralism, see Segall (2007, fn. 40).

2 Luck egalitarianism and its critics

It is useful to have a clear notion of non-institutional, or standard, luck-egalitarianism in order to understand how the institutional view departs from it. The basic idea of luck egalitarianism is that it is unjust when persons are differentially advantaged on account of their good or bad luck[4] but not unjust for them to be differentially advantaged on account of their choices (Tan 2012, p. 89). Call this the *'luck/choice principle'*. This ideal is a principle of distributive justice and is typically seen as an *end-result principle* (Lippert-Rasmussen 2018). The luck/choice principle says that it is unjust if, for instance, a person has less than others because she is too shy to qualify for high-paying jobs; it is not unjust if she has less than others because she chooses to do volunteer rather than paid work. The shy person, thus, is owed compensation whereas the volunteer worker is not. She must be held responsible for her choice by paying the cost of that choice.[5]

One prominent criticism of standard luck egalitarianism takes the form of a *reductio*: luck egalitarianism cannot be correct because it has absurd implications. One such implication is that the state would be required to compensate persons any time they experience bad luck. So, the state would have to provide, for example, publicly-funded plastic surgery for the unlucky ugly person (Anderson 1999, p. 335; but cf. Tan 2012, pp. 117, 126). It is absurd to think, the argument goes, that the unlucky, despite their adversities, are in every case victims of *injustice*. To combat this criticism,[6] Tan contends that injustice occurs only if institutions convert people's luck into distributive advantages or disadvantages. 'Advantages' and 'disadvantages' here are intended by Tan to be neutral with respect to the proper currency of justice; the idea is that the argument for the institutional reach of justice does not depend on a particular view about the currency.

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4 Luck egalitarians distinguish between 'brute luck' and 'option luck'. The distinction is introduced by Dworkin (1981a, p. 293). He explains, '[o]ption luck is a matter of how deliberate and calculated gambles turn out—whether someone gains or loses through accepting an isolated risk he or she should have anticipated and might have declined. Brute luck is a matter of how risks fall out that are not in that sense deliberate gambles'. For Dworkin, bad *brute* luck is what people should be compensated for if it causes inequality. Option luck falls, for the purposes of distributive justice, he says, within the domain of choice. Not all luck egalitarians agree with this approach. Nevertheless, henceforth I use 'luck' to mean 'brute luck'. For an overview of issues around this distinction, see Lippert-Rasmussen (2018).

5 Luck egalitarians tend to think that holding people responsible for their choices simply *means* requiring them to pay the full costs of those choices (Lippert-Rasmussen 2018).

6 Some luck egalitarians do not find this implication absurd. See, for instance, Arneson (2000, p. 346) and Cohen (1989, p. 917). Tan, however, believes the objection to be 'fatal' (2010, p. 128).

3 Two ambiguities in the institutional view of the reach of justice

Tan's institutional account of luck egalitarianism, I show below, is ambiguous along two intersecting dimensions. Once disambiguated, it turns out that no version of the view is capable of capturing one of the central ideas of luck egalitarianism, namely that *distributive inequalities caused by good or bad luck are unjust*.[7] Hence no version represents a genuinely luck egalitarian position.

The first ambiguity is between what we might call 'weak' and 'strong' institutionalism. On the weak account, the idea that institutions should not convert luck into distributive inequality means that it is unjust when institutions cause people's natural bad luck to disadvantage them (or their natural good luck to advantage them). For example, it would be unjust on the weak account if social institutions were to cause students with food allergies to be disadvantaged by failing to provide school lunches that are safe for them to consume. People with food allergies are naturally unlucky, but this is not itself a matter of justice according to the weak view. It becomes a matter of justice if institutions turn this unlucky trait into a distributive disadvantage, as they do when they fail to provide allergen-free lunches.

On the strong account, the idea that institutions should not convert luck into distributive inequality means that it is unjust when institutions make a natural trait that is *a matter of luck* into an advantage or disadvantage, thereby making that trait either lucky or unlucky. For example, it would be unjust on the strong account, if social institutions disadvantaged those who have freckles—a natural trait that is a matter of luck but is neither lucky nor unlucky in itself. What makes the strong view strongly institutional is that it requires that the luckiness or unluckiness of a natural phenomenon be determined by institutions in order for the associated deficits to be unjust. The weak view does not require this. On that account, an injustice can occur even if the luckiness or unluckiness of a natural phenomenon is determined by nature. Injustice happens, on that account, when institutions transform natural bad luck into a distributive disadvantage (or natural good luck into a distributive advantage).

The second ambiguity in Tan's account is between the idea that institutions should not permit people to be worse off (in a distributive sense)[8] *than others*

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7 The other central idea is that inequalities produced by choice are just.

8 Tan says that luck egalitarianism 'holds that no one should be worse off just because of bad luck' (2008, p. 665). One might think that bad luck just is luck that makes someone worse off, so that one's bad luck cannot bear a causal relationship to one's being worse off. The charitable due to bad luck and the idea that institutions should not permit people to be worse off *than they might otherwise have been, given their bad luck*.[9] To be sure, luck egalitarians typically hold that people should not be worse off *than others* due to bad luck (Segall 2010, pp. 14 ff.). My argument is that Tan's weak institutionalism commits him to the idea that injustice occurs when people are made worse off from their bad luck than they might otherwise have been.

To get a clearer sense of the two ambiguities I have outlined, we can begin by considering this example provided by Tan:

> *Eye Color:*
> It is purely a matter of luck whether one is born with blue or brown eyes. Normally, in our society, this contingency in itself does not raise questions of justice because our social institutions are not such that the color of one's eyes determines one's life opportunities. It follows that the arbitrariness of eye color is not the sort of luck that exercises luck egalitarians. If, counterfactually, social institutions are designed such that persons with brown eyes are favored with more opportunities or resources and those with blue eyes discriminated against, a matter of luck has become a matter of justice. This is not, however, because one's eye color in itself is a matter of luck that demands the attention of luck egalitarians, but because institutions have, in this counterfactual, turned this natural fact into a matter of (in)justice. Luck egalitarians can sensibly say, in this imagined case, that the luck of people's eye color is a matter of justice and demand that institutions be reformed such that this natural fact does not disadvantage or advantage people. (Tan 2008, p. 672. See also 2012, p. 103)

Eye Color has the following features:
1. Eye color, though a natural phenomenon that is a matter of luck, is not a matter of good or bad luck. In itself, it is neutral with respect to luckiness.
2. The state (actively) converts eye color into economic advantage and disadvantage through policies of discrimination.
3. By converting eye color into economic advantage or disadvantage, institutions cause eye color to be lucky or unlucky.
4. What is unlucky about having blue eyes is that one is economically disadvantaged by it. That is, one's bad luck consists in (and therefore does not cause) one's economic disadvantage.

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reading of Tan's claim is that he thinks that people should not be worse off *with respect to the distribution of some good* due to their bad luck.

9 Hurley distinguishes between counterfactual and interpersonal luck (2003, pp. 155 ff.). See Vallentyne (2003, 2006), Segall (2012) and Cohen (2006). I am most grateful to Peter Vallentyne for correspondence about the distinction between neutralizing the effects of luck and neutralizing the differential effects of luck.

Eye Color illustrates the strong institutional view because the bad luck in question is produced by institutions. There is no bad luck that occurs *prior to*, as it were, institutional treatment. The strong view has two defects. First, it fails to capture one of the main insights of luck egalitarianism as Tan describes it, which is that people should not be worse off due to their *bad* luck. This is because this insight implies a causal relationship between one's bad luck and one's diminished share of goods, which in turn implies that the badness of one's luck resides in something independent of one's diminished share of goods.

Second, because the trait in question is made into bad (or good) luck by institutions, as a conceptual matter it cannot be the case that *what is unjust* is that institutions have converted one's *bad (or good) luck* into distributive disadvantage (or advantage). The injustice must lie elsewhere. Here are two possibilities: First, it might be that what is unjust in *Eye Color* is that institutions have caused a trait that is a matter of luck to be unlucky or lucky (to be, that is, bad luck or good luck) for those who possess it by causing them to be relatively disadvantaged (or advantaged) by it. In other words, what is unjust is that the state has made it the case that having blue eyes is unlucky where the bad luck takes the form of being distributively disadvantaged.

This account seems strained, however, because it is arguably the case that even if one's eye color were a matter of choice, it would be unjust for the state to make it lucky or unlucky to have a certain eye color. The policy described in *Eye Color* is plainly an instance of wrongful discrimination. Moreover, according to most accounts of wrongful discrimination, it makes no difference to the wrongness whether or not the trait on which the discrimination is based is produced by luck (Altman 2015). So, it is implausible to claim that what is unjust in *Eye Color* is that institutions have converted a matter of luck into the good or bad luck of having larger or smaller distributive shares.

A second possibility, then, is that the injustice lies in the fact that institutions have made some feature of persons, *whether chosen or not*, lucky or unlucky. This too seems an incorrect diagnosis: the problem in *Eye Color* is not that the state has made some people lucky and others unlucky (where, again, the good or bad luck consists in having a larger or smaller distributive share) (see Hurley 2003, p. 156). Rather, the problem is that the state has made some people well off and others poorly off on the basis of a trait, chosen or otherwise, that is irrelevant to what people are owed. It does not matter morally that this unequal distribution of shares has simultaneously made some lucky and others unlucky. In other words, if we grant that the state's policies would be unjust regardless of whether or not eye color is chosen, and we want to locate the injustice, nevertheless, in something to do with luck, then we must claim that the injustice lies in the state's causing certain people to be lucky and others unlucky. But adding this feature to the story does nothing to illuminate the injustice of distributing goods on the basis of eye color. It follows that luck is not plausibly part of the explanation of the injustice committed against blue-eyed individuals in *Eye Color*.[10]

Notice that standard luck egalitarianism is not saddled with these problems. That view might diagnose the injustice in *Eye Color* as follows. Blue-eyed people are subject to distributive injustice and owed compensation because they suffer the bad luck of being born in a society that causes the blue-eyed to have distributive disadvantages. What is unjust is not the institutional act of making a trait disadvantageous; it is rather the natural bad luck of being born with a certain trait in a location that disadvantages those who have it. This diagnosis avoids the first problem with the strong institutional view because it successfully captures the luck egalitarian idea that it is unjust when some have less than others due to their *bad* luck: the blue-eyed people are worse off than the brown-eyed people, on this diagnosis, because they have the *bad* luck of being blue-eyed in a society that disadvantages blue-eyed people.

This standard view also avoids the strong view's second problem, namely that luck seems to be irrelevant, on that view, to the explanation of the injustice done to blue-eyed people. As Tan understands *Eye Color*, recall, the injustice consists in the state converting eye color into distributive disadvantage. But this is simply for the state to discriminate against people on the basis of eye color, which is wrong whether or not eye color is a matter of luck. On the standard view, by contrast, the distributive injustice suffered by blue-eyed people does not lie in the state's discriminatory actions. Rather, it consists in having a smaller share due to the bad luck of being born with a certain trait in a certain location. The standard view can plausibly say that if those with blue eyes had chosen, with full awareness of the consequences, to immigrate to the anti-blue-eyed society, then their smaller shares would be just. It can also plausibly say that if some brown-eyed people in that society chose to become blue-eyed—again, knowing the consequences—then

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10 An anonymous referee has pointed out that Tan may have a way out of this problem: He could say that it is *wrong* for states to discriminate and it is an *injustice* when they do so on the basis of traits that people have through luck. He could say, that is, that it is wrong when the state discriminates on the basis of chosen traits, but it is *worse* when it does so on the basis of unchosen traits (i.e., luck). Discrimination is bad in itself and a separate wrong from disadvantage due to bad luck. As I understand this approach, the idea is that discrimination is not an issue of distributive justice and so its wrongness need not be explained in terms of luck and choice. However, to the extent that discrimination has distributive consequences, those are unjust when caused by luck. I am not sure how to make sense of this view, however, given that discrimination often *consists in* depriving people of goods such as housing or opportunities for employment.

their diminished shares would also not be unjust. So, standard luck egalitarianism can, unlike the strong institutional view, explain the injustice in *Eye Color* in terms of the moral difference between luck and choice. It follows that the difficulties with the strong institutional view are rooted in its claim that injustice happens only when *institutions convert* matters of natural luck into disadvantage. The difficulties are not rooted in the luck/choice principle itself.

Now consider another example provided by Tan:

> *Hurricane:*
> It is not the fact that a coastal city has been unluckily devastated by a hurricane that is unjust; what is unjust is the lack of appropriate government anticipation, response and reaction to the situation, which is an institutional failing. My version of luck egalitarianism which ties natural facts to institutions preserves the attractive central intuition of luck egalitarians, like Arneson's [sic], that the social disadvantages faced by, say, the unfortunate disabled person constitute an objectionable social injustice. *Pace* Arneson, however, the locus of this injustice lies not in nature or the cosmic order but in institutions—that is, in what institutions make of people's disabilities. My account, by maintaining an institutional focus, advantageously side-steps the charge that luck egalitarians absurdly treat the natural order as a subject of social justice while preserving the core intuition of luck egalitarianism, namely that persons should not be socially disadvantaged because of bad luck. (Tan 2008, p. 681)[11]

Hurricane has the following features:
1. Being the victim of the natural phenomenon of a hurricane is unlucky in itself. (Let us say that something is unlucky in itself when it is a matter of luck and also bad in a way that is independent of its distributive ramifications.)
2. The state converts being the victim of a hurricane into distributive disadvantage through a failure to act.
3. Because it is unlucky in itself to be the victim of a hurricane, institutions do not cause people to be lucky or unlucky.
4. Rather, institutions cause victims' bad luck to diminish their distributive shares.

11 Tan attributes to Arneson here what we might call the 'cosmic' view. On this approach, what is unjust is differences among people with respect to their luck, rather than distributive differences among people produced by luck. In short, the cosmic view treats luck as the currency of justice. It is not clear which luck egalitarians, if any, are committed to the cosmic view, with which Tan tends to contrast the institutional view. However, some luck egalitarians, and indeed some of their critics, have characterized luck egalitarianism in such a way as to invite the cosmic interpretation. See, for example, Anderson (1999, pp. 287, 289). See also, Temkin (2003, p. 773). For discussion of this issue, see Segall (2010, p. 14). I discuss this topic further below.

Hurricane illustrates the weak institutional view because the bad luck in this case has a natural and not an institutional cause. The bad luck occurs prior to, or outside of, institutional arrangements. For this reason, we must be clear about how the weak view differs from standard luck egalitarianism, which also focuses upon bad or good luck that occurs prior to, or outside of, institutional arrangements. According to the standard account, it is unjust if, due to a hurricane, some have fewer goods than others, and so the state owes those people compensation. The injustice resides in the inequality produced by brute luck. If, bizarrely, a hurricane affected only posh neighborhoods (where the advantages of the residents, let us assume, are consistent with luck egalitarian justice) and did not make the residents worse off than others, then the state does not owe them compensation. There is no injustice because there is no inequality produced by luck.

Now, if we interpret the institutional failure described in the example as a failure on the part of the government to compensate those who ended up with less than others due to a hurricane, then the weak institutional view collapses into the standard view. So, the institutional failure cannot be the failure to compensate those who were disadvantaged relative to others by the hurricane—that would simply be a failure of the government to implement the standard luck egalitarian principle. The institutional failure on the weak institutional view must be such that the government *converts* the bad luck of being victimized by a hurricane into distributive inequality in some way other than simply failing to compensate victims for their (natural) bad luck.

The government has converted the bad luck of the hurricane victims into distributive inequality, Tan says, by failing properly to anticipate, respond and react to the disaster. The government did not facilitate evacuation, let's suppose, or maintain the region's levees and these acts made the victims of the hurricane distributively worse off than those who were spared the hurricane.[12] Hence the victims are owed compensation from the state. Again, if, bizarrely, the hurricane affected only posh neighborhoods (where the advantages of the residents, let us assume, are consistent with luck egalitarian justice) and did not make the residents worse off than others, then the state does not owe them compensation. There is no injustice because the government has not converted bad luck into distributive inequality.

Here is how to see the difference between the standard view and the weak institutional view: Suppose the government had properly responded to the hurricane—it maintained the levees, aided in evacuation, etc.—and suppose

12 These are all failures that occurred in the wake of hurricane Katrina which landed in the U.S. South in 2005.

the hurricane caused some people to be worse off than others. On the standard view, those made worse off by the hurricane are owed compensation by the state because they are victims of relative disadvantage caused by luck. On the weak institutional view, however, those individuals are *not* owed compensation by the state because they are not victims of the *institutional conversion* of bad luck into relative disadvantage.

Let us assess the weak view. It has two advantages over the strong view. First, it captures the basic luck egalitarian idea that it is unjust when *bad or good luck causes inequality*: in *Hurricane*, the government causes the victims' natural bad luck to make them distributively worse off. (Recall that the strong view failed to capture this idea because it condemns the government causing matters of luck that are neither lucky nor unlucky to make people worse or better off.) Second, it is clear how luck is relevant to the explanation of the injustice. The injustice done to the hurricane victims consists in the government causing their bad luck to make them distributively worse off. (Recall that the strong view condemned converting into inequality a trait that, besides being a matter of luck, was also, even if chosen, irrelevant to what share people are owed. It was this irrelevance that produced the injustice.) The weak institutional view, then, seems to have better luck egalitarian credentials than does the strong institutional view.

However, the weak view has the following problem: the baseline for determining economic disadvantage implicit in the weak view turns out to be how well off a person was prior to experiencing the institutional conversion of her bad luck. To see why, imagine, again, the case where the government neglects to respond properly to a hurricane and the hurricane affects only the most posh neighborhoods, leaving the victims still better off than those not affected by the hurricane. This case poses, for the proponent of the weak view, a dilemma. Either the government's neglect is unjust, or it is not. If it is unjust, the injustice cannot be that it has converted the bad luck of being in a natural disaster into inequality because it has not, *ex hypothesi*, created inequality. Plausibly, the neglect is unjust because it has converted the bad luck of being in a natural disaster into needless losses. But if this is the case, then what is unjust on the weak view is institutions making people worse off than they need be given their bad luck. Suppose, on the other hand, that the government's neglect is just because it produced no inequality. But then the weak view has to say that there is no injustice when government agencies fail to protect their citizens from unnecessary losses caused by natural disasters.

The bottom line is that it is intuitive to think that what is objectionable about the government's failure in *Hurricane* is that that failure caused people to suffer losses, produced by natural bad luck, that they could have been prevented from suffering. In other words, the injustice in the government's neglect of hurricane victims is that they were made more worse off from the hurricane than they might have been, not that they were made worse off than those who, as luck would have it, avoided the hurricane. The weak view then, can plausibly be understood to condemn not distributive *inequalities* but distributive *deficits* that have a certain causal history.

Notice that the standard luck egalitarian view is not susceptible to this problem. It says, like the weak institutional view, that hurricane victims who are made worse off than others by a hurricane are owed state compensation. However, this verdict does not depend, as it does on the weak institutional view, on emergency response agencies failing to do their job. So, the standard view can plausibly say that there is no injustice done to hurricane victims who remain better off than others despite suffering a hurricane. But the weak view cannot plausibly say this because it stipulates that the hurricane victims' losses were caused by institutional malfeasance. Hence, those losses seem unjust regardless of their effect on the comparative distribution of shares. So, as is the case with the strong institutional view, the difficulty with the weak institutional view is rooted in the idea that injustice occurs only when institutions convert bad luck into inequality. It is not rooted in the luck/choice principle itself.[13]

4 Weak and strong institutionalism elaborated

In what follows, I develop further my claim that institutional luck egalitarianism takes two different forms, both flawed, by evaluating two cases discussed by Quong (2013). Quong deploys these to challenge Tan's claim that institutional

13 The strong and weak views are not mutually incompatible, but they narrow the reach of luck egalitarian justice in different ways. So, one could in principle adopt both views. However, such a combined view would restrict the reach of luck egalitarian justice less than each of the individual views would. To elaborate: The strong view sees no injustice in inequalities caused by natural bad luck regardless of whether institutions amplify that bad luck. People who have smaller shares of goods because they have e. g. suffered a disabling accident are not owed compensation from the state because their bad luck is caused by nature and not by institutions.

The weak view sees injustice in the example above so long as the unfortunate person's natural bad luck is amplified by institutions. Moreover, it is silent on the type of case judged unjust by the strong view, where a natural trait is made unlucky by institutions. However, the weak view would likely issue a different verdict on this type of case than the strong view. Suppose such cases are described as they are by the standard view, namely as cases where one has the natural bad luck of possessing a certain natural trait in circumstances where that trait is disadvantageous. The weak view sees inequalities in these cases as *not* unjust because luck egalitarianism is capable of avoiding the absurd implication objection given Tan's expansive notion of institutional conversion (see also, Nath 2014).

> *River One:*
> Two groups live at different points along a river. The two groups don't interact, but they know about each other. Each group is dependent on fishing the river, and there are plenty of fish for both groups. One day the Upstream People decide to erect a large net across the river where they live, the effect of which is to prevent most of the fish from reaching the Downstream People. The result is substantial inequality: the Downstream People now have only just enough fish to meet their basic needs, whereas the Upstream People have an abundance. (Quong 2013, p. 442)

> *River Two:*
> Two groups live at different points along a river. The two groups don't interact, but they know about each other. Each group is dependent on fishing the river, and there are plenty of fish for both groups. There is a naturally occurring plant that stretches across the river at a point upstream which functions just like the net in *River One*: the plant prevents most of the fish from reaching the Downstream People. The result is substantial inequality: the Downstream People have only just enough fish to meet their basic needs, whereas the Upstream People have an abundance. The Upstream People could remove the plant without much trouble, thus establishing rough equality of fish between the two groups, but they decide not to. (Quong 2013, p. 442)

These cases pose, for Tan, a dilemma according to Quong. On the one hand, Tan can treat the cases differently, claiming that there is injustice only in the first instance because there a natural fact is transformed into inequality by an institutional act, where, in the second case, a natural fact produces inequality independent of any institutional act. Treating the two cases differently, Quong says, seems arbitrary, though, because in both a matter of luck (where one lives along the river) results in economic inequality that is either produced or sustained by institutions.

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institutions are not involved in the bad luck of being born with a certain trait in a certain time and place.

It is possible, then, to adopt both the weak and strong views. This combined view would be slightly less expansive than standard luck egalitarianism, for it would see the following types of cases as *not* distributively unjust: a person has a smaller share due to bad luck, but the bad luck is neither caused nor amplified by institutions. For instance, a person who has a smaller share due to being born blind does not suffer distributive injustice on the combined view (this example is from Tan 2008, p. 681). The combined view does not strengthen the institutionalist position, however, for it is subject to the problems besetting both the strong and weak views. Thanks to an anonymous referee for pressing me on this point.

On the other hand, Tan can treat the cases the same, claiming that the inequality in both is unjust.[14] But then it is not clear, Quong says, how the institutional view is to avoid the absurd implication objection. This is because if the inequality in *River Two* is unjust, then injustice occurs any time institutions fail to prevent a natural fact from producing distributive inequality when it is feasible for them to do so. So, it would be unjust, for example, if aliens in another galaxy were disadvantaged by their location relative to us Earthlings, provided that it was technologically feasible to transmit goods to them. The upshot, then, is that because luck almost always has distributive ramifications, and because the institutional view demands (if one chooses the second horn of Quong's dilemma) that institutions respond to these ramifications, the institutional view will produce the same verdicts about justice as the standard view and hence be vulnerable to the absurd implication objection.

In what follows, I use the river example for a different purpose, namely to elaborate the critique of Tan that I offered above. I argue for two points. The first is that both *River One* and *River Two* illustrate the strong institutional account and are, consequently, vulnerable to the problems besetting *Eye Color*. Hence the river cases buttress my objections to strong institutionalism. My second point is that if one alters the river example so that it illustrates the weak institutional view, the example turns out to have the same problem we found in *Hurricane*. Hence the altered river case buttresses my objection to weak institutionalism.

In both river examples, a matter of luck that is not unlucky in itself is converted by institutional action or inaction into a matter of bad or good luck by economically disadvantaging or advantaging some people relative to others. One's location along the riverbank, observe, is unlucky only insofar as it results in one's having a lesser distributive share—the bad luck of the Downstream People is not distinct from, and is indeed constituted by, their small share of fish. Moreover, the inequality produced in the river cases, if unjust, would arguably be unjust even if the Downstream People chose their location: Suppose the Downstream People are former Upstream People who *chose* to migrate downstream because they prefer the view. If it is wrong for the Upstream People to erect a net, or to refuse to remove a plant barrier, thereby depriving those downstream of fish, the case can be made that that is wrong whether or not the Downstream People simply happened to be there, for it seems *prima facie* unjust to hoard resources when there are plenty to go around and others are severely deprived (O'Neill 1975). So, as is the case with *Eye Color*, luck does not plausibly bear upon the explanation of the injustice in the river cases.

14 Tan's treatment of *Hurricane* suggests that he would opt for the second horn of the dilemma since that example implies that institutional inaction can produce injustice.

If we design a river case that illustrates the weak institutional view, it will contain the strength and weakness we found in *Hurricane*. It will capture the idea that people should not be worse off due to their bad luck and, further, one's having bad luck will bear upon the explanation of the injustice. However, the baseline for comparing how well off one is will shift from how well off one is compared to others to how well off one might have been had one not suffered bad luck. Here is the case:

> *River Three*
> Two groups live along a river. The two groups don't interact, but they know about each other. Each group is dependent on fishing the river, and there are plenty of fish for both groups. Most of the adults in the Downstream group fall ill and can no longer fish. The members of the Upstream group are spared the illness. The Upstream People could subsidize the Downstream People's share of fish by floating some of the fish they have caught downstream in baskets, but they decide not to. The result is substantial inequality: the Downstream People have only just enough fish to meet their basic needs, whereas the Upstream People have an abundance.

The bad luck in this case—an epidemic—has, as in *Hurricane*, a natural and not an institutional cause. Furthermore, an institutional factor (deciding not to float fish down the river) allows the bad luck of falling ill to disadvantage people and this institutional treatment of bad luck is in what the injustice consists. Notice, though, that the baseline for determining economic disadvantage implicit in this example is not how well off the Downstreamers are compared to the Upstreamers, but rather how well off the Downstream People might have been in the absence of the institutional conversion. In the example, the institutional conversion is carried out by the Upstream People, but a similar conversion would have produced injustice if it had been carried out by the Downstream People (suppose they could have done something to contain the epidemic and they did not). So, even if there were no Upstream People, it would be unjust, presumably, for institutions to fail to prevent the bad luck suffered by the Downstreamers from being converted into distributive disadvantage. It would be strange indeed to see that institutional failure as unjust only if there exists another group compared to which the Downstreamers were made worse off by the epidemic. It follows that the injustice cannot be that the Downstreamers were made worse off by bad luck than the Upstreamers; it must be that they were made worse off than they might have been from their illness.

Standard luck egalitarians, as I have said, can avoid this implication. This is clear if we compare these four cases:

Illness 1
Someone becomes ill and so has fewer goods than she would have had had she not become ill. She is not distributively worse off than others, though, and her having fewer goods than she otherwise would have had is not the result of institutional arrangements or decisions. (Perhaps she has fewer goods than she would have had because she lacks the strength to gather very many goods.)

Illness 2
Someone becomes ill and so has fewer goods than others and this is not the result of institutional arrangements or decisions. (Perhaps she has fewer goods than others because she lacks the strength to gather very many goods.)

Illness 3
Someone becomes ill and has fewer goods than she would have had had she not become ill. She is not distributively worse off than others, though, and her having fewer goods than she otherwise would have had is the result of institutional arrangements or decisions. (Perhaps she lives under institutions that do not provide people access to health care, even though they could, and so she cannot recover quickly, and she loses several paychecks.)

Illness 4
Someone becomes ill and so has fewer goods than others and this is the result of institutional arrangements or decisions. (Perhaps she lives under institutions that do not provide people access to health care, even though they could, and so she cannot recover quickly, and she loses several paychecks.)

I believe standard luck egalitarianism would issue the following verdict: There is injustice in *Illness 2* and in *Illness 4* because in both cases one is worse off than others due to bad luck. In *Illness 2*, one is comparatively worse off due to an illness and in *Illness 4* one is comparatively worse off due to becoming ill and happening to live under institutions that deprive people of healthcare. Weak institutional luck egalitarianism, by contrast, would say that there is injustice only in *Illness 4* because that is the only case in which social institutions convert the bad luck of becoming ill into a distributive deficit thereby causing one to be worse off than others. But it seems arbitrary to conclude that there is not also injustice in *Illness 3* because in that case, too, social institutions convert the bad luck of being ill into a distributive deficit. It seems that the unlucky, in both *Illness 3* and *Illness 4*, have a legitimate complaint about how their institutions are arranged if those institutions systematically convert the bad luck of getting sick into distributive deficits even if, by doing so, they do not make them worse off than others. It is unjust, one might say, for institutions to exacerbate people's bad luck when they can avoid doing so.

Let me summarize my reasoning thus far. I have argued that Tan's institutional luck egalitarianism is unstable because it is amenable to both a weak and a strong interpretation, neither of which captures accurately this luck egalitarian ideal: it is unjust when people are (distributively) worse off than others due to bad luck. Strong institutionalism fails to capture the idea that it is unjust when people are worse off than others *due to bad luck*. Weak institutionalism fails to capture the idea that it is unjust when people are *worse off than others* due to bad luck.

5 The natural distribution of goods and the institutional distribution of natural goods

Below I argue that Tan's institutional view—supposing it can avoid the problems I have identified—requires an institutional currency of justice. Otherwise it will contravene a central ideal of luck egalitarianism, namely that people should not be held responsible for their bad luck. I begin by criticizing Tan's appropriation of a certain Rawlsian idea as a motivation for his institutional account. Next, I explain why natural currencies of justice pose a problem for Tan. Last, I show how adopting an institutional currency solves this problem.

Tan begins his discussion of the proper reach of luck egalitarianism by quoting approvingly a passage from Rawls's *A Theory of Justice*:

> A further essential distinction is between the unequal distribution of natural assets, which is simply a natural fact and neither just nor unjust, and the way the basic structure of society makes use of these natural differences and permits them to affect the social fortune of citizens, their opportunities in life, and the actual terms of cooperation between them. (1999, p. 87)

Tan claims that luck egalitarians can and should agree with this idea. They should not be concerned with natural facts as such, he says, but should, like Rawls, be concerned only with how institutions 'deal with' natural facts (Tan 2012, p. 103). This idea is Tan's inspiration for institutional luck egalitarianism.

However, Tan cannot straightforwardly appropriate Rawls's dictum for two reasons. First, standard luck egalitarianism does not treat the unequal distribution of natural goods, which is a matter of luck, as unjust. Rather, it treats the unequal distribution of a good that is the currency of justice as unjust if (and only if) it is caused by the unequal distribution of something that is a matter of luck. The difference, in short, is between treating the distribution of luck as unjust as opposed to treating the distribution of the currency of justice as unjust whenever it is caused by luck.

This misstep on Tan's part has polemical implications: It is fairly uncontroversial that natural facts are not matters of justice. If standard luck egalitarianism makes the mistake of treating them as if they are, and this is what gives rise to the absurd implication objection, then that objection can be dispensed with painlessly by rejecting an already *prima facie* implausible luck egalitarian view. Furthermore, if there are only the two options Rawls's refers to—treating natural differences as a matter of justice or treating how institutions handle natural differences as a matter of justice—and if the institutional view, but not the standard view, does the second thing, then institutional luck egalitarianism stands as the only plausible luck egalitarian view. As we will see below, though, there are many more options than the two stated by Rawls.

The second reason that Tan's appropriation of Rawls is problematic is that standard luck egalitarians do not use, as Rawls does, institutional currencies of justice. What Rawls is essentially concerned with is how the distribution of natural assets influences the distribution of certain social and political assets—what he calls 'primary social goods' (Rawls 1999, pp. 79 ff). These include wealth, opportunities for employment, liberties and the social bases of self-respect. By contrast, extant luck egalitarianisms tend to use natural—that is, non-institutional—currencies, such as access to advantage, opportunities for welfare, and resources, where a person's resources include his natural abilities. These are goods that individuals have independent of their particular institutional arrangements. For example, those with naturally sunny dispositions have more opportunities for welfare than others no matter what institutional environment they find themselves in.

If Tan allows currencies of this sort, then he is committed to the idea that he claims to reject in concurrence with Rawls, namely that the distribution of natural goods is neither just nor unjust. This is because a distribution of a natural currency *is* a distribution of a natural good. But the distribution of the currency is a matter of justice. Tan's view, then, (if it uses natural currencies) does not refrain from treating the distribution of natural things as a matter of justice, it refrains from treating the distribution of natural things as a matter of justice when that distribution is caused by nature and not by institutions. On Tan's view, in other words, what is prohibited is institutions converting differences in the distribution of a natural good into *further* differences in the distribution of that same natural good.

Notice that drawing a line between inequalities in natural goods that occur naturally and inequalities *in those same natural goods* that occur through institutions is exactly Tan's strategy for avoiding the absurd implication objection. It allows him to restrict the reach of luck egalitarian justice by placing a certain set of inequalities in the currency of justice outside of justice. However, this aspect of his view introduces a troubling arbitrariness: why should people be held responsible for inequalities in the currency of justice caused by natural bad luck, but not those caused by institutional bad luck? Suppose you and I have less access to advantage than others due to bad luck. I was disfigured in a freak accident and so people avoid me. Hence, I have limited access to the advantages associated with socializing. You, on the other hand, were the victim of a botched police investigation and so suffer from anxiety. Hence, you lack access to the advantages associated with good health. According to institutional luck egalitarianism, your deficit in access to advantage is unjust where mine is not, and only you are entitled to compensation from the state. Therefore, you are not held responsible for your bad luck, but I am. Yet, if distributive justice requires not holding people responsible for their bad luck then treating us differently seems arbitrary from the point of view of justice.

Here is another way to see the problem: it appears that I have luck egalitarian grounds for complaint about the inequality between us, for your smaller share of access to advantage is, as luck would have it, caused by institutions where mine is, as luck would have it, caused by nature. This is an inequality between us that is caused by luck and it is produced by the fact that Tan's institutional luck egalitarianism ignores inequalities that are caused by natural luck alone. In other words, the institutional luck egalitarian who endorses a natural good as the currency of justice must tolerate a certain arbitrariness with respect to luck-caused inequalities in that good in order to avoid the absurd implication criticism, and this arbitrariness amounts to a failure to wholly conform to the claim that people should not be held responsible for their luck.

The proponent of institutional luck egalitarianism might say that this worry begs the question against his view: it *assumes*, he might claim, that inequalities in a natural currency are unjust regardless of whether they are caused by nature or institutions. My point, however, is not that inequalities in the (natural) currency of justice caused by natural luck are in fact unjust. My claim is that institutional luck egalitarianism cannot *both* place those inequalities outside of justice *and* be true to idea that people should not pay the costs of their luck. The problem I am pointing to arises because the institutional view requires *some people* to pay the costs of their luck, namely those whose distributive deficits are caused by natural luck.

This problem can be avoided if the currency of justice is institutional, because, in that case, the only thing that *can* cause inequalities in the currency of justice is institutions; there can be no naturally occurring inequalities in a socially produced good.[15] So, no line must be drawn, in order to restrict the reach of justice, between inequalities in the currency of justice that are caused by nature and inequalities in the (same) currency of justice that are caused by institutions. The issue of the relationship between nature and institutions, when the currency is strictly socially produced, boils down to the question of how differences in shares of natural goods, such as natural talents, *which are not the currency of justice*, influence differences in shares of socially produced goods, which are.

We can see more clearly how to avoid this problem if we consider eight possibilities for characterizing the relationship between natural differences in luck and inequalities in the currency of justice. These possibilities are generated by three distinctions with which we are now familiar: The first is whether the natural differences that create inequality in the currency of justice are matters of luck, but not unlucky in themselves, or whether they are unlucky in themselves. The second is whether the natural differences that create inequality in the currency of justice do so via institutions or whether they create them without institutional involvement. The third is whether natural differences create inequalities in a natural currency or inequalities in a socially produced currency. The cases are as follows:

1. *Natural differences that are unlucky in themselves create inequality in a natural currency without the help of institutions.*

Example: Differences in exposure to a natural disaster create inequality in opportunities for welfare, but this is not due to how the disaster was managed by the government or treated by the market. (Let us say that being in a natural disaster is traumatic and so diminishes one's opportunities for welfare independent of how institutions respond to the disaster.)

2. *Natural differences that are matters of luck create inequality in a natural currency without the help of institutions.*

Example: Differences in natural talent[16] create inequality in opportunities for welfare but not due to how the market or the government treats natural talents.

15 Except under very unusual circumstances. See footnote 17 below.

16 For Rawls 'differences in natural talent' means differences among people in *which* talents they have and not differences among people in *how much* talent they have. So, it does not mark a difference between the talented and the untalented. This is why he uses, in the quote above, the phrase "distribution of natural assets." Rawls is concerned with the rareness or commonness of people's talents because he offers the difference principle (see footnote 18 below) as an

(Let us say that certain talents are intrinsically satisfying to exercise and hence what talents one has can influence one's opportunities for welfare independent of one's institutional environment.)

3. *Natural differences that are unlucky in themselves create inequality in a natural currency via institutions.*

Example: Differences in exposure to a natural disaster create inequality in opportunities for welfare through the government. (This is a variant of *Hurricane*.)

4. *Natural differences that are matters of luck create inequality in a natural currency via institutions.*

Example: Differences in natural talent create inequality in opportunities for welfare via the market. (This is similar to *Eye Color*, except the relevant institution is the market and not the government.)

5. *Natural differences that are unlucky in themselves create inequality in a socially produced currency via institutions.*

Example: Differences in exposure to a natural disaster create inequality in wealth through the government. (This is a variant of *Hurricane*.)

6. *Natural differences that are matters of luck create inequality in a socially produced currency via institutions.*

Example: Differences in natural talent create inequality in wealth through the market. (This is similar to *Eye Color*, except the relevant institution is the market and not the government.)

7. *Natural differences that are unlucky in themselves create inequality in a socially produced currency without the help of institutions.*

Example: Differences in exposure to a natural disaster create inequality in wealth but not due to how the disaster was managed by the government or treated by the market.

8. *Natural differences that are matters of luck create inequality in a socially produced currency without the help of institutions.*

Example: Differences in natural talent create inequalities in wealth but not due to how the market or the government treats natural talents.

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alternative to treating the marginal productivity theory of wages as a principle of distributive justice. On that view, a just distribution is one in which the market pays workers the value of the marginal product of their labor, and for those with scarce talents this value is higher. Hence those who happen to have unusual talents fare especially well and those who happen to have common talents fare less well, and Rawls thinks this is unjust (see Lister 2017). Cohen (2008), in discussing Rawls, routinely, but mistakenly, refers to differences in natural talent as differences between those with inferior and those with superior talents.

The last two of these cases can be set aside because they would occur only under unusual circumstances. Differences in natural luck do not typically create inequalities in a socially produced good without the help of institutions: for example, inequalities in wealth or opportunities for employment typically depend on the existence of, for example, employment markets and property laws.[17] So, let us consider how standard luck egalitarianism, Rawlsianism, and institutional luck egalitarianism would assess the remaining cases. This analysis will show that Tan's institutional view can avoid the inconsistency described above if he confines the currency of justice to socially produced goods.

Standard luck egalitarianism condemns as unjust the distributive inequalities in all six of the remaining cases. This is because the standard view interprets all of these as cases where bad luck produces an inequality in the currency of justice. The bad luck of being in a natural disaster, or of lacking a talent that is intrinsically rewarding or economically advantageous, causes a relative deficit in opportunities for welfare. The distributive inequalities in one and two are outside of justice according to both Rawls and Tan. For Rawls, this is because the inequality in question—inequality in opportunities for welfare—is a natural fact, regardless of its cause. For Tan, this is because the inequality in question is caused by nature; no institutions were involved in creating the inequality in opportunities for welfare.

The distributive inequalities in three and four are also outside of justice for Rawls because the inequality in question is a natural fact. For Tan they are unjust because they are caused by institutions. They are cases where institutions 'convert' luck into inequality. The inequalities in five and six also result from the institutional conversion of luck, and so are also unjust on Tan's view. For Rawls, five is likely irrelevant because the inequalities in wealth are caused by something that is unlucky itself and Rawls has little to say about those kinds of cases. His dictum quoted above is about case six, for Rawls thinks that differences among people in natural assets, though 'morally arbitrary', are neither lucky nor unlucky. It is neither lucky nor unlucky, for instance, whether one can write gripping fiction. However, because such a talent is scarce, it can be made to be lucky or unlucky, as it were, by being converted through the market into

17 As an anonymous referee pointed out, a natural disaster could accidently distribute a socially produced good outside of the normal channels. For instance, a tornado could hit a bank and cause money to be distributed to some people and not others by landing in the debris of their wrecked properties. As they would not be able to tell which money was already present on their property and which was blown onto their property from the bank, they might not be required to return the money blown in from the bank. In this situation there would be inequality in a socially produced currency caused by luck without the help of social institutions.

substantial wealth. Rawls thinks this conversion is usually, but not always, unjust (1999, p. 72).[18]

Here is where we stand so far: standard luck egalitarianism regards the inequalities in cases one through six as unjust. Rawls sees only the inequalities in six as a matter of justice and Tan sees the inequalities in three through six as unjust. What generates the inconsistency I complained about is that Tan, unlike the standard luck egalitarian, places the inequalities in one and two outside of justice while treating the inequalities in three through six as unjust. His reason is that in one and two a person's diminished share is caused by natural luck, such as being in a hurricane or having unsatisfying natural talents, and in three through six a person's diminished share is caused by institutional luck, such as being subject to government malfeasance or the whims of supply and demand.

However, Tan can place cases three and four outside of justice in a principled manner, leaving five and six as the only cases whose inequalities are matters of justice. He can say that because institutional luck egalitarianism is concerned with how institutions, rather than nature, affect people's life prospects, inequalities in natural goods are outside of justice. The size of people's shares of natural goods he can say, with Rawls, are natural facts even if caused in some way by institutions (provided those institutions are just). So, for example, Tan can say that it is not unjust if the public is indifferent to one's art and this causes a deficit in one's opportunities for welfare, but it is unjust if this causes a deficit in one's income.

It follows from this discussion that extant luck egalitarian views must be altered (in the direction of Rawlsianism) in order to be made into institutional accounts that can avoid the problem of holding some people responsible for their luck. Yet the reasons luck egalitarians have for endorsing a particular (natural) currency have to do with a multitude of factors and so it may be that an institutional currency is incompatible with their theories.[19]

18 More specifically, Rawls endorses the difference principle, which allows natural (and acquired) talents to be converted into wealth inequality if and only if this conversion increases everyone's wealth and maximizes the wealth of the least wealthy (in comparison to all the unequal distributions that increase everyone's wealth).

19 For example, it is fundamental to Dworkin's view that people's natural talents count among their resources because that idea is central to his 'envy test' for determining whether or not a distribution of resources is unequal (1981b, pp. 307 ff).

6 What makes an (alleged) distributive injustice 'absurd'?

The absurd implication objection is a moving target insofar as it depends on people's intuitions. So, what follows may not be convincing to all readers, as they may not agree with me that a particular case is counter-intuitive. I discuss below three factors that might render absurd a luck egalitarian verdict about distributive injustice that have nothing to do with whether or not the inequality is caused by natural luck or by the institutional conversion of luck. This is surely not an exhaustive list and, moreover, how various factors interact in a particular case is probably itself a factor. My aim is not to give a systematic account of what makes an absurd implication absurd but rather to suggest that the issue is complex. The factors I discuss are whether or not the bad luck is ordinary or extraordinary, how burdensome the bad luck is, and how feasible the compensation policy would be. Consider the following three sets of propositions:

1a. People who suffer a natural disaster should be compensated by the state for their diminished shares of goods.
1b. People who live (not by choice) in an extremely hot climate should be compensated by the state for their diminished shares of goods.[20]
2a. People on the autism spectrum should be compensated by the state for their diminished shares of goods.
2b. Scatter-brained people should be compensated by the state for their diminished shares of goods.
3a. People who have agoraphobia should be compensated by the state for their diminished shares of goods.
3b. People who have a panic disorder should be compensated by the state for their diminished shares of goods.

I will assume that standard luck egalitarianism demands compensation in all six cases and that the proponent of the absurd implication objection would regard as absurd the second proposal in each pair. What might account for the difference in each set of cases? The first set seems to involve how unusual the bad luck is. Even if we assume, first, that living and working in a very hot climate over time and being in a natural disaster are equally burdensome, and, second, that the cost of compensation in the two instances might be the roughly same, it still seems that

20 Thanks to an anonymous referee for this example. The example assumes, of course, that the hot climate is not caused by anthropogenic climate change.

requiring compensation for people who live in hot climates is counter-intuitive simply because living in a hot climate is so ordinary. The second set seems to involve how burdensome the bad luck is. Even if we assume that there are roughly the same number of people on the autism spectrum as there are scatter-brained people, so the conditions are equally common, and that the cost of compensating each condition is roughly the same, it still seems that requiring compensation for scatter-brained people is counter-intuitive simply because being scatter-brained seems less burdensome than being on the autism spectrum.

The third set seems to primarily involve how costly compensation would be. Both panic disorders and agoraphobia are relatively rare (unlike living in a hot climate) but agoraphobia is much more rare than panic disorders. Moreover, we can assume that the conditions are equally burdensome. But it would be very costly to compensate everyone with a panic disorder in comparison to compensating everyone with agoraphobia. We can see, then, that the absurd implication objection does not depend, in many cases, upon whether or not a distributive inequality is caused by natural luck or by the institutional conversion of luck.

7 Conclusion

I have argued that the institutional luck egalitarianism as proposed by Tan is untenable. First, it is ambiguous between what I have called the ‘strong’ and the ‘weak’ view, neither of which is true to the luck egalitarian doctrine. Second, even if this problem can be avoided, the institutional view must deploy an institutional currency or, again, it will not be true to the luck egalitarian doctrine. However, luck egalitarians have favored natural currencies of justice for reasons likely to be internal to their accounts. Finally, even if *this* problem can be avoided, the institutional view cannot achieve its goal of evading the absurd implication criticism because the alleged absurd implications are not invariably caused, as Tan seems to believe, by treating natural facts as matters of justice.

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