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Luck, institutions, and global distributive justice: A defence of global luck egalitarianism

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Abstract

Luck egalitarianism provides one powerful way of defending global egalitarianism. The basic luck egalitarian idea that persons ought not to be disadvantaged compared to others on account of his or her bad luck seems to extend naturally to the global arena, where random factors such as persons' place of birth and the natural distribution of the world's resources do affect differentially their life chances. Yet luck egalitarianism as an ideal, as well as its global application, has come under severe criticisms in recent debate. My aim in this article is to restore plausibility to the luck egalitarian idea, and to suggest how it could then provide a plausible grounding for global egalitarianism. To do this, I will propose a more modest but also more defensible conception of luck egalitarianism that can also strengthen the case for global distributive justice.

Keywords

cosmopolitanism, distributive justice, equality, global justice, luck egalitarianism

According to the doctrine known as luck egalitarianism, the purpose of an egalitarian distributive principle is to mitigate the influence of luck on individuals' life prospects. The intuitive idea here is that no one should have a poorer life prospect simply because of his or her bad luck. On this account of why distributive equality matters, a just distributive arrangement is one which is sensitive to the choices that individuals make but insensitive to their good or bad luck (or circumstance). Although I later argue for a particular form in which a distributive arrangement ought not to reflect the vagaries of luck, what is basic to luck egalitarianism is the distinction between persons' good or bad luck and their choices and effort with respect to their distributive entitlements.

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Luck egalitarianism seems to provide a relatively straightforward case for global distributive equality. For if factors such as a person's citizenship and the natural distribution of the earth's wealth and resources are generally matters of luck that nonetheless profoundly and pervasively determine her life options, then there ought to be a *global distributive principle* whose point it is to ameliorate certain inequalities due to such contingencies. Thus global egalitarians like Beitz and Pogge (in some of their earlier writings), and more recently Caney and Moellendorf, have so argued.¹ Let us call the luck egalitarian case for global distributive equality 'global luck egalitarianism'.²

Yet the luck egalitarian ideal itself has been severely criticized in the current literature as a fatally flawed account of why distributive equality matters. Indeed, some opponents of global egalitarianism proceed by exposing and undermining the luck egalitarian presumptions behind some of the common arguments for global distributive justice.³ Any attempt at constructing an account of global luck egalitarianism must, therefore, first defend the luck egalitarian ideal against these criticisms. My goal in this article is to restore plausibility to the luck egalitarian ideal by addressing certain objections to it, and then to suggest how luck egalitarianism can also provide a plausible grounding for *global* egalitarianism.

A wider philosophical implication of the plausibility of luck egalitarianism is that it provides an alternative conception of equality to the idea that equality is an 'associative obligation'. The associative obligation account of equality holds that equality matters only amongst persons sharing a particular form of (usually political) association. As we can easily infer from the brief description of luck egalitarianism, luck egalitarianism, in contrast, takes equality to be a more basic moral ideal, a commitment that can apply among persons quite independently of their associative ties to each other. With regard specifically to the debate on global justice, it is the (not always fully defended) premise that equality is an associative obligation that applies only among persons belonging to a particular kind of political association that provides the fuel for much of the recent objections against global egalitarianism.⁴ If luck egalitarianism can be salvaged as a viable account of why equality matters, these objections to global egalitarianism will be rendered irrelevant.⁵ More generally for political theory, the plausibility of luck egalitarianism will provide a rich alternative way of conceptualizing and understanding the relevance of distributive equality as an ideal from the standpoint of justice.

No doubt other (possible and actual) objections will be left unaddressed within the confines of this article.⁶ But any continuing attempt to defend luck egalitarianism against these other objections, and to develop it further, both in the domestic and global settings, will be for naught if luck egalitarianism does not even get off the ground as some (earlier) objections that I will be discussing claim. It is a necessary step in the continuing development of luck egalitarianism that these seemingly fatal objections are responded to if the position is to remain worth advancing. This is the limited but I believe important scope of the present article. My aim is to restore plausibility to the luck egalitarian ideal in both the domestic and global settings so as to motivate its further refinement and development.

Before beginning, let me make some comments to further specify and delineate the subject of global egalitarian justice. An *egalitarian* distributive principle has the substantive aim of regulating economic inequality between persons. It specifies the limits to the kinds and degree of inequalities that would be admissible in a just social order. Rawls's difference principle, which justifies economic inequalities (in the distribution of income and wealth) among participating members of a society on the condition that the worst-off representative group benefits most under a given arrangement compared to alternative arrangements, is one such example.⁷ An egalitarian distributive principle is thus more demanding than what we might call a basic needs principle. The latter enjoins the duty to help persons meet certain defined basic needs, whereas the former demands some regulation of inequalities between persons even when the basic needs of all relevant agents are being met. Put another way, egalitarian distributive justice is relative or comparative in character *and* it takes the comparative benchmark to be that of equal distribution from which any departure has to be justified to those affected.⁸

The interesting philosophical disagreement between global egalitarians and those who reject global egalitarianism, call them anti-global egalitarians, is therefore not over whether there are global duties of any kind towards strangers and other societies, but whether these duties include a duty of regulating global economic and social inequalities.⁹ Indeed, many anti-global egalitarians accept what we may call a 'sufficientist' or 'threshold' conception of global economic justice in the sense that they accept a global duty to help societies or persons achieve some defined minimum standard of living. Some may define this threshold in terms of humanitarian or basic needs (as in Nagel); others may identify this basic minimum more robustly in terms of a society's capacity to support well-ordered institutions domestically (as in Rawls).¹⁰ How this living-standard threshold is to be defined is of course hugely important *within* the sufficientist conception of global justice, as well as for our understanding of what is owed to others as an absolute minimum. But I shall leave aside discussions within the sufficientist account here. My question is whether global justice includes an egalitarian commitment over and above a threshold commitment (however that commitment is defined), and specifically whether luck egalitarianism can provide the grounding for such an egalitarian commitment.

Let me more categorically lay out the different domains of duties. (a) The first distinction is between duties of distributive justice and humanitarian assistance. Distributive justice has a distinct concern from that of humanitarian assistance, in that it is concerned not just with the basic humanitarian needs of persons as such but with the assignment of economic goods, resources or opportunities above that which is needed for subsistence, and is addressed to persons living under a common social order of some kind.¹¹ The difference between these two categories of duties is not that one (justice) is demandable and the other (assistance) is discretionary. For our purpose, we can take both classes to be demandable duties. The difference is in their content and objectives. (b) The second distinction is between egalitarian distributive principles and non-egalitarian distributive principles. An egalitarian

distributive principle, as said, is comparative and takes the comparative baseline to be that of equal distribution, departures from which have to be justified. A distributive principle without either of these features will not be egalitarian.

These remarks are meant to reflect the uncontroversial fact, for the purpose of specifying the field of inquiry, that there is a disagreement between commentators who hold that global justice is committed to protecting basic needs or some defined level of standard of living for individuals (as a matter of demandable duty) but has no distributive egalitarian commitment, on the one side, and on the other, those who hold that global justice includes an egalitarian distributive ideal. So long as we acknowledge the substantive differences between these different categories of duties, nothing rides on how we label the different positions.

Why equality matters? Luck egalitarianism vs democratic equality

As mentioned, on the luck egalitarian ideal, persons are to take responsibility for their choices but not for their good or bad luck.¹² The purpose of a distributive commitment is to help ensure that the social and economic order of society is arranged such that individuals, as far as is possible, are not disadvantaged or advantaged on account of their bad or good luck but are held, as far as is possible, responsible for their choices. Inequalities in society are acceptable when these are due to people's choices and effort, but not when they are due to people's good or bad luck. The most reasonable egalitarian distributive arrangement for a society is that which comes closest to tracking this ideal. For convenience, I will occasionally refer to this key ideal in luck egalitarianism as the *luck/choice principle*.

To better appreciate the distinctive features of luck egalitarianism, consider an alternative account of distributive equality, which has been broadly referred to as 'democratic equality'.¹³ Democratic equality holds that the point of distributive equality is *not* to mitigate the effects of luck on persons' life opportunities. Rather, the aim of an egalitarian distributive principle is to ensure that the gap between the rich and poor in society stays within the limit consistent with the ideals of a democratic polity, and this objective is quite independent of the luck/choice principle. A democratic society, fundamentally, is understood as a fair system of social cooperation, and a fair system of social cooperation must in turn honour the ideal of reciprocity. Under a fair system of social cooperation, the terms of cooperation *must not* be those that participants in the system, regarded as free and equal, can reasonably reject. If a social order allows for economic inequalities between citizens that cannot be justified to the disadvantaged (i.e. the disadvantaged may reasonably reject their position in society), then this social order has failed the requirement of reciprocity. In short, the point of a distributive principle, under democratic equality, is to instantiate the ideal of reciprocity as required in a democratic political order.¹⁴ This is how Rawls understands his distributive commitment. The difference principle, which aims to justify inequalities to the worst-off in society, is understood to derive

from this commitment to reciprocity, which in turn follows from the idea of a democratic society as a fair system of social cooperation.¹⁵

A key difference, as I see it, between these two conceptions of distributive justice is that democratic equality takes the value of distributive equality to be *derivative* of the commitment to the ideal of a democratic political order (and the ideal of social cooperation that characterizes such an order), whereas luck egalitarianism does not take the value of distributive equality to be derivative in this way. Unlike democratic egalitarians, for whom distributive equality matters because (to put it simply) democracy matters, luck egalitarians take distributive equality to matter directly: persons qua *equal* moral agents are entitled to an equal distribution as the default arrangement, and that respect for equal moral *agency* additionally means that any departure from this egalitarian default must not be due to the vagaries of good or bad luck over which persons have no agential control, but only when it is due to the (proper) expression of person's agency.¹⁶

The debate on global justice brings to the fore one substantive normative implication of these different accounts of why equality matters. Under democratic equality, since distributive justice is derivative of the ideal of a democratic order, unless it can be shown that the global order is a democratic social order in the appropriate sense (or that there is some commitment to bringing such a global order about), considerations of *global* distributive justice do not even arise. Indeed, political theorists who are (staunch) egalitarians in the domestic context, but who reject egalitarianism in the global context, tend to subscribe to some form of democratic equality and believe that democratic equality considerations for distributive equality are specific and limited to the context of the domestic political society.¹⁷ That is, these egalitarians do not think that democratic egalitarian considerations take hold beyond the borders of democratic political societies.¹⁸

Luck egalitarians, in contrast, do not take the value of global distributive equality to be derivative of the ideal of democracy. For them, the fact that individuals find their life options differently constrained by global factors and contingencies over which they have no real control provides sufficient grounds for a global distributive commitment, the purpose of which is to ameliorate such contingent constraints on individuals' lives. On their account, the necessary and sufficient reason why distributive egalitarian justice matters domestically – namely to discount the effects of luck on the social distribution of resources or opportunities – is not unique and confined to the borders of political societies but obtains globally as well. This disengagement of the value of distributive equality from the ideal of the democratic political society offers luck egalitarians a comparatively straightforward defence of global egalitarianism. It is thus not surprising that many (but of course not all) global egalitarians in the contemporary literature also tend to be luck egalitarians of some stripe.¹⁹

In saying that luck egalitarians have a more straightforward argumentative strategy for defending global egalitarianism, I do not imply that a global egalitarian has to necessarily ascribe to luck egalitarianism. It is certainly possible to arrive at global egalitarianism along democratic equality arguments, for example, by arguing that the

global arena is or ought to be a democratic one in which considerations of reciprocity also apply, and then extending democratic egalitarian reasoning for distributive equality to the global setting.²⁰ My present goal, however, is to affirm the potential of luck egalitarianism as an alternative defence of global egalitarianism.²¹

Objections against luck egalitarianism

There is an attractive intuitiveness about luck egalitarianism. After all, the view that persons are equal moral agents and this equal moral agency entails a default egalitarian distribution, unless deviation from that default is due to proper agency, is very plausible. Yet luck egalitarianism, its initial appeal notwithstanding, has recently been subject to severe criticisms. I will look at two particularly well-known and supposedly fatal sets of objections.

Morally implausible

The first is that luck egalitarianism is 'morally implausible', as some critics put it (e.g. Scheffler), meaning by this that the luck/choice principle has morally absurd consequences. The following scenarios are often forwarded as evidence of luck egalitarianism's absurdity. For one, luck egalitarians have to hold that a maker of a bad choice who has squandered everything and consequently is in seriously dire straits is not entitled to any social assistance.²² But this is of course morally counter-intuitive.

As a second scenario, luck egalitarians will have to be in the absurd business of compensating persons for all of their good and bad luck, including, for example, providing publicly funded plastic surgery for the unlucky ugly person.²³

Third, it has been said that the luck egalitarian premise seems to imply that the person whose life is not going so well because of bad luck has a less worthy life, and so even when luck egalitarians come to the assistance of victims of bad luck, they hold that person in contempt.²⁴

Wrongly asocial

The second objection is that luck egalitarianism is a mistakenly asocial account of distributive equality. According to critics, given luck egalitarians' fixation on mitigating the effects of luck on persons' lives, and how people relate to their own good or bad luck, they miss the social dimension of distributive equality, which is to regulate *social relations between persons*. Distributive equality matters because of the need to ensure that persons do not stand in hierarchical and oppressive relations to each other, not because of the need to limit the effects of luck as such.²⁵ Democratic equality provides an idea of what appropriate non-oppressive and non-hierarchical social relations should be like, and the point of distributive justice is to ensure that no one class in society can come to dominate over another. The mitigation of luck is tangential to this social purpose of distributive equality.

Related to this problem of being asocial, a further criticism can be raised, which is that luck egalitarianism is an incomplete account of distributive justice. Distributive justice properly understood is concerned with the background rules of society that determine persons' entitlements; yet the luck egalitarian principle has only the form of a principle of redress.²⁶ That is, the principle that persons should be compensated for bad luck is at best only one aspect of the ideal of distributive justice. Thus compare the luck/choice principle with Rawls's difference principle: the latter is not just about reallocating resources from one person to another (as a form of compensation) but speaks to the basic design of institutions that fundamentally determines who is to rightfully own what in the first place.

As mentioned, there are other possible objections against the luck egalitarian ideal that a complete defence thereof will eventually have to address. But the stated objections seem to be the most profound, for luck egalitarianism would not even get off the ground if these objections were to stand, and any continuing attempts at developing and refining the luck egalitarian ideal and responding to other possible objections would be moot if the moral implausibility and asocial objections were not first satisfactorily addressed. So it will be a step forward if there is a way of constructing the luck egalitarian ideal so as to evade these objections. As we will see, addressing these objections will motivate a more modest, but also more plausible, account of luck egalitarianism. Specifically, I will suggest that these objections miss their mark once we properly identify the (i) limited *domain* of luck egalitarians, (ii) its special *site* and its (iii) specific *justificatory role*.²⁷

Defending luck egalitarianism

Why luck egalitarianism is not implausible

Consider, first, the allegation that luck egalitarianism is morally implausible because it leaves the 'victims of bad choice' to their dire fates.²⁸ In response, one might say that this objection commits a category mistake of a sort. The mistake is that it attributes to luck egalitarianism a much wider domain of operation than luck egalitarians should claim or need to claim. It should be recognized that the luck/choice principle is not meant to determine moral agents' rightful social entitlements across the whole of morality, or even the entire domain of social justice, but is designed specifically to apply only within the subdomain of *distributive* justice. The luck/choice principle, that is, is meant to determine how goods or resources (or some other appropriate metric of distributive equality) are to be distributed among persons participating in an ongoing productive social order beyond that which they need for living a minimally decent human life. (A productive society in which all members' basic needs are met will still have to decide how to justly distribute additional resources among its members, and this is the question of distributive justice.) It is with respect to this specific distributive question that the difference between luck and choice becomes salient for luck egalitarians.

Thus the luck/choice principle need not say anything about whether or not a person who is about to perish is entitled to urgent social assistance, for the case here is not that of distributive justice but the morally distinct one of basic humanitarian assistance or human decency. In these sorts of cases, it is more straightforward to argue that a person is entitled to assistance because her humanity demands it, or that human decency requires it, or her human rights demand it. The poor chooser's own past decisions can be irrelevant here. The luck/choice principle thus need not be the right principle to apply here (or at least it shouldn't be a decisive principle) given that there are other competing principles that are more salient within the moral domain of basic needs, such as the basic right of persons to minimum subsistence and so on. The luck/choice principle need not be the decisive principle within this moral domain because it is primarily a principle for the distinct domain of distributive justice.

So luck egalitarians can share the intuition of the objection, that a person in dire straits is entitled to social assistance her preceding choices notwithstanding, but they reject the claim that luck egalitarianism is forced to deny this person assistance. The slide to absurdity is blocked because of the plurality of moral domains or what Nagel would call the 'fragmentation of value'. If we understand the luck/choice principle to be specific to the special domain of distributive justice, then it need not force an unacceptable response in situations where other values are at stake.²⁹

This division of moral domains (between that of distributive justice and that of humanitarian assistance) is neither eccentric nor arbitrary, but is in fact a commonly accepted idea in contemporary moral philosophy. Indeed, more relevantly for the present discussion, it is an idea subscribed to by many democratic egalitarians themselves.³⁰ To be sure, one might insist that duties of assistance or humanitarian assistance are *duties of justice* albeit different kinds of duties of justice from duties of distributive justice. Indeed, one might even insist that duties of humanitarian assistance are duties of *distributive justice* of sorts (given that distribution is entailed even in humanitarian cases). But this is just a semantic quibble, and the distinction between the moral domains I have invoked is not a semantic but a substantive one. The difference between the two, to recall an earlier point, is not that humanitarian duties are discretionary and duties of justice are demandable; both are demandable duties.³¹ The difference lies in the content and objectives of each. Call these categories of duties what we want, duties of assistance are substantively distinct from duties of distribution of an ongoing sort aimed at regulating inequalities between agents. Duties of assistance, unlike duties of distributive justice, are sufficientist in form. My argument is that the luck/choice principle is a fundamental principle with regard to the latter cases of duties but not the former, regardless of how we label these types of duties.³²

That distributive justice and humanitarian assistance are morally distinct moral categories is a common presumption does not mean that it does not need further philosophical defence. That there is a substantive difference between the category of responsibility that is concerned with more than just the allocation of basic needs

and the other that is concerned with securing only basic needs is uncontroversial. What is more debatable is that these different categories of responsibilities are independent of each other in the sense that there is no common principle that serves to regulate both. This presumes the idea of value pluralism. I have of course not offered a defence of value pluralism here, but am only arguing that if value pluralism is presumed, then we can limit luck egalitarianism to the domain of distributive justice specifically, and this can still allow us a distinctive approach to equality. And as I will go on to suggest, there is nothing in luck egalitarianism per se that must compel a denial of this division of moral domains.

Note that the claim that a person is entitled to rescue because human decency demands it does not mean that she will in fact be rescued. Absolute scarcity may mean that persons do not get what they are in principle entitled to; and in cases where trade-offs need to be made, it is of course plausible that the relevant past decisions of affected persons can play a deciding role in how to allocate scarce resources. Here, we simply have a case in which a person's principled entitlement to basic goods is outweighed by other considerations.³³ Choice can play a role in decisions of this kind, and this is not uniquely a luck egalitarian claim but a rather general moral stance. The central point is that, on my limited domain view, luck egalitarians do not need to say that the imprudent person who is now in dire straits forfeits any entitlement to social assistance as a matter of principle, thus evading the *reductio* charge.

The second scenario offered against the moral plausibility of luck egalitarianism is that it seems that it has to absurdly compensate persons for all of their (natural) bad luck. But this worry is deflected if luck egalitarianism is understood to have an *institutional focus*. Recall Rawls's basic idea that natural facts in themselves are neither just nor unjust, that what is just or unjust is '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'.³⁴ That is, for Rawls, social justice is principally concerned with the basic structure of society, that is, its main political and social institutions, and does not deal directly with natural facts as such.

Luck egalitarians can and should affirm this clearly circumscribed and limited subject-matter or locus of distributive justice. On this institutional view, then, what is of concern to justice on the luck egalitarian view is the way institutions handle natural contingencies, particularly if institutions advantage and disadvantage persons solely on account of their natural fortunes or misfortunes. Thus natural facts in themselves, such as persons' good or bad luck per se, are neither just nor unjust on the institutional ideal of luck egalitarianism. What is just or unjust is how social institutions combine with these natural facts, specifically whether persons are accorded more or fewer resources or opportunities simply because of certain facts of nature about them. Yet this institutional focus I am attributing to luck egalitarianism is still a distinctively luck egalitarian position: it is *luck* egalitarian because it is how institutions handle *matters of luck* that issues a problem of justice. Nothing in luck egalitarianism precludes the institutional approach to justice; and

luck egalitarians can certainly take institutions to be the primary subject of justice and retain their distinctive position on why distributive equality matters.

Adopting this institutional view of luck egalitarianism, we can easily see how the objection, that luck egalitarians have to absurdly compensate persons for all of their natural misfortunes, widely misses the mark. The fact that a person who finds himself ugly and unluckily so (to invoke Anderson's example) does not bother the luck egalitarian so long as social institutions in society are not structured such that this person's ugliness is translated into actual social disadvantages for him. If, counterfactually, society is such that ugly persons are indeed disadvantaged (either through deliberate institutional design or because of widespread personal prejudices) with respect to the background institutions of society, this would rightly exercise the luck egalitarians (and either institutional reforms in the case of unjust institutions or corrective and counteracting institutional measures in the case of widespread personal discrimination will be called for). But, again, this is not because natural bad luck per se poses a problem of justice, but because in this case, a mere contingency has been handled by institutions in such a way as to generate a real social disadvantage for the unlucky person.

This institutional understanding of luck egalitarianism also provides a decisive response to the allegation that luck egalitarians are disrespectful or contemptuous of the unlucky. Focusing on institutions, the question becomes not how (un)worthy or pitiful a person's life is, but whether the social order is according to an individual her proper entitlement. Luck egalitarians are moved to act when the institutions of society are ordered such that some persons obtain a lesser share simply because of some arbitrary facts, not because they think the lives of these persons are poorer and hence they are to be given charitable hand-outs, but because they have not been given their rightful share from the beginning. As equal moral agents, persons are entitled not to be exposed to an institutional arrangement that disadvantages some and advantages others on account of their bad and good luck respectively. Distributive commitments within luck egalitarianism, in particular distributive commitments to correct for institutional failings of this sort, are due to the ideal of the moral equality of persons. And this is a mark of respect for persons, rather than of contempt and disrespect.

The institutional approach will allow for inequalities due to personal choices and activities within the rules of just institutions. No doubt how individuals fare will also depend on how others relate to them within the rules of institutions, and these matters can be subject to luck. But from an institutional approach to justice, these do not raise concerns of justice so long as the background institutions are indeed just and the effects of personal decisions and actions do not undermine this background justice. On the institutional luck egalitarian view, even if the unattractive person encounters certain personal difficulties in life, this does not raise a matter of justice unless institutions were organized such as to disadvantage him.

Notice that the claim here is not that luck egalitarianism provides a reason for adopting the institutional approach; the claim is that luck egalitarianism can accept the institutional approach and can still remain distinctively luck egalitarian

(compared to say democratic equality). This site limitation is not arbitrary if there are independent reasons for taking on an institutional approach to distributive justice. That is, if it is accepted that justice is concerned with institutional arrangements and that issues of justice arise only among persons who are systematically interacting in some ways, the field of inquiry is already specified, and there is nothing arbitrary about limiting the luck/choice principle to just these sorts of social circumstances. Understood as a claim about distributive justice, it is natural to say that the luck/choice principle comes into play when the circumstances of justice obtain.

One might object that it is inconsistent with the basic ideals of luck egalitarianism to limit the luck/choice principles to institutions in the way I have. The thought here would be that since the luck/choice principle holds that we ought to mitigate the effects of bad luck on persons and hold them accountable only for their choices, there is something amiss in limiting the principle only to institutions. The problem with this objection is that it presumes that the luck/choice principle is a basic moral principle that applies across the whole of morality. But this is of course just a presumption about the moral scope of luck egalitarianism, one that is not any more definitive than my presumption that the luck/choice principle covers only institutional settings. There is no default understanding of luck egalitarianism. If one begins with the rejection of value pluralism, holding that there is a single dominant moral principle for the whole of morality, and if one affirms luck egalitarianism as that principle, then, sure, it would be arbitrary to limit the luck/choice principle to institutions without further explanation, and to the extent that this limitation runs against the basic luck egalitarian ideal understood as a general moral ideal, then, yes, that would be inconsistent. But if one begins, instead, from the presumption of value pluralism, and the idea that distributive justice is a distinctive moral domain and that distributive justice is institutional in the sense I have described, then if one also subscribes to luck/egalitarianism as an account of distributive justice, one necessarily limits the luck/choice principle to institutional settings. This would be neither arbitrary nor inconsistent. In short, I am attempting to defend the plausibility of conceiving luck egalitarianism strictly as an institutional principle of distributive justice. This more modest luck egalitarian approach denies what the objection simply asserts – that luck egalitarianism should have broader application.

Why luck egalitarianism is not asocial

Let us move to the second class of objections, namely that luck egalitarianism is a mistakenly asocial account of distributive justice. The institutional focus outlined would also suggest a rebuttal to this charge. An institutional approach to justice is specifically concerned with the social order against which individuals interact and relate to each other, and therefore is by definition a social account of justice. Luck egalitarianism is not an asocial alternative to equality but an interpretation of what social equality is. For luck egalitarians, the ideal of social equality between persons

requires that a distributive arrangement that individuals collectively support does not track the various forms of good and bad luck of individuals but only their choice and effort. Specifically, they hold that common institutional arrangements among persons who regard themselves as *social equals* must not be such as to transform the contingencies of natural facts about them into actual social advantages or disadvantages. This is part of what it means to be in a relationship of equality with fellow members of a social order on this view. So it is not correct for democratic egalitarians to say that luck egalitarians have a mistakenly asocial account of distributive justice – rather they interpret *what social equality is* differently from democratic egalitarians. Democratic egalitarians may of course reject this interpretation of what social equality entails, but this is different from the blanket charge that luck egalitarians do not have a social account of equality.

The luck egalitarian interest in background institutions also suggests that it is too hasty to think that luck egalitarianism is only a principle of redress and not really a principle of distributive justice.³⁵ In virtue of its institutional focus, luck egalitarianism is indeed concerned with how the basic political, social and economic institutions of society combine to determine persons' fundamental economic entitlements. Its luck/choice principle is not simply a principle of redress whose basic role is to reassign resources from the lucky to the less lucky against a fixed background institutional order that has determined who owns what, but is a principle whose role it is to determine how that background order should be regulated. Put another way, luck egalitarianism provides a principle for the social order that persons may collectively impose on each other, not just a principle for how persons are to relate to each other within the rules of a given social order EX POST FACTO.

A further reply to the charge that luck egalitarianism is simply about redistribution and not distributive justice is available once the specific justificatory purpose of luck egalitarianism is clarified. Luck egalitarianism is meant as a response to the question 'Why does equality matter?'. How equality is to matter, what the currency of equality is and so on are matters (hugely important ones of course) that will have to be further worked out. The objection that luck egalitarianism is an incomplete account of distributive justice because it has only the form of a principle of redress thus mistakenly treats luck egalitarianism as a substantive theory of equality when it is meant to ground a commitment to equality. In a way, then, this objection also commits a category mistake – it treats a grounding principle of equality (that is, a principle designed to explain why equality matters) as if it were a substantive principle of equality (that is, as a principle that explains how the commitment to equality is to be best realized), and then goes on to show how that principle falls short as a substantive principle. But if luck egalitarianism is not a substantive principle of distributive justice, then it must not be evaluated as such. That it has the appearance of a principle of redress is only due to a misunderstanding of what it is meant to do, which is to provide a motivating ground for distributive equality. To recap, it only says: distributive egalitarian commitments matter because persons qua equal moral agents should not be disadvantaged by institutional arrangements solely because of bad luck; it does not by itself say what the

implemented distributive principle or principles should look like. It provides the grounding reason why distributive equality matters, but what this further entails would have to be worked out and the implemented substantive distributive principle need not be identical to the luck/choice principle itself.

The appropriate comparison for the luck/choice principle is not with, say, Rawls's difference principle (and in this case, the luck/choice principle will appear radically incomplete) but the principle of democratic equality. Luck egalitarianism is not presented as an alternative to the difference principle, but to the latter's grounding principle, namely the principle of democratic equality. Like the principle of democratic equality, the question luck egalitarianism is addressing is this: why do distributive egalitarian commitments matter? And just as democratic equality in itself does not offer a stance on what distributive equality substantively requires of society, nor should we expect this of the luck/choice principle.

It seems to me that understanding this very specific role of luck egalitarianism, that is, that it is meant to motivate the commitment to distributive equality and does not by itself specify what that commitment entails, provides a tidy way of understanding why Rawls is not a luck egalitarian, common interpretation to the contrary. The view that Rawls is a luck egalitarian is perhaps understandable given Rawls's own allusions to how justice should discount the effects of certain kinds of arbitrary contingencies.³⁶ Rawls famously notes distributive shares should not be determined by factors that 'are arbitrary from a moral point of view' such as the distribution of natural talents among persons.³⁷ Indeed, this and similar remarks by Rawls have led some commentators into thinking that Rawls is a luck egalitarian of sorts.³⁸ Yet, as we saw, Rawls has also made statements supporting democratic equality. My account of the limited justificatory role of luck egalitarianism provides a way of reconciling these apparently conflicting remarks, and of showing why Rawls is not strictly a luck egalitarian, his references to arbitrariness and contingencies notwithstanding. As some of these remarks show, some notion of the difference between choice and circumstance is invoked by Rawls in his working out of the requirements of distributive egalitarianism, that is, in showing how the demands of distributive equality are to be substantively expressed once we accept that we have such a commitment. But the reason why we have such a commitment is not because of the goal of mitigating the effects of luck on persons' life prospects but because of the ideal of democratic reciprocity. So, in as far as luck egalitarianism should be read specifically as an account of why equality matters, Rawls is not a luck egalitarian because the luck/choice distinction does not motivate the commitment to equality, even though in working out what equality requires, once that commitment is motivated, Rawls has to invoke the luck/choice distinction in some form.

In sum, the objections that luck egalitarianism is morally implausible and that it is a wrongly asocial account of why distributive equality matters stem from three conceptual mistakes: (i) that of attributing to it a much larger operational domain than it needs to claim; (ii) the failure to appreciate its institutional focus; and (iii) that of treating its luck/choice principle meant as a motivating or grounding

principle for distributive equality as a substantive distributive principle. Once the contours of luck egalitarianism are specified in the way I have suggested, we can see that it is neither morally implausible nor wrongly asocial.

Institutional luck egalitarianism

My account of luck egalitarianism no doubt departs from some dominant accounts by proposing a more modest conception of the luck egalitarian ideal. It treats luck egalitarianism explicitly *not* as a doctrine about the whole of justice, let alone the whole of morality, but as an explanation for why *distributive* equality matters, that is, strictly as an explanation for why economic and social inequalities between persons ought to be mitigated by some distributive principle.³⁹ Moreover, luck egalitarianism does not by itself offer a substantive distributive principle or an account of the currency of equality; rather its purpose is to provide a justificatory basis for why there must be some distributive commitments among individuals. That is, it is strictly a response to the question as to why distributive equality is of value, and is not in itself a complete response to the questions of what and how to distribute. Finally, luck egalitarianism can retain the institutional focus of social justice. Thus luck egalitarians need not implausibly hold that nature is itself just or unjust; rather, it is the way institutions translate natural facts into advantages and disadvantages for persons that presents questions of justice for the luck egalitarian. If a label can prove useful, call my position *institutional luck egalitarianism*.

Yet institutional luck egalitarianism is still distinctively a *luck* egalitarian position and fundamentally different from democratic equality. First, even though it is limited to the domain of distributive justice, within that specific domain, it takes the luck/choice principle to be fundamental. Second, even though it takes the subject matter of distributive justice to be social institutions rather than natural facts, it is still a *luck* egalitarian position in that it holds that institutions ought not to turn natural contingencies into social advantages or disadvantages. Finally, it offers a very different (direct) defence of distributive equality as a value in itself as compared with democratic equality.⁴⁰

It is worth noting that my invocation of the institutional approach is not *ad hoc*, that is, it is not introduced simply for the purpose of constructing an account of luck egalitarianism capable of escaping an objection. As my reference to Rawls is meant to suggest, the institutional approach reflects one common way of understanding the site of distributive justice, and my argument is only that luck egalitarianism can accept the institutional view of justice without abandoning its key tenets. It so happens, as I also went on to note, adopting the institutional approach rescues luck egalitarianism from Anderson's charge that luck egalitarianism must be in the absurd business of compensating persons for any of their natural bad luck. To be sure, some luck egalitarians like Richard Arneson will insist that 'the natural fact that people are susceptible to disease, accident, and natural catastrophe' itself does present issues of social justice.⁴¹ Yet not only must this view of social justice be defended against the institutional approach (and admittedly this is

a distinct and complex debate that I have not broached here), more relevantly for our present purpose, this transinstitutional approach falls prey to Anderson's fatal objection without any compensating advantages over the institutional alternative. My version of luck egalitarianism which ties natural facts to institutions preserves the attractive central intuition of luck egalitarians, like Arneson's, that the social disadvantages faced by, say, the unfortunate disabled person constitute an objectionable social injustice. The difference is that on my account, *contra* Arneson, 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. So 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.

One who affirms a more traditional luck egalitarian position might think that my institutional approach to luck egalitarianism runs against basic intuitions that drive luck egalitarianism. For instance, it might be objected that it is counter-intuitive from a luck egalitarian perspective that someone who is suffering from congenital disabilities, which is a misfortune independent of institutional influence, is not entitled to social assistance. Now it would indeed be counter-intuitive that a person be neglected socially if she were indeed significantly impaired by her disability. But my luck egalitarian account does not entail this conclusion because basic humanitarian considerations kick in. Just as the luck egalitarian need not say let the imprudent perish, so too the institutional luck egalitarian does not say let those afflicted by natural misfortunes that are not institutionally derived suffer. Society has the duty to assist persons suffering from natural disabilities on humanitarian grounds. Luck egalitarianism, as I have argued, can allow other considerations to come into play, especially when there are basic humanitarian implications. In general, it is not on account of our egalitarian sensibilities that we are moved by the suffering of the severely disabled. Rather we are moved by more basic humanitarian ideals. Since it is humanitarian ideals that drive the objection, the objection misfires when it is directed at an egalitarian position.

Moreover, it is easy to overlook the fact that hardships encountered by the disabled often do have institutional influence. Institutions are so pervasive that it can be hard to notice when they do impinge on the lives of individuals. Consider the fact that societies tend to design their public space without considering the needs of the disabled. Things as mundane as failure to include curb-cuts at street crossings impose difficulties and disadvantages on disabled individuals that are social and institutional in origin rather than purely natural. The fact that our social world is designed with the average person in mind is itself an institutional fact, and thus an institutional luck egalitarian approach can address many of the problems that drive the objection that institutional luck egalitarianism fails the disabled.

So the objection will have to be reformulated. It has to say that institutional luck egalitarianism is counter-intuitive because it allows for certain forms of natural bad

luck that are not so severe as to generate humanitarian responses but that are nonetheless not due to institutional influence. But if so, the objection, as an argument from intuition, loses compulsion. For it is not so clearly counter-intuitive that, say, a slightly myopic individual is not given extra resources from society to compensate for her natural bad luck (which we grant is a natural disability that is not institutionally derived). Surely, egalitarian intuitions pull in different directions here. In other words, for the most part, the absurdity imputed by the objection is either avoided or the absurdity does not even arise: either the natural (non-institutionally derived) disability is severe enough that it elicits humanitarian responses (hence avoiding the absurdity), or it is not so severe in which case it is not so obvious that the person ought to be assisted (hence the alleged absurdity need not even arise).

Global institutions and luck

Let me now indicate how my institutional luck egalitarianism can ground the case for global distributive equality. As mentioned earlier, unlike democratic egalitarians, luck egalitarians do not need to show that there is a global basic structure that exemplifies the ideal of social cooperation as given by the idea of a democratic political order. That is, because they do not tie the value of equality to the ideal of democratic reciprocity or the more basic idea of social cooperation, luck egalitarians do not need to show that the global arena ideally conceived is a democratic political order in order to make the case for some global egalitarian commitments. What luck egalitarians need only demonstrate is that the current global distribution of wealth and/or opportunities does not track persons' choices and efforts but is profoundly and pervasively distorted and influenced by the vagaries of luck.

In this vein, global luck egalitarians typically argue that contingencies such as the natural distribution of the earth's resources and the place of birth of persons (which are largely matters of luck and not subject to personal choice) significantly influence the life chances of people in the world pervasively and profoundly. But because a just distribution of wealth and resources ought not to be influenced so disproportionately by people's luck, some global distributive principle is needed to correct for this discrepancy. Hence, Beitz has argued that some redistribution of the earth's resources, and resource-generated wealth, is required as a matter of justice because of the unequal and arbitrary natural distribution of the world's natural resources. Also Pogge has argued that, consistent with Rawls's own construction of a theory of justice (as he understands it), a global difference principle ought to be in place. Likewise, Mollendorf has also defended the idea of global equal opportunity along luck egalitarian lines.⁴²

But my *institutional* luck egalitarianism will depart slightly from these traditional accounts in how it more *unambiguously* locates the site of justice. On my account, it will not be the natural fact of earth's distribution of resources or the fact of person's place of birth that is the source of injustice, but the fact that existing social and political institutions have converted these natural and contingent facts

into social advantages and disadvantages for people. That is, it is not just the brute fact that someone is, say, born south of the river we conventionally refer to as Rio Grande, or the fact that some geographical regions on earth are richer in natural resources than others, that is a matter of justice or injustice. What is just or unjust is how the existing global order makes use of such facts, that is, how global institutions have converted these natural facts into actual social advantages and disadvantages for individuals.

That a person is born south of a river is a natural geographical and biological fact that is in itself of no consequence from the point of view of justice; after all, it is just as natural a fact that persons can ordinarily relocate themselves. That another geographical region is richer in natural resources is also of no consequence as a matter of justice, if people from a less well-endowed region can simply move in. These are simply facts of nature that in themselves are unproblematic for justice. In a global state of nature, contingencies such as a person's place of birth, the spread of the earth's resources, climatic conditions, etc. do not present issues of distributive justice. In the state of nature where there is free movement (a Hobbesian liberty), natural facts remain natural facts and are neither just nor unjust in themselves, and distributive egalitarian considerations need not arise.

What transforms these natural facts into matters of justice is the existence of various kinds of global and national institutional norms, sociopolitical rules and restrictions, such as legally enforceable borders and immigration restrictions that limit people's natural mobility. Also able to affect this outcome are international legal and political norms that turn the natural territorial distribution of the earth's resources into actual and enforceable property holdings, or entitlements of governments of states within whose borders these resources happen to be located. Or consider the global market and its trade rules (e.g. patent laws, free trade laws) that restrict opportunities for people within many of their own societies as well as outside.⁴³ For the individual born south of Rio Grande, it is not the fact that she was randomly born south of a geological landmark along with how the globe's resources are naturally distributed that presents an issue of justice: what is just or unjust is the existence of global norms (such as those governing sovereignty, resource ownership, territorial rights), economic practices (such as trade laws, intellectual property rights laws) and international laws and principles (such as those regulating movement of persons across borders) that turn such natural facts into a significant social disadvantage for her.

But it is not just the restriction of individual movement and state territorial ownership that turn natural facts into social advantages or disadvantages. Other forms of global practices and norms and arrangements can have this effect: for example, a world legal order that allows decisions to be made solely in one region of the world or in a single country without justification to outsiders even though these decisions could have some spill-over impact on life opportunities in another region or other countries. It also allows for what Pogge refers to as the resource and lending privileges. The principle of non-intervention is another example of a global norm that has pervasive impact on persons' life chances. No doubt this

principle is important in limiting the tendencies of countries to wage war against each other; but it also at the same time allows states to behave with impunity (albeit within limits) towards their own citizens.⁴⁴ Thus Moellendorf concludes that ‘the global economy has had a substantial impact on the moral interests of persons in virtually every corner of the world. Due to this association . . . duties of [distributive] justice exist between persons globally and not merely between compatriots.’⁴⁵

More examples and evidence of how the global institutional order turns natural facts about the world and its inhabitants into advantages for some and disadvantages for many more can be offered. But I hope enough has been said to illustrate the point. Accordingly, on my global luck egalitarian account, what is unjust is a global order that has converted brute natural facts about persons into significant advantages for some and disadvantages for others. Persons as moral equals and who stand to each other in relations of social equality can demand of each other, regardless of citizenship, that any common order that they are imposing on one another begin from the default position of equality and any departures from which should be acceptable to those adversely affected. On the luck egalitarian view, one who is disadvantaged under such an institutional arrangement simply because of how that arrangement has handled matters of luck has reasonable grounds for objecting to that arrangement. Her standing as an equal moral agent in relation to others is not being respected.

From these remarks, it is clear that the notion of ‘institution’ I am using is rather broad and covers not only specific and concrete legal, political and economic arrangements but also common social practices and norms that affect persons pervasively and profoundly. I have in mind what Rawls would call the basic structure of a society – its common political, social and economic institutions and the norms and practices that underlie and sustain these institutions. I am claiming that there is a global institutional order – characterized by specific institutional entities, but also social norms and expectations, accepted practice, legal principles and forms of economic practice – that has the effect of rendering random facts about persons and the natural state of the world into actual social inequalities.

In short, because the global arena is not a state of nature but an arena pervasively governed by institutional norms, regulations and expectations, many natural facts about the world and its inhabitants do not remain innocuously facts of nature, but are being transformed by institutions into inequalities in life chances. To the extent that global institutions turn brute natural facts into actual differential distribution of opportunities or resources for persons, that is, to the extent that the global distributive set-up does not track people’s effort and ambition but ‘myriad forms of unlucky and lucky circumstance’,⁴⁶ it is to this extent unjust. There is a case then for a global distributive principle whose purpose is to strive for a distributive pattern that is more choice sensitive and luck insensitive.

My global luck egalitarianism focuses on global institutions and how it handles certain natural facts. But it is a *luck* egalitarian position because it holds that what is unjust is when institutions are arranged such that the distribution of resources and opportunities does not track persons’ effort and choice but various forms of

good and bad luck. Crucially, unlike democratic equality, it frees considerations of global egalitarianism from considerations of the normative character of the global order, that is, whether it is or ought to be a democratic political order in some sense.

In spite of my focus on institutions, it should be emphasized that my account does not rely on institutions in the same way as democratic equality. To recall, democratic equality takes distributive equality to matter because of the value of democratic reciprocity that is integral to the idea of fair social cooperation. That is, distributive equality matters only within institutional settings in which the ideal of democracy is endorsed. For many democratic egalitarians, this limits the ideal of distributive equality to the institutions of the state. Global luck egalitarians, on my institutional approach, do not limit distributive justice commitments to members of a (democratic) state, but take the fact of affective institutional arrangements to be reason enough to care about distributive equality, whether or not this affective arrangement is democratic in character. They take egalitarian concerns to be activated whenever there are common affective institutions among persons, regardless of whether these institutions are based on the democratic ideal of social cooperation or not.⁴⁷ As Van Parijs puts it, to ‘trigger demands of global egalitarian justice ... we need far less than a global democracy ... It is enough to have our life prospects significantly affected by constraints which are not natural necessities but coercive rules on which at least some of us human beings have some grip.’⁴⁸

This view does not arbitrarily hold that persons so engaged are entitled to distributive claims from each other. That a distributive egalitarian commitment arises is due to the basic luck/choice principle as that principle is applied to social arrangements. The principle holds that a shared social order ought not to be designed such as to privilege some over others on account of random and unchosen facts about persons. It voices the intuition that persons sharing a social arrangement ought not to impose forms of arrangement on others that turn natural and random facts about them into social disadvantages. To be sure the luck egalitarian principle needs further defence; but so does the democratic egalitarian principle that a democratic social order cannot permit inequalities that strain reciprocity. These are different thick claims about the basis of equality and, without further argument, neither one is more or less arbitrary than the other. My aim here has been only to suggest that the luck egalitarian principle is not absurd, that it does not have the results or implications normally attributed to it.

Is global luck egalitarianism absurd?

Besides offering an understanding of luck egalitarianism that can deflect the common charges levelled against it, a special advantage of my *institutional* luck egalitarianism is that it avoids a common *reductio* argument that more standard global luck egalitarian positions are quite vulnerable to.

The *reductio* argument is usually presented as follows: should space aliens be discovered and known to be doing more poorly than us (earthlings) because they

inhabit a more poorly endowed planet compared to ours, luck egalitarians, so it is charged, would demand that we take on distributive commitments towards these aliens because it is after all a matter of bad cosmic luck that their planet is less well stocked than ours. But, so the argument holds, this would be patently absurd; and the standard luck egalitarian defence of global resource redistribution seems to be forced to accept this implication.⁴⁹

Now, it would of course be a different matter if the space aliens risked death due to some episodic cosmic misfortune and, moreover, that we could without significant sacrifice do something to rescue them. In this case, it is quite plausible to claim that earthlings do have a duty of assistance towards the aliens. But the *reductio* argument does not intend to challenge this claim. A limited duty of assistance is distinct from an ongoing distributive commitment for the purpose of regulating inequalities in life opportunities due to luck that is at issue here. What the *reductio* argument targets is the stronger (egalitarian) conclusion that global luck egalitarianism allegedly leads to: that any society of moral beings is immediately burdened with ongoing distributive commitments to regulate inequality the moment a less well-off (but still thriving) society within contact is discovered.

In defence of global luck egalitarianism against this *reductio* argument, it seems to me that three responses are available. (The first two are perhaps weaker responses and also independent of my institutional luck egalitarian view; but a third and stronger response is available to my institutional luck approach.) The first, and weakest, response is to deny the intuition that it would be absurd to have distributive commitments towards space aliens who are (merely) worse-off (as opposed to space aliens who are going to perish without our help). Opponents of global luck egalitarians seem to take the intuition for granted, and I just want to flag the possibility that there might be some room for debate over this.⁵⁰ But this, I will concede, is a weak response for it simply denies the intuition of anti-global luck egalitarians by offering a counter-intuition (and not an argument).

The second, less weak, response accepts the intuition that something is amiss in the conclusion that earthlings now have distributive commitments to the aliens, but it clarifies and relocates the source of this misgiving. What is unacceptable is not the fact of an additional distributive obligation to moral agents with whom we have had no ongoing relations *per se*. Rather, what is unacceptable is the taking on of this new duty of justice towards strangers in the context of multiple severe but avoidable failures of justice at home (on earth). That is, I would hazard that many of us who sense a tension in the claim that we can have distributive obligations to newly discovered beings feel this way because we think it is inappropriate that we should take on new duties of justice when we are currently failing so miserably and avoidably at home. (Why should we take on new duties of justice abroad when there are gross injustices that need to be corrected at home?) So what is wrong in accepting new distributive duties to these creatures is the way we would then appear to prioritize our duties of justice (while further neglecting those at home).

So, the first response denies the intuition altogether that it is morally absurd to say that we can have duties of justice towards strangers with whom we have had no

relations, and the second response accepts the intuition but brings into play the larger background context of prevailing injustices to explain what is really wrong with our taking on new duties. Granted these are rather weak reactions to the *reductio* challenge that will need further defence. But they at least suggest that one ought not to endorse too complacently, without more reflection, the critics' charge that this new distributive commitment would be morally absurd.

But a third and more decisive response is available to my institutional position. This response accepts the intuition that it would indeed be absurd for earthlings to have to attend to the distributive claims of these space aliens, *but denies that luck egalitarians are committed to the absurd conclusion*. Recall that on the institutional luck egalitarian position (that I am proposing), natural facts are in themselves neither just nor unjust. It is how institutions handle natural facts, whether institutions turn these facts into social advantages or disadvantages for persons, that generates questions of justice. Thus on my institutional luck egalitarian view, the fact that a society is worse-off just because of the natural order of the universe in itself does not pose a problem of distributive justice. Again, if events were such that some beings would be in severe straits without assistance, there could be considerations based on decency or humanity to assist them. But distributive justice is a different matter. Just because some others have to make do with less, where the managing with less is not life threatening or, more importantly, at odds with any conception of human decency, does not by itself present a challenge for distributive justice. Thus, nothing on my luck egalitarian account forces the egalitarian to say that we can have duties of egalitarian distributive justice to newly discovered space aliens *just because* they are unluckily less well-off than we are. So if we accept that it is in fact absurd that human beings ought to take on new ongoing distributive burdens whenever new moral agents are discovered, this is not a consequence that my luck egalitarian position is forced into. The *institutional* character of my global luck egalitarian view blocks this slide into absurdity.

So my account is not absurdly overly demanding, as the *reductio* argument alleges. But, on the other hand, nor is it overly harsh. It does not say that we have no duties whatsoever to newly discovered beings. If, for example, we need to provide limited-term humanitarian assistance to these aliens without which they would suffer severely, nothing on my luck egalitarian account says we couldn't. Indeed, my account also plausibly allows for the assisting of these aliens even if their dire condition is due to bad choices of their own.

Now it will of course be a different story if, continuing with the space fantasy, there are in place and in effect intergalactic institutional expectations, norms and regulations that limit what these aliens can do to better their situation. If for example, they are expected under this galactic institutional order not to enter earth and exploit its resources without the consent of earthlings; or if they are expected not to harvest resources in outer space in ways that can have negative impact for earthlings (say they may not redirect the sun's energy for their own benefit). In this case, then it is not just a matter of cosmic luck that these aliens are poorer than us but ultimately the result of how affective common institutions have

combined with the natural fact of the universe. But for the institutional order that they accept and that we expect them to accept, these aliens could do better (by exploiting common resources say to our own disadvantage). Under this institutionalized setting, where there is in place an institutional order that renders certain facts of nature into actual disadvantages for the aliens, the luck egalitarian view would support a distributive commitment. And this is hardly counter-intuitive.

What is really of significance is that the global order is more like the revised fantasy just constructed than the one originally offered by the *reductio* argument. What is morally significant about our world is not simply certain facts of nature, such as the spread of natural resources, the geographical locations of people's birth and existence, but the fact of various global norms, regulations and expectations that turn these natural facts into actual advantages for some and disadvantages for many persons. Thus while I claim luck egalitarians can accept the intuition that earthlings can have no distributive commitments towards space aliens with whom we have no prior and ongoing interaction and relations, the situation on earth is far from analogous to such a scenario. So accepting this intuition does nothing to compromise the case for global egalitarianism on luck egalitarian grounds.

Is it not a matter of luck, at least to some degree, whether a social arrangement is in fact impinging on people, one might challenge? If so, should a luck egalitarian not be committed to alleviating luck all the way down, and not be concerned only with institutionally derived disadvantages in the way I am suggesting? After all, aren't the space aliens in the example quite unlucky that we have not opted to impose some common arrangements on them? So shouldn't a committed luck egalitarian take steps to correct for this instance of bad luck, and in fact be committed to establishing some shared institutional scheme with the aliens? This objection is meant to call into question the coherence of an institutional approach to luck egalitarianism. But, in reply, the objection makes little sense: it is akin to saying that, since whether or not the circumstances of justice obtain is a matter of luck, luck egalitarians ought to be concerned with implementing justice even when justice considerations do not arise. The obtaining of the circumstances of justice is necessary (and sufficient) for introducing luck egalitarian considerations about justice (if one were a luck egalitarian), but luck egalitarianism itself does not define the circumstances of justice. The *institutional* luck egalitarian account defines the site and conditions of justice in a particular way, and it holds that it is sufficient that there are social arrangements that impact people's lives for considerations for justice to arise. Perhaps other objections can be brought to bear against the basic idea that institutional impact is a sufficient precondition of justice. But to say that the fact of impact itself is a matter of luck and so beginning from an institutional perspective is not compatible with luck egalitarianism confuses the conditions that give rise to considerations of distributive justice with what justice itself demands. Now one might insist that the basic luck/choice principle determines the circumstance of justice – that considerations of justice ought to arise whenever anyone is subject to bad luck. But as has been argued, this understanding of luck/choice principle as a basic moral principle that applies across the moral realm is hardly

the only or default understanding of luck egalitarianism. Indeed, as the discussion has suggested, this is a rather implausible way of conceiving luck egalitarianism, and hence a more modest and moderate approach is being offered here instead.

Conclusion

I have tried to argue that the luck/choice principle in luck egalitarianism is a plausible and promising grounding principle for distributive equality. One key claim is that it is not just natural luck itself that is a matter of justice but the interplay between institutions and luck that generates questions of justice. And I tried to show how this institutional luck egalitarian account can serve as a viable basis for global egalitarianism. I have of course not shown what the substantive global distributive principle ought to be, and a complete defence of global luck egalitarianism will eventually have to offer such a principle (thus addressing questions of ‘what’ to distribute globally as well as ‘how’ to distribute). But my aim in this article is to try revive luck egalitarianism as a grounding principle of equality and of global equality specifically, and I hope to have done enough to motivate further exploration and refinement of luck egalitarianism as a candidate account of why global distributive equality matters.

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Notes

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3. Samuel Freeman (2006) *Justice and the Social Contract: Essays on Rawls*, esp. chs 8 and 9. Oxford: Oxford University Press. Joseph Heath (2005) ‘Rawls on Global Distributive Justice: A Defense’, *Canadian Journal of Philosophy* suppl. vol. 31: 205–6.
4. See e.g. the influential papers by Michael Blake (2002) ‘Distributive Justice, State Coercion, and Autonomy’, *Philosophy and Public Affairs* 30(3): 257–96; Thomas Nagel (2005) ‘The Problem of Global Justice’, *Philosophy and Public Affairs* 33(2):

- 113–47; and Andrea Sangiovanni (2007) ‘Global Justice, Reciprocity, and the State’, *Philosophy and Public Affairs* 35(1): 3–39.
5. But for recent insightful and thorough responses to these objections on their own terms of why equality matters, see Simon Caney (2008) ‘Global Distributive Justice and the State’, *Political Studies* 57(3): 487–518; and Arash Abizadeh (2007) ‘Cooperation, Pervasive Impact, and Coercion: On the Scope (Not Site) of Distributive Justice’, *Philosophy and Public Affairs* 35(4): 318–58.
 6. See for instance the criticisms in David Miller (2007) *National Responsibility and Global Justice*. Oxford: Oxford University Press.
 7. Rawls (1971) *A Theory of Justice*. Cambridge, MA: Harvard University Press. So while some libertarians do offer accounts of distributive justice, they don’t offer accounts of *egalitarian* distributive justice. And see Paula Casal (2007) ‘Why Sufficiency is Not Enough’, *Ethics* 117: 296–326, for discussions on how sufficientism is not egalitarianism.
 8. As David Miller puts it, a distributive principle is ‘comparative in form – it specifies how people are to be treated relative to one another’. Miller (1988) ‘The Ethical Significance of Nationality’, *Ethics* 98(4): 660.
 9. This problem is clearly articulated in Nagel (n. 4).
 10. John Rawls (1998) *The Law of Peoples*. Cambridge, MA: Harvard University Press. Although Nagel (n. 4) sees himself to be defending Rawls’s position, some commentators think that Nagel’s account of humanity duty provides a more minimalist commitment than that affirmed in Rawls’s duty of assistance. See e.g. Joshua Cohen and Charles Sabel (2006) ‘Extra Rempublicam Nulla Justitia?’, *Philosophy and Public Affairs* 34(2): 148–75. But whether this is so depends on how ‘humanitarianism’ is to be defined within Nagel’s framework, and it seems to me that nothing in Nagel’s discussion precludes a more robust definition of humanitarianism that can include the duty to assist societies support decent functioning institutions as in Rawls. In any case what is without dispute, and of relevance to this article, is that Nagel, like Rawls, rejects global distributive equality, and like Rawls holds the view that what global justice requires is that all person are able to reach a certain developmental threshold.
 11. It is important to note that while humanitarianism is a form of sufficientism in that it defines a threshold of resource allocation, not all sufficientist theories are humanitarian, for some do set the threshold above basic needs and define the threshold for members of a social order of some kind rather than for persons in general. Arguably, Rawls’s duty of assistance in his *The Law of Peoples* is a sufficientist account of distribution that is not merely a humanitarian in the standard sense, committed as it is to the more demanding goal of ensuring that societies are able to support decent and functioning institutions.
 12. Richard J. Arneson (1989) ‘Equality and Equal Opportunity for Welfare’, *Philosophical Studies* 56 (1989): 77–93, and (2000) ‘Luck Egalitarianism and Prioritarianism’, *Ethics* 110(2): 339–49; G. A. Cohen (1989) ‘On the Currency of Egalitarian Justice’, *Ethics* 99: 906–44; Ronald Dworkin (2000) *Sovereign Virtue*. Cambridge, MA: Harvard University Press. Dworkin (2003) ‘Equality, Luck and Hierarchy’, *Philosophy and Public Affairs* 31(2): 190–206; Philippe Van Parijs (2003) *Real Freedom for All*. Oxford: Oxford University Press. See also Roland Pierik (2006) ‘Reparations for Luck Egalitarians’, *Journal of Social Philosophy* 37(4): 423–40, for an attempt to extend luck egalitarian arguments to reparations for past injustices.
 13. Elizabeth S. Anderson (1999) ‘What is the Point of Equality?’, *Ethics* 109(2): 287–337; Samuel Scheffler (2003) ‘What is Egalitarianism?’, *Philosophy and Public Affairs* 31(1): 5–39, and (2005) ‘Choice, Circumstances, and the Value of Equality’, *Politics*,

Philosophy and Economic 4(1): 5–28; John Rawls (2001) *Justice as Fairness: A Restatement*, ed. Erin Kelly, e.g. pp. 130–3. Cambridge, MA: Harvard University Press. Anderson explicitly refers to her alternative to luck egalitarianism as ‘democratic equality’. Scheffler calls his account the ‘social and political ideal of equality’ which treats distributive equality to be grounded on the more fundamental concern for the equal status of democratic citizens (2003, pp. 22–3; 2005, p. 18). For Rawls, ‘democratic equality properly understood requires something like the difference principle’. *Justice as Fairness*, p. 49. I thus use the term ‘democratic equality’ broadly to refer to these accounts of the point of equality. Rawls is sometimes perceived as a luck egalitarian, but for discussion on how Rawls is not a luck egalitarian, see Freeman, ‘Rawls and Luck Egalitarianism’ (in n. 3); and Scheffler, 2003, pp. 24–31.

14. Although distributive equality among citizens will also be instrumentally beneficial for democratic politics by way of making democratic political processes fairer among other things, it is important to note that equality is not justified under democratic equality simply in this instrumental sense. Rather, equality in distribution is justified ultimately in that this commitment is constitutive of the commitments of democracy. It is part of what it means to be in a democratic relationship with each other that we take an interest in our relative economic standing, among other interests. For this reason, I note that equality is *derivative* of rather than *instrumental* to the ideal of democracy or democratic reciprocity. I thank Darrel Moellendorf for his questions on this point.
15. See Rawls’s remarks that the difference principle, or something like it, ‘is essential to democratic equality once we view society as a fair system of social cooperation between free and equal citizens from one generation to the next’ (n. 13), p. 133, also p. 6. See also Samuel Freeman who writes, ‘Distributive justice is ... part of the larger question of how to fairly structure economic and property relations among socially cooperative productive agents, who regard themselves as free and equal.’ Freeman (2006) ‘Distributive Justice and the Law of Peoples’, in R. Martin and D. Reidy (eds) *Rawls’s Law of Peoples: A Realistic Utopia?*, p. 257. Oxford: Blackwell.
16. The terms ‘direct’ and ‘derivative’ arguments for equality is from Beitz (2001) ‘Does Global Inequality Matter?’, *Metaphilosophy* 32(1–2): 95–112. See also T. M. Scanlon (2003) ‘The Diversity of Objections to Inequality’, in Scanlon, *The Difficulty of Tolerance*. Cambridge: Cambridge University Press. Rawls (n. 10).
17. See Rawls (n. 10); Nagel (n. 4); Freeman (n. 15); Heath (n. 3); and David Miller (2005) ‘Against Global Egalitarianism’, *Journal of Ethics* 9: 55–79.
18. Here it is important to recall an earlier remark that these anti-global egalitarians do not deny that there are no global duties as such. They will accept that there are duties of assistance (Rawls) or duties of humanitarian aid (Nagel), but these are not duties of distributive egalitarian justice in that these humanitarian duties or duties of aid only aim to help societies reach a determined and specified level of social development and do not function to regulate inequality between societies as such above the specified threshold.
19. See Beitz (n. 1); Pogge (n. 1); Caney (n. 1). Caney (2001) ‘Cosmopolitan Justice and Equalizing Opportunities’, *Metaphilosophy* 32(1–2): 113–34. Moellendorf (n. 1), pp. 78–80. Also Cecile Fabre (2005) ‘Global Distributive Justice: An Egalitarian Perspective’. *Canadian Journal of Philosophy*, suppl. vol. 31: 139–64; Brown (n. 2).
20. For a view on globalizing the democratic ideal, see Carol Gould (1988) *Rethinking Democracy*. Cambridge: Cambridge University Press. Gould (2004) *Globalizing Democracy and Human Rights*. Cambridge: Cambridge University Press.

21. For attempts to extend democratic equality (broadly construed) to the global domain, see Beitz (n. 16).
22. Anderson (n. 13); Scheffler (2003, 2005, in n. 13).
23. Anderson (n. 13), p. 335.
24. Ibid. pp. 302ff.; Jonathan Wolff (1998) 'Fairness, Respect and the Egalitarian Ethos', *Philosophy and Public Affairs* 27(2): 109–13.
25. Anderson (n. 13), pp. 312–16; Scheffler (2003, in n. 13), pp. 21–4; Scheffler (2005, in n. 13).
26. Freeman (n. 3), pp. 132–5.
27. As an aside, I don't claim that all luck egalitarians will understand the domain, site and justificatory role of luck egalitarianism in the way I do, and so the fact that critics make the challenge they do is in part due to the way some luck egalitarians have conceived of their position (or at least failed to make explicit the limits of the luck egalitarian position). But nonetheless the luck egalitarian account I am offering is still fundamentally luck egalitarian even if it deviates from some standard accounts, so I will suggest.
28. The discussion in this section draws on arguments presented in greater detail in my (2008) 'A Defense of Luck Egalitarianism', *Journal of Philosophy* 105(11): 665–90; and (2008) 'Liberal Equality: What, Where and Why', in Cheryl Misak (ed.) *The Oxford Handbook of American Philosophy*. Oxford: Oxford University Press. In the former, I also note how my account differs from recent attempted defences of luck egalitarianism.
29. It is not that the luck egalitarian has qua luck egalitarian to deny that this person is entitled to basic assistance but that, luckily, other principles come to the rescue by trumping the luck/choice principle. Rather, luck egalitarianism, on my account, is silent about these sorts of questions because they fall outside its domain. The luck egalitarian is not forced to deny the imprudent social assistance qua luck egalitarian – the luck egalitarian simply has no comments qua luck egalitarian.
30. See e.g. Nagel's distinction between duties of humanitarian aid versus duties of distributive justice (n. 5); and Rawls's parallel distinction between duties of assistance and duties of distributive justice (n. 10). More generally, see Nagel's idea of the 'fragmentation of value' in (1979) 'The Fragmentation of Value', *Mortal Questions*. New York: Cambridge University Press.
31. Rawls's duty of assistance in *The Law of Peoples* is one of the principles of justice for the Society of Peoples, and imposes a demandable obligation on all decent and liberal peoples.
32. Nor does my distinction between duties of distributive justice and duties of assistance imply that the former is institutional and enforceable whereas the latter is neither institutional nor enforceable. First, duties of assistance can be institutional in that they can entail significant institutional commitments (e.g. the establishment of standing relief agencies; a source of continuous funding for such agencies; international recognition of the standing of such agencies and so on). Also they can require institutional reforms if certain humanitarian disasters can be shown to be provoked by prevailing institutionalized practices (such as climatically related disasters due to lack of or inadequate regulation of industrial activities). Second, duties of assistance are not merely charitable acts and left to discretion of agents. Like Rawls's duty of assistance in *The Law of Peoples*, these are duties that can be rightly demanded of agents in the name of justice. My point is that these are not distributive justice, following Rawls's own distinction. But ultimately, the nomenclature is unimportant so long as we can see that duties of assistance, though institutional and enforceable in the name of justice in the way described, are quite different from duties

of distributive justice in that the latter is commitment to regulating inequalities and hence is ongoing and comparative in the way that duties of assistance are not.

33. This point is addressed not so much to critics of luck egalitarians who would not, I think, deny this, but to luck egalitarians who might object to my attempt to limit the choice/luck principle to the domain of distributive justice on the grounds that poor choosers need not be entitled to assistance if a trade-off between them and wise choosers is necessary.
34. Rawls (n. 10), p. 337.
35. Pace Freeman (n. 3), pp. 134–5.
36. E.g. Rawls (n. 7), p. 15; 2001: 55.
37. Rawls (n. 7), p. 63.
38. See e.g. Susan Hurley (2003) *Justice, Luck and Knowledge*. Cambridge, MA: Harvard University Press. See response by Freeman in ‘Rawls and Luck Egalitarianism’ (n. 3).
39. While no luck egalitarians have claimed their principle to be fundamental for the whole of morality (though note some exceptions), few if any have actually explicitly made the case for the special domain of the luck/choice principle.
40. Beitz (n. 1). Pogge (n. 1). Moellendorf (n. 1), pp. 78–9; also Caney (n. 1) and Brown (n. 2).
41. That democratic equality and luck egalitarianism each offers different accounts of why equality matters of course does not mean that they must differ normatively in their substantive commitments. Both democratic and luck egalitarians can conceivably arrive at the same distributive commitments and principles for a society albeit for different reasons. E.g. we can imagine luck egalitarians coming to endorse the difference principle as the substantive principle, although Rawls himself arrives at this principle via a democratic equality. And democratic egalitarians can themselves depart substantively among themselves. E.g. Anderson and Rawls, though both are democratic egalitarians, do not share similar substantive distributive commitments, Anderson’s being rather more modest than Rawls, concerned primarily with capacity for democratic deliberation (Anderson (n. 13), p. 317). Moreover, as I noted in the opening section, even though the debate on global justice (to my mind) brings to the forefront the normative differences between luck and democratic egalitarianism, it is not in principle ruled out, as I also noted, that a case for global egalitarianism can be made on democratic equality grounds. Still, it is significant that, given each position’s different views as to why equality matters, different considerations and factors and fact are taken as relevant in their argumentation, and it is for this reason that luck egalitarians tend to be more disposed toward global egalitarianism than democratic egalitarians. The difference between democratic equality and luck egalitarianism is thus not solely theoretical and philosophical but does influence our normative views about equality, in particular our views about the global scope of equality, a subject that I will turn to in the next section.
42. *Ibid.*
43. For a recent discussion on the relationship between natural resource distribution and global institutions, see Tim Hayward (2006) ‘Global Justice and the Distribution of Natural Resources’, *Political Studies* 54(2): 349–69.
44. G. A. Cohen (2000) *If You’re an Egalitarian, How Come You’re So Rich?*, p. 130. Cambridge, MA: Harvard University Press.
45. Moellendorf (n. 1), p. 37. Indeed, this suggests that the absence of a global democratic order doesn’t make considerations of justice moot, but makes them even all the more salient. For discussions on the global democratic deficit see David Held (1992)

- 'Democracy: From City States to a Cosmopolitan Order?', *Political Studies*, special issue, 40: 10–39.
46. So while Moellendorf does not make explicit the connection between his luck egalitarian premises and his associative view of global justice, his global luck egalitarian account in the end may be institutional as well in my sense.
 47. It is also worth noting that what I have said of institutional impact differs from Pogge's account (2002) *World Poverty and Human Rights*. Cambridge: Polity Press. Pogge is concerned with the problem of abject poverty and his institutional approach refers to the harms institutions cause in this regard, whereas my project here is with distributive equality and I am concerned here with the inequalities due to institutional handling of natural facts.
 48. Van Parijs (2010) 'Global Distributive Justice', in Robert Goodin, Phillip Pettit and Thomas Pogge (eds) *The Blackwell's Companion to Political Philosophy*, pp. 638–52. Oxford: Blackwell.
 49. E.g. Cecile Fabre introduces and rejects this objection (n. 19), p. 151; and Michael Blake introduces and sustains a more down to earth version of this objection in (2001) 'Distributive Justice, State Coercion and Autonomy', *Philosophy and Public Affairs* 30(3): 257–96.
 50. Fabre (n. 19), pp. 151–2, offers such a response.