Political egalitarianism

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The term "political" egalitarianism is used here, not to refer to equality within the political sphere, but rather in John Rawls's sense, to refer to a conception of egalitarian distributive justice that is capable of serving as the object of an overlapping consensus in a pluralistic society.[1] Thus "political" egalitarianism is political in the same way that Rawls's "political" liberalism is political. The central task when it comes to developing such a conception of equality is to determine what constraints a principle of equality must satisfy in order to qualify as "freestanding," or to be justifiable in a way that does not presuppose the correctness of any one member of the set of reasonable yet incompatible "religious, philosophical and moral" doctrines that attract large numbers of adherents in our world.[2] (Rawls uses the analogy of a "module" in order to describe the way that a properly political conception of justice "fits into and can be supported by various reasonable comprehensive doctrines that endure in the society regulated by it."[3] Political egalitarianism would be "modular" in this sense.)

Rather than getting embroiled in the controversies that have arisen over Rawls's formulation of this idea, I would like simply to accept the intuition, widespread among political philosophers, that equality is the sort of principle that – if given a proper formulation – could satisfy the requirements of a political conception of justice. After all, regardless of what peoples' projects, values, or conceptions of the good life may be, it should be possible to design a set of arrangements that would provide equal opportunity to pursue these goals, or that would treat each conception of the good with equal respect, etc. From this perspective, the principle of equality resembles the principle of Pareto-efficiency, or certain formulations of the principle of liberty – it is one that everyone should be able to endorse, insofar as it does not privilege, or presuppose the correctness of, any particular set of projects, values,

1

conceptions of the good, etc. Yet despite this widespread intuition, and despite the role that Rawls played in provoking much of the contemporary discussion among egalitarians, very few egalitarians have paid much attention to the sort of constraints that a desire to keep things political would impose upon a conception of equality. Indeed, the version of egalitarianism that has attracted the most attention and debate among philosophers, so-called "luck egalitarianism," clearly violates several of the constraints that Rawls imposed upon freestanding conceptions of justice, and in several of its formulations is explicitly wedded to controversial metaphysical commitments.[4] This is quite perverse, since one of the central attractions of the principle of equality, as a component in a more general theory of justice, is that it seems like a good candidate for being given a freestanding formulation.[5] (Elizabeth Anderson has put the point more polemically, accusing proponents of luck egalitarianism of having become sidetracked by issues of "cosmic injustice," and thereby having "lost sight of the distinctively political aims of egalitarianism."[6])

In this paper, rather than attempting to specify a freestanding conception of equality, I will take on the somewhat more modest task of specifying some of the constraints that any form of egalitarianism should satisfy in order to qualify as such. Specifically, I will argue that political egalitarianism must be non-paternalistic in its application, that the egalitarian calculus must be based upon a public metric of value, and that the principle must be limited in scope to the benefits of cooperation. Before going on to this, however, I would like to show why luck egalitarianism in its standard formulation fails to qualify as a political conception of equality. My goal in doing so is not to criticize luck egalitarianism, but rather to plead for a partitioning of the philosophical discussion, so that different flavors of egalitarianism can be discussed and debated without necessarily being seen as rivals. More specifically, I want to suggest that political conceptions of equality should be developed and debated without the requirement that they be responsive to all of the "egalitarian intuitions" that are routinely trotted out in the literature. A political conception of justice *by its very nature* will fail to

speak to all of our moral concerns, and will fail to condemn all states of affairs that we regard as morally wrong. Yet this in itself is not an objection to a political conception of equality, unless it can be shown that the principles upon which this moral judgment is based can be given a freestanding formulation.

I

Everyone agrees that it is impossible to eliminate all inequality. Furthermore, even if it were possible to get a perfectly equal distribution (according to some conception of equality, with respect to some privileged *equalisandum*), things wouldn't stay equal for very long. The actions people take can be expected to disrupt any pattern of distribution that is established, and the intervention of unforeseen or uncertain events is likely to disrupt it even further. Some people will gain, others will lose. Thus a central problem for any egalitarian is to determine which of these deviations from the pattern of equal distribution represent an affront to the principle of equality, and which do not. A theory that permits too little in the way of deviation will quickly fall victim to the critique of "patterned" conceptions of justice advanced by Robert Nozick.[7] On the other hand, a theory that permits too much deviation starts to look less like a conception of equality, and more like a rhetorically misleading justification for inequality.

Against this background, we have available a common-sense distinction between deserved and undeserved gains and losses, along with the intuition that the former set should *not* be subject to egalitarian redistribution. Luck egalitarians argue that this distinction should be interpreted in terms of outcomes for which an individual is responsible and those for which she is not. In cases where the individual is not responsible – where the outcome is the product of "sheer luck"[8] – all gains or losses should be socialized, but not otherwise. Ronald Dworkin famously introduced the distinction between option luck and brute luck in order to provide an interpretation of this concept of responsibility.[9] If a particular loss is the product of a *choice* that an individual has made, then it is an instance of "option

3

luck," the individual is responsible for it, and so the loss should lie where it falls. If, however, it is not a product of any choice that the person has made, but is rather a matter of circumstance, then it is an instance of "brute luck," and the individual who suffers the loss should be indemnified. Thus the goal of the luck egalitarian is to eliminate the influence of brute luck, both good and bad, in the determination of peoples' fortunes.[10]

This suggestion is not nearly as straightforward as it seems. Nevertheless, many philosophers have found the analysis compelling, based largely on the moral intuition that leaving losses to lie where they fall, in cases where the individual has done nothing to bring them upon herself, is to hold that person responsible for an outcome even when she has committed no fault. There are of course many other ways of formulating the intuition.[11] Yet however one attempts to work it out, problems arise as soon as one tries to employ this framework for thinking about a political conception of equality. For example, one of the immediate consequences of luck egalitarianism is that it commits the egalitarian (*pro tanto)* to indemnification of the individual for any "accidents of birth or fortune," such as being born blind, or unable to conceive a child. Luck egalitarians consider such handicaps to be clear-cut instances of bad brute luck, for which the individual could not possibly be held responsible. Indeed, in many of its formulations, luck egalitarianism is essentially equivalent to a "patterned" conception of justice based on the formula: "to each according to his or her level of responsibility." Yet intuitions about luck and responsibility are notoriously culture-specific. The very concept of "brute luck" – as opposed to fate, or providence – is very much a product of a modern, secular, Enlightenment worldview. A lot of other people don't believe in "luck," and don't believe that handicaps are simply bad brute luck. The doctrine of original sin in the Christian tradition, along with the various theodicies that have been developed over time, were intended precisely to dissolve the appearance of arbitrariness in the distribution of natural misfortune and suffering. More dramatically, the luck egalitarian reason for believing that natural inequality is undeserved, and thus should be redressed by society, is rejected

by most people who believe in reincarnation. This is not a marginal belief system, but rather a view associated with Hinduism, Buddhism, Taoism, not to mention less numerous groups such as the Jain, the Druze, and adherents of the Jewish Kabbalah – all told, perhaps 25 per cent of the world's population. Not only do many adherents of these religious traditions hold the individual responsible for natural misfortunes such as congenital birth defects (or more specifically, hold the individual's soul responsible, for having committed some moral fault in a previous life), many also consider it essential that the individual bear the full weight of this burden, either as atonement for past faults, or as a way of securing a higher station in the next cycle of death and rebirth.

Those who reject this conception of responsibility typically do so because it relies upon a somewhat exotic metaphysics, which allows individuals (as defined by a problematic conception of personal identity) to "cause" (according to an equally problematic notion of causation) their own natural endowments. Yet while this worldview may not be scientific, it clearly belongs to a "reasonable" comprehensive doctrine in Rawls's sense of the term.[12] (Or to put the point more broadly, it belongs to a doctrine that is *no more* unreasonable than many of the Christian belief systems that political liberals are typically at pains to accommodate.) Furthermore, it is not clear that luck egalitarians have a less controversial story to tell about either personal identity, causality, or the relationship between responsibility and causation.[13] But regardless of how good either story is, the point is that a truly *political* conception of equality should not need to have any such story at all. It should be able to provide considerations that speak in favor of particular distributive arrangements *regardless* of what people's broader cosmological views happen to be. The problem with luck egalitarianism is that all of the specific judgments it renders about which inequalities are acceptable and unacceptable depend upon chains of reasoning that presuppose precisely the sort of metaphysical commitments that a political conception of justice needs to bracket, in order to secure agreement in a pluralistic society.

Many luck egalitarians have noticed that the central role assigned to responsibility in their

doctrine creates difficulties, simply because responsibility is a notion that tends to be interpreted in the light of more comprehensive moral and metaphysical doctrines.[14] G.A. Cohen, for instance, has observed that the strategy of defining responsibility in terms of what an agent has *chosen* runs the risk of landing "political philosophy in the morass of the free will problem" and of subordinating "political philosophy to metaphysical questions that may be impossible to answer."[15] He suggests, however, that this may be just "tough luck," and that there may be no alternative but to follow the argument "where it goes."[16] He is unperturbed by the Rawlsian thought that, while luck egalitarians are busy convincing Christians that there is no such thing as original sin, and Hindus that there is no such thing as reincarnation, members of society at large still need a theory of justice to govern their institutions, a theory that must incorporate some conception of equality. Carl Knight, in his "metaphysical" defense of luck egalitarianism, suggests convening a "*responsibility committee* composed of some of the leading authorities on the relevant metaphysical issues"[17] to settle these questions. Anyone who has doubts about this proposal will be inclined to think that society will require a "political" conception of equality, at least until such time as the responsibility committee issues its report, and that such a conception of equality cannot be founded upon a "thick" conception of responsibility like the one that luck egalitarians typically presuppose.[18]

Again, the point here is not to criticize luck egalitarianism, but simply to show that it is not a good candidate for adoption as a political conception of equality, because it relies upon moral notions that are too closely tied to a particular comprehensive doctrine. One might want to draw the conclusion, as Knight does, that the metaphysical embeddedness of luck egalitarianism shows that *every* egalitarian doctrine necessarily presupposes a broader metaphysical view. I think this would be premature, simply because egalitarians have not spent enough time thinking about what it would mean for a conception of equality to be political, and so have not taken many pains to formulate conceptions of equality able to satisfy the relevant sort of constraints. Before deciding that equality *cannot* be political, it would be

better to strive for greater clarity about what the need to keep things political would entail for egalitarian doctrine, and what specific constraints it would impose.

II

The most lively debate among egalitarians in the past two decades has been over the "equality of what?" question. We can refer to the allocation that each person receives under a particular regime of distributive justice as his or her "endowment." What should that endowment consist of? In other words, what is the appropriate *equalisandum* for a theory of justice (or as Cohen put it, what is the *currency* of egalitarian justice)? Numerous more-or-less plausible suggestions have been made: expected utility, opportunities for welfare, capabilities, access to advantage, primary goods, resources, etc.[19] Underlying this debate has been an awareness that many traditional measures of inequality used by economists, like the Gini coefficient, are almost always used in a way that privileges certain conceptions of the good, because they represent inequalities in the distribution of *income*. Since not all people value material wealth equally, even a society with a Gini coefficient of zero could not be described as equal in any satisfactory sense without further investigation. To take just one obvious example, such a distribution could be compatible with massive inequalities in life expectancy.

The "equality of what?" debate has therefore been informed by an understanding that the desire to avoid controversial commitments regarding questions of the good life imposes important constraints upon the choice of *equalisandum*. In his seminal article "Liberalism," Dworkin argued that both "liberals" and "conservatives" are in fact committed to equality, the difference is simply that conservatives are committed to a type of "perfectionist egalitarianism," in which they take it upon themselves to specify the true nature of the good, then attempt to achieve equality with respect to the distribution of that good.[20] "Liberal egalitarians," by contrast, are those who recognize the existence of intractable, yet reasonable disagreement about the nature of the good, and so attempt to achieve equality

7

in the distribution of "the good" without privileging any one conception. They strive, in other words, for some conception of the good that is *neutral* with respect to more particular conceptions.[21]

It seems reasonable to suppose that a political conception of equality would have to be liberal in this sense. The technical problem for liberal egalitarians is that treating "the good" as merely a placeholder makes it much more difficult to determine what counts as an equal distribution, or to decide how a society should go about trying to achieve it. Roughly speaking, a conception of equality requires both an *equalisandum*, which tells us what we are seeking to distribute, and a system of evaluation, which tells us how to determine what any particular endowment is worth. Yet the social environment in which the theory of justice is to be applied is characterized by a heterogeneity of both goods and preferences, and this heterogeneity is deeply intertwined with the fact of pluralism. This is not a problem for the perfectionist egalitarian, who is prepared to impose his own judgment on either question. But it is impossible for the liberal egalitarian to pick out just one concrete good as the *equalisandum*, or just one set of preferences as the basis for evaluation, without privileging one particular conception of the good. Thus neutrality imposes two general constraints, which are closely tied to one another:

A broad *equalisandum*: First, a system of institutions that determines the distribution of some particular good, valued by some people, quite equally, but tolerates considerable inequality in the distribution of some other good, valued by some other people, simply because that good is not considered part of the *equalisandum* for the prevailing conception of justice, is unlikely to attract an overlapping consensus. Thus what counts as the individual's endowment, from the standpoint of evaluating the equality of a distribution, must not be partial to one conception of the good, in the sense that it must not *leave out* something that one segment of the population considers to be an important component of the good life. For example, when applied to quality of life it must not include income but

8

leave out life expectancy, or focus entirely upon material goods and ignore language and culture.[22] Of course, for any particular one of these goods, it may be perfectly permissible for the distributive mechanism to allocate a quantity of zero to that segment of the population that does not value it; the important point is merely that the conception of justice must count the distribution of that good as an element of each individual's endowment, and thus treat it as making a contribution to the justice or injustice of the overall distribution.

The easiest way to achieve this is to pick out something like preference-satisfaction (i.e. utility) as the *equalisandum*, with the understanding that the individual can have preferences over any state of affairs whatsoever. In this way, the theory of justice will be completely vacuous with respect to conceptions of the good (or as Richard Arneson puts it, "the substantive content of the good is so to speak an empty basket that gets filled in by whatever happen to be the objects of people's considered preferences"[23]). What the theory seeks to distribute out equally will be whatever individuals care about, no more and no less. If anything is "left out" of the *equalisandum*, it will be because individuals themselves all leave it out when it comes to determining their own conceptions of the good.[24]

Defining the *equalisandum* at this level of generality does have the potential to create difficulties down the line, especially when it comes to practical problems like measurability. Thus it is worth emphasizing that the strategy of abstraction is not the only way of ensuring that the *equalisandum* is sufficiently broad. The problem can also be addressed by limiting the scope of the distribution problem. Arneson's approach to egalitarianism takes as its point of departure the assumption that, for any given individual, "our moral concern attaches to how well or badly her life as a whole is going."[25] Thus he proposes that the egalitarian planner construct an enormous decision tree for each individual, mapping out all the choices that each person could make over the course of her life, including the preferences that she might cultivate, then try to equalize the "preference satisfaction expectation" for all individuals.[26] Naturally, with such an expansive conception of the egalitarian

project, the *equalisandum* will have to be very general indeed. It is possible, however, to conceive of the egalitarian project in more modest terms. Dworkin, for instance, although officially committed to "whole-life" egalitarianism, introduces his commitment to resource egalitarianism through a thought-experiment involving a group of shipwreck survivors arriving on a deserted island, who decide to divide up all the resources on the island among themselves in accordance with some conception of equality. This is a more limited problem, which involves a number of tacit domain restrictions: first, only what is on the island is to be divided up, second, it need only be divided up among the survivors, and third, only advantages or disadvantages arising after the arrival on the island are at issue. Once the distribution problem is trimmed down in this way, it becomes a lot more plausible to suggest that the *equalisandum* should be the resources on the island, rather than welfare – although even then there are problems, since the notion of resources must be formulated very broadly in order to avoid charges of partiality toward particular conceptions of the good.[27] Many other theorists conceive of egalitarianism in even more restricted ways, seeking only to develop principles for "cutting-the-cake" style division problems, such as divorce settlements or inheritance problems.[28]

One slightly more dubious option is to specify some *partial* set of what Anderson calls "neutral goods" as the *equalisandum* of the theory, without claiming that equalizing with respect to these goods will produce more general equality of condition.[29] In *A Theory of Justice*, for instance, Rawls identifies the set of primary goods as "things which it is supposed a rational man wants whatever else he wants,"[30] and then defines his principles of justice in terms of the distribution of these goods. He later shifts towards a definition of primary goods as those that serve the "the higher-order interest" of citizens in developing and exercising the "two moral powers."[31] In both cases, he is striving to identify goods that are valued by everyone, regardless of their more particular conceptions of the good. It is, of course, not clear that he succeeds in doing so. Many have suggested that the appeal to the "two moral powers" represents an attempt to smuggle perfectionism in through the back door.[32] Whether or not this

is true, it is certainly not obvious that the underlying conception of moral agency can be given a freestanding formulation.

Yet there is an even more obvious problem with the neutral goods strategy. The proposal involves partitioning the set of goods into those that will be subject to egalitarian distribution and those that will not (on the grounds that the former can be dealt with in a manner that is neutral, while the latter cannot). Yet the redistribution that occurs within the first set is almost guaranteed to have distributive consequences within the second as well. For example, in the case of private goods, we happen to have a neutral good that can serve as a stand-in, viz. money. In the case of non-market goods (e.g. leisure time, linguistic competence[33]) or goods that happen not to be available due to market failure (e.g. many types of insurance), we do not. Yet there are clearly economic interdependencies between all of these goods (not to mention limitations on the powers of the state to tax and redistribute). As a result, circumstances may arise in which a more egalitarian distribution of some neutral good can only be achieved by reducing the general availability of some good that falls outside the scope of egalitarian distribution, or affecting its distribution in a way that is highly detrimental to some particular class of persons. Rawls's primary response to these sorts of problems was to expand the list of primary goods, as necessary, in order to disarm complaints (by adding, for example, both public goods and leisure to the list).[34] Yet this reveals the problem with the neutral goods strategy as a whole – even if the goods on the list are themselves neutral, the fact that the list is only partial is likely to generate reasonable disagreement. This suggests that the more preferred strategy would be to start out with an *equalisandum* that is as broad as possible, relative to the scope of the distribution problem.

Subjectivism with respect to value: Consider John Stuart Mill's dictum, that "the sole evidence it is possible to produce that anything is desirable is that people do actually desire it."[35] As a philosophical claim this is controversial. It does, however, seem like a plausible constraint to impose upon any

conception of value intended to inform a political theory of justice. After all, even it is not the *only* proof, it does seem like the only sort of proof that could claim, with even *prima facie* plausibility, to be freestanding with respect to any private comprehensive doctrine. Thus there are reasonable philosophical grounds for thinking that a political conception of equality would need to be paired with some sort of subjectivism with respect to value. (It is worth keeping in mind, though, that this does not commit anyone to a subjectivist conception of the good at the philosophical level. It just means that, for *political* purposes, the only values that count will be those that individuals in fact hold.)

There are also some less philosophical, more technical considerations that push liberal egalitarians in the direction of subjectivism, even among those who are not welfarists. These have to do with the question of how tradeoffs are to be handled. Tradeoffs are not a problem when the *equalisandum* is homogeneous (e.g. money, utility), since one can safely stipulate that everyone prefers more to less.[36] Buy when one starts distributing mixed baskets of goods, it becomes difficult to say who has gotten more and who has gotten less. In particular, the concept of "equalizing" a bundle of goods across persons is meaningless, until some basis for comparing different quantities of different goods *against each other* is provided. Is a person who gets $100,000 in lifetime income more than her neighbor, but two years less life expectancy, better or worse off? In order to answer this question, one must have some idea what an extra year of life expectancy is "worth" in terms of money, or what sort of tradeoffs between the two are acceptable. But of course, in a pluralistic society, these sorts of tradeoffs are precisely the sort of thing that people will disagree over. If one tries to pick some "objective" standard of value, in order to do these calculations, the standard is likely to coincide with the system of values endorsed by only a segment of the population, and will thus generate reasonable objections from the rest. Thus liberal egalitarianism would seem to require some form of subjectivism with respect to value. Furthermore, it is not just welfarists who must adopt this commitment; all political egalitarians must, because it is subjective preference (whether individual or aggregated) that provides the only

plausible basis for determining the value of any endowment, regardless of what this endowment consists of.

It should be noted that the pressure toward subjectivism arises in part from the rather demanding nature of the principle of equality. A principle of sufficiency, or one that merely assigns priority to the interests of some, can often avoid dealing with the problem of tradeoffs, simply by not requiring them. For example, because the principle of sufficiency has cut-offs, a reasonably wealthy society is able to ensure that everyone has satisfactory access to "adequate nutrition," "physical mobility," "the postal service,"[37] and so on. Thus a "sufficientarian" such as Anderson need not worry about whether an extra dollar should be spent satisfying nutritional needs or mobility rights. An egalitarian, on the other hand, not only needs to worry about such things, but also has to take into consideration the rate at which marginal returns diminish in each category of goods, precisely because she needs to determine when various bundles of heterogeneous goods should be counted as "equal." This is what creates the pressure toward subjectivism.

I mention this because two leading proponents of a political conception of justice, Rawls and Anderson, have both tried to avoid subjectivism by designating a "neutral" criterion for determining what sort of weight should be assigned to different goods (focusing upon the mix of goods required for "equal citizenship").[38] Yet insofar as this is plausible, it is because they both endorse principles of justice that only require specification of a minimum – Anderson explicitly so, Rawls implicitly (because he is only concerned with the worst-off representative individual). The egalitarian, on the other hand, is attempting to specify a principle that requires comparison of total endowment across all individuals (e.g. the principle of equality imposes constraints upon the way that goods should be distributed not just between upper and lower income brackets, but within the upper brackets as well). Yet as the richness of the endowment that falls under the scope of the principles of justice grows, it becomes increasingly implausible to think that individual discretion should not be the basis for

determining the acceptability of tradeoffs.[39] It is one thing to dictate how much should be spent satisfying basic health care needs, but quite another to specify, without reference to individuals' own preferences, how much income should be "worth," relative to health, in a rich country where average life expectancy exceeds 80 years and close to 10 per cent of lifetime income is spent on health care.

Yet while egalitarianism may create some pressures toward subjectivism, it also generates tensions. This is because many people have preferences that, when taken at face value, generate distributions that seem *prima facie* inequitable. In particular, there has been considerable discussion of "downwardly adapted preferences" in the literature on egalitarianism, e.g. with the so-called "tamed housewife" problem.[40] Most people's preferences reflect, to a greater or lesser degree, some conception of what they consider attainable, or what they might reasonable expect to receive. People born and raised in disadvantaged social circumstances may therefore have preferences that lead them to be quite easily satisfied. People raised in affluent surroundings, by contrast, are often notoriously difficult to please. If these preferences are taken at face value, certain forms of egalitarianism can have the perverse consequence of shifting resources away from the former group toward the latter.

One can always add the usual constraints on preferences, such as requiring that they remain stable under any improvement in information conditions, that they not be the product of manipulation, intimidation or errors in reasoning, or that they not include "intrusive" or "external" concerns.[41] These "thin" constraints might conceivably pass a neutrality test. Yet most welfarist egalitarians have found that not all of the preferences they find problematic can be laundered out in this way. This creates a standing temptation to expand the conditions further. It is very easy, for example, to insist that only preferences that are formed "autonomously" count, from the standpoint of equality, but then to define autonomy in such a way that only the preferences of a secular enlightenment intellectual could ever count as being autonomously formed – or worse, to set things up so that the objectionableness of preferences (e.g. the mere fact that they are self-denigrating) serves as the principal evidence that they

were formed under less-than-fully-autonomous conditions.[42] When this happens, perfectionism is essentially being reintroduced through the back door.

At this point, the need to think "politically" calls for the exercise of genuine self-restraint on the part of the theorist. When considering the problematic preferences of others, it is important to distinguish objections that arise strictly from one's own private comprehensive doctrine from those that can be given a freestanding formulation. If we really think that some people should not want what they want, but we have excluded all of the influences whose exclusion could serve as the object of overlapping consensus (e.g. coercion, ignorance, envy), then the status of those preferences is no longer a political concern, and a political conception of justice must assign them the same status and respect as any other. We are not entitled to disregard other people's expressed preferences in favor of some conception of their "real interests." Thus a political conception of equality will not speak to all moral concerns, such as the problem of adapted preferences. The "tamed housewife" example, for instance, which is sometimes thought to be a decisive objection to liberal egalitarianism,[43] is not a problem for political egalitarianism, it is only relevant for moral egalitarianism understood as a private comprehensive doctrine. Adapted preferences should be regarded as a social problem rather than a political one. We are free to do our best, as private citizens, to change the preferences of others in such cases, but we should not try to organize our public conception of justice in such a way that these preferences get discounted.

To see how this analysis divides up the issues, consider Arneson's position *circa* 1990.[44] He believed that there was no way, consistent with liberal neutrality, of laundering out troublesome adapted preferences. Indeed, he argued that "it is hard to imagine how a strictly subjectivist view of healthy preference formation could be plausible."[45] Thus he defended a conception of "the good" that remained "subjectivist with respect to the content of people's preferences but perfectionist with respect to how (at least initially) preferences should be formed."[46] He then argued that a conception of the good

of this sort should serve as the currency of egalitarian justice.

Within this framework, one can think of the type of welfare that Arneson seeks to equalize as a product of two "laundering" procedures.[47] The first takes the agent's given preferences as input, then modifies them in order to exclude those that would not be endorsed after "ideal fully informed rational deliberation." The second applies a further perfectionist constraint, excluding preferences that would not have been developed under conditions suitable for human flourishing, according to some substantive conception of what these conditions are. The latter is intended to address the adapted preferences problem. The analysis presented here suggests that a political conception of equality can only discount preferences that would be excluded by the first laundering procedure, not the second. Satisfaction of the latter set of preferences must count as an improvement in that individual's condition, regardless of the moral objections that others may have with regard to those preferences.

In this respect, political egalitarianism must be more subjectivist with respect to value than various versions of moral egalitarianism need be. Indeed, in the face of serious disagreement about the hypotheticals involved even in the first type of laundering, a political conception of equality may simply have to take preferences as given, in the way that many economists do when they appeal to "consumer sovereignty." Pragmatic (e.g. informational) constraints may require egalitarians to work with a very stylized conception of what the relevant preferences are, but the goal must still be to track what individuals themselves value.

What these two constraints add up to, when it comes to institutionalizing egalitarian distributions, is a general *anti-paternalism constraint*. What individuals receive in their endowment should be, first and foremost, a reflection of what they themselves would like to see in that endowment. They should not be given more of some good than they want (and by implication, less of some other good), merely because someone else judges it to be in their best interest to have more of that good. This

generates a presumption in favor of fungibility in endowment (e.g. cash transfers over benefits in kind), and a strong presumption against restrictions on how the endowment can be used. Dworkin articulates this intuition in terms of what he calls the "principle of abstraction," according to which resources should be auctioned off in "as abstract a form as possible, that is, in the form that permits the greatest possible flexibility in fine-tuning bids to plans to preferences."[48] Examples that he gives in the domain of natural resources include auctioning off "iron ore" instead of steel, and "undeveloped land rather than fields of wheat."[49]

The suggestion that political egalitarianism imposes limits upon the paternalism of economic institutions may seem obvious to some, but it is in certain respects a surprising result. Since Mill, it has been widely appreciated that a commitment to something like *efficiency* will require a certain level of non-paternalism. The two constraints on political egalitarianism articulated above suggest that this sort of anti-paternalism constraint is imposed, not just by the principle of efficiency, but also by the principle of equality. A commitment to equality implies a commitment to certain forms of economic liberty, simply because maximizing individual freedom in the use of endowments is the only way of ensuring neutrality with respect to conceptions of the good.

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III

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Any conception of equality requires a metric of value. In order to say that two people have "equal" endowments, it is necessary to have some measure of "how much" each one has, for purposes of comparison. In a political conception of equality, the conception of value underlying this metric will have to be strongly subjectivist, i.e. based in some way upon the preferences that individuals have. But this immediately gives rise to a second problem, which follows quite directly on the heels of this subjectivism. How is the measure to be *scaled*, so that it can be used for comparisons across individuals? This is a problem that has been felt most acutely by welfarists, given the well-known

problem of "interpersonal comparisons of utility" for traditional utilitarianism, but it is in fact an issue for all egalitarians.[50] The question is whether the commitment to political egalitarianism changes the problem in any significant way, and in particular, whether it makes it any more tractable.

It is well-known that standard von-Neumann-Morgenstern utility functions can be used to represent the intensity of individual preferences, but cannot provide meaningful comparisons across individuals (i.e. they provide a measure that is cardinally measurable yet interpersonally non-comparable[51]). Thus considerable effort has been invested by welfarists in the project of formulating distribution mechanisms that are able to generate "equal" allocations without requiring interpersonal comparability. In particular, axiomatic bargaining theories such as the Nash or the Kalai-Smorodinsky bargaining solution, start by privileging "symmetric" bargaining problems as a way of picking out equal divisions of utility without interpersonal comparisons (since it is relatively trivial to do so in these special cases). They then impose additional axiomatic constraints that, in effect, allow the solution of symmetric bargaining problems to be projected onto asymmetric ones. The difficulty, as the proliferation of rival bargaining solutions suggests, is that different methods of projecting the solution from the "easy" symmetric case onto the "hard" asymmetric cases generate different solutions to the latter, and absent any more robust mechanism for deciding whether an allocation is equal, there is no real way to decide which method of projection is correct. So far, none of the proposed axioms have proven to be so intuitively compelling that they force widespread acceptance of the outcome that they privilege. Thus the attempt to do without an interpersonally comparable metric of value fails, because it generates a framework that is too informationally impoverished to permit an adequate specification of what equality requires in any particular case. As a result, a general consensus has emerged among welfarists that some new information will be required, above and beyond what is provided in standard utility functions, in order to determine what constitutes an "equal" division.[52] It is here, however, that the tendency to lapse into perfectionism also resurfaces.

The most straightforward approach to the scaling problem has been to search for a conversion key, one that would allow an observer to represent the value of one person's utility on the scale of someone else's.[53] The most promising proposal has involved positing a higher-order choice, in which the individual is asked to rank the attractiveness of "being person x with utility level $u_x(s)$," against the attractiveness of "being person y with utility level $u_y(s)$," where the utility levels in question are indexed to that particular individual having that individual's preferences.[54] This is like asking each person, "Would you rather by yourself, with your own preferences, and this level of satisfaction, or be someone else, with that person's preferences, and some other level of satisfaction?"

Some welfarists, such as Arneson, have been inclined to think that this move alone allows for interpersonal comparisons.[55] Yet as Ken Binmore points out, a preference ordering of this sort does not really establish a basis for comparing utility levels across persons, because the interpersonal comparisons of utility that it enables are still "idiosyncratic to the individual making them."[56] Without further assumptions, "there is nothing to prevent different people comparing utils across individuals in different ways."[57] Thus the introduction of higher-order preferences only pushes the problem back one step – it tells us how each individual compares the satisfaction level achieved by other individuals, but these comparisons are themselves still noncomparable across individuals.

Binmore goes on to ask: "Under what circumstances will these different value judgments be the same for everybody in society? Only then will we have an uncontroversial standard for making interpersonal comparisons available for use in formulating a social contract. Indeed, in the absence of such a *common* standard, many authors would deny that any real basis for interpersonal comparison of utilities exists at all."[58] It is important to keep in mind what Binmore is looking for here. He is not talking about a common standard for judging states of the world. He is seeking consensus on second-order preferences over combinations of preferences and states of the world – what he calls "value judgments." He is demanding, in other words, an answer to the question whether it is better to be

Socrates dissatisfied or a pig satisfied.

Different theorists have tried different strategies for developing such a common standard. John Harsanyi introduces interpersonal utility comparisons on the basis of what he calls "the *similarity postulate*, to be defined as the assumption that, once proper allowances have been made for the empirically given differences in taste, education, etc. between me and another person, then it is reasonable for me to assume that our basic psychological reactions to any given alternative will be otherwise much the same."[59] He goes on to suggest that this claim is "a nonempirical *a priori* postulate," since the *ceteris paribus* clause makes it "not open to any direct empirical test."[60] Serge-Christophe Kolm arrives at essentially the same position – positing a fundamental preference ordering that is the same for all persons – through a regress argument. What counts as the "situation" or state of affairs in the world can be redescribed and expanded in such a way as to include those capacities that make the individual able "to derive satisfaction or happiness from the situation."[61] Since this process can be repeated until every difference between individuals has been redescribed as part of the situation, it is *a priori* that there must be a fundamental preference ordering that is the same for all persons.

This sort of noumenalism is not especially helpful, especially when it comes to resolving concrete distribution problems.[62] Thus Binmore takes a more pragmatic tack, appealing to a theory of "social evolution" as a way of identifying a shared set of empathetic preferences.[63] Regardless of the details, however, it should be clear that all of these strategies are poor candidates for use in developing a political conception of equality, since they all involve a rather straightforward denial of the fact of pluralism. A *political* approach to the problem of calibrating the metric of value clearly would not involve any attempt to render individual preferences commensurable by positing an agreement or convergence at some level among individuals about the relative value of different ways of life. Instead, the goal would simply be to construct a metric of value to compare individual endowments, for the limited purposes of specifying a principle of distribution that could attract an overlapping consensus.

Thus a political conception of equality would have the following characteristic:

A public metric of value: Within the framework of a political conception of equality, each individual would have a private metric of value, which he or she would use to evaluate the merits of different proposed allocations from a personal point of view, but there would also be a public metric of value, which would be used to evaluate the *political* acceptability of these allocations. The conception of value underpinning this public metric would still be subjectivist, in the sense that the metric would be *based* in some way upon individual valuations. But the public metric would not *coincide*, except accidentally, with the private valuations of any one individual. Thus a political conception of equality would require that each individual receive an endowment that was of equal value, according to the public metric of value, but these endowments would typically not be of equal value according to any one individual's private standard. The distribution might not even seem equal, according to any individual's private conception of equality.[64]

Some egalitarian theories have such a dual structure, although it is generally an implicit feature and is not expressed in these terms.[65] Dworkin's resource egalitarianism, for instance, has this characteristic. What establishes the public metric, in his scheme, is the set of prices that emerge out of the auction mechanism. Each survivor is assigned 100 clam shells at the beginning of the auction (corresponding to an "equal" envy-free allocation[66]), and after the auction is run, each individual winds up with a bundle of resources that is worth exactly 100 clam shells. The fact that the price of each bundle is the same is what provides the guarantee that the allocation is equal (in Dworkin's preferred sense of the term). According to each individual's private evaluation, the distribution will not look very egalitarian, in the sense that most people would be willing to pay varying amounts less than 100 clam shells for any of the bundles that the others receive. It is only in terms of the public metric (i.e. the prices) that everyone has received a bundle of equal value. These prices are not supposed to reflect any

individual's own preferences, but rather the aggregate opportunity cost that the satisfaction of any one individual's preferences imposes upon all other persons. Thus Dworkin writes that, "equality of resources uses the special metric of opportunity costs: it fixes the value of any transferable resource one person has as the value others forgo by his having it. It deems such resources to be equally divided when the total transferable resources of each person have the same aggregate opportunity costs measured in that way."[67] As a result, rather than equalizing the value to each individual of an assigned bundle of resources (which is what the welfarist would be inclined to focus upon), Dworkin's scheme actually equalizes the *social cost* of assigning each bundle of resources to a particular individual. (In this respect, the contrast between "equality of resources" and "equality of welfare" is slightly misleading; what Dworkin is really proposing is to equalize an aggregate measure of *foregone* welfare, rather than the individual level of achieved welfare.)

Dworkin's egalitarianism therefore has two implicit metrics of value, the private value of a bundle as determined by each individual's preferences, and the public value as determined by the social cost of its consumption. The latter is based upon the former, in the sense that the "cost" of foregone consumption is determined by the preferences of individuals. Dworkin uses the market (or a Walrasian auction) as a mechanism both for revealing and aggregating these private preferences into a public metric of value. Unfortunately, it is only under conditions of perfect competition and with identical initial endowments that the market is able to generate a set of prices that can serve as a public metric of value that satisfies Dworkin's normative criteria.[68] This makes Dworkin's scheme quite problematic when applied in real-world conditions. For instance, the envy-freeness standard as such can only be used to partition the space of possible distributions into those that are equal and those that are unequal; it is unable to rank the unequal ones. In order to determine which outcomes are more and which are less equal, it is necessary to consider states of the economy that are generated by unequal initial allocations.[69] But the prices arrived at from such a point of departure no longer count as an acceptable

metric of value in Dworkin's view, because the foregone consumption of those with superior initial endowments is given greater weight in the calculation of the social cost than the foregone consumption of the poor. As a result, real-world prices cannot be used as a metric of value in any applied version of Dworkin's egalitarianism. In order to calculate an individual's "resource deficit" (which Dworkin proposes as a basis for the measurement of relative inequality[70]), one would need knowledge of the ideal prices that would have been arrived at in a hypothetical market or auction with equal initial endowments. Obviously, the need to know these hypothetical equilibrium prices eliminates most of the advantages associated with the use of the market as a revelation mechanism.

Thus the difficulty of constructing a public metric of value for a robust conception of equality should not be underestimated. Rawls's initial proposal for an "index" of primary goods, to be used in determining the relative value of mixed bundles, immediately attracted criticism from all sides, for precisely this reason.[71] In subsequent work, Rawls sought to circumvent the issue by denying that the index should be an aggregation of private preferences, and insisting that it also be politically determined (in much the way that he shifted toward a "political" specification of the primary goods themselves).[72] Thus he suggests that an appropriate index should be based upon a "partial conception of the good that citizens, who affirm a plurality of conflicting comprehensive doctrines, can agree upon for the purpose of making the interpersonal comparisons required for workable political principles."[73]

This statement is probably not as clear on the details as anyone would like it to be. It does, however, reveal quite clearly the constraint that any political conception of equality must satisfy. When it comes to determining what any given individual's endowment is worth, one cannot simply look to that individual's valuation of the endowment, since that provides no workable basis for comparison across persons. Yet one cannot disregard individual valuations either, since a metric of value that is too insensitive to these valuations will wind up assigning individuals all sorts of goods that they themselves do not want, and any such mismatch between private and public valuation will usually privilege certain

conceptions of the good over others. Thus what a political conception of equality requires is a genuinely public metric of value, one that is *based* upon subjective valuations, but uses a *scale* that is freestanding with respect to any particular system of valuation.

IV

In Section I, it was argued that luck-egalitarianism fails to satisfy the constraints of a political conception of equality. This might have come as a surprise to some, since Rawls is generally regarded as having originated this stream of thought. There is, however, an important ambiguity in the literature on egalitarianism concerning the proper *scope* of the principles of distributive justice. Rawls argues that, because the distribution of natural endowments is morally arbitrary, it should not be allowed to determine entitlements within the sphere of cooperative interactions. In other words, he argues that the principles of justice should *neutralize* the effects of natural inequality on the distribution of the social product. He rejects, however, what he calls "the principle of redress", which states that "undeserved inequalities deserve redress; and since inequalities of birth and natural endowment are undeserved, these inequalities are to be somehow compensated for."[74] Thus the difference principle applies only to the distribution of social primary goods (like "income and wealth"), not natural primary goods (like "health and vigor").[75]

From this perspective, the central difference between Rawls's view and standard luck egalitarianism comes down to the question of scope.[76] We may distinguish, in this respect, between "wide-scope" and "narrow-scope" egalitarianism. Rawls believes that the principle of equality (as embodied in the difference principle) is narrow in scope, applying only to the cooperative benefits produced by the basic institutional structure of society. Equality is not a global principle to be applied to all of the benefits and burdens in life. Luck egalitarians, on the other hand, do not regard it as sufficient, from the standpoint of equality, simply to immunize social institutions from the effects of

natural inequality, they believe that social institutions must correct these inequalities (either directly, or through some form of compensation). Thus they treat natural endowments as falling with the scope of egalitarian distribution. This is wide-scope egalitarianism. Of course, since natural endowments are generally non-fungible this means that the social product must be distributed "unequally," in a way that precisely offsets any inequality in the distribution of natural endowments. For example, "greater resources must be spent on the education of the less rather than the more intelligent."[77] (Luck egalitarians are not always as clear about this commitment as they should be, and so the difference between their view and Rawls's sometimes escapes notice.[78])

Proponents of luck egalitarianism often assume that equality requires compensation for natural handicaps, merely because individuals are not responsible for their natural endowments (or have done nothing to deserve them). Apart from the problems associated with the controversial conception of responsibility that is invoked here, there is also a danger of straightforward equivocation in the suggestion that because the individual has done nothing to deserve the endowment, that "society" as a whole should assume the burden. After all, society is just a shorthand way of referring to "other people." As has been pointed out many times, from the fact that one individual is not responsible it does not follow that someone else must be.[79] Such an inference ignores the possibility that, in many cases, *no one* is responsible, and that such losses and gains should simply lie where they fall.

Consider, for example, the now well-known thought experiment, due to David Gauthier (but with origins in reflections by Milton Friedman and later Robert Nozick). We are asked to imagine 16 different Robinson Crusoes, each stranded on a separate desert island. Some of the islands are well-supplied, others are not, some of the Robinsons are energetic, others lazy; some clever, others stupid; and some strong, others weak. The situation of each of the 16 Robinsons represents one permutation of this set of four variables. As a result, some of them will be living quite comfortably by the fruits of their labor, while others will be leading a very marginal existence. Gauthier then asks us to imagine the

situation in which the Robinsons, after years of living in total solitude, suddenly discover each others' existence. They remain stranded on their respective islands, so they are not in a position to engage in any sort of cooperative interaction. However, a redistributive mechanism is available (sea currents that allow them to send bundles of goods to one another – although somehow not to trade). Gauthier's question is then whether the rich, industrious, skilled Robinsons are *obliged* to send goods off to their less well-endowed neighbors. Of course, many people would be happy to grant that the fortunate Robinsons have a charitable duty toward their neighbors, especially if the latter are in acute distress. The question is whether they have a duty of justice to redistribute their holdings until everyone is equal. Gauthier argues that they do not.

Unfortunately, this example fails to elicit the same moral intuition in all readers. It may help, therefore, to modify the scenario somewhat. Imagine that one day scientists make radio contact with intelligent life on a distant planet. We discover that they have a civilization much like our own, similar social structures, with comparable population levels. Yet their planet is much smaller. It contains the same mix of resources as our own, but at levels that are approximately one-half as great. As a result, their average standard of living is much lower than ours. Does our commitment to equality now oblige us to take 25 per cent of our planetary resources and ship them off to the inhabitants of this distant planet? Since it will take several generations for the shipment to arrive (given the limitations of sub-light speed travel), there is no possibility of reciprocity. Thus fulfilling such an obligation would make all of us here on Earth net losers – we would be much better off had we never discovered their radio signals.

Many people agree with Gauthier's intuition that the mere existence of these other persons does not generate an obligation to equalize our condition with theirs. (Anderson, for instance, argues that "The distribution of nature's good or bad fortune is neither just nor unjust. Considered in itself, nothing in this distribution calls for any correction by society."[80]) If there was some sort of reciprocity in our

relations, such as a system of trade, then we would be obliged to divide up the benefits equally, but absent this sort of cooperation the principle of equality simply does not apply (this is the narrow-scope egalitarian view). Unfortunately, many others do not share this intuition, and very little *philosophical* progress has been made in the debate. From a *political* perspective, however, things look quite different. The most significant difference between narrow-scope and wide-scope egalitarianism, from this perspective, is that narrow-scope egalitarianism generates no net losers. In bargaining-theoretic terms, this means that interactions governed by narrow-scope egalitarian principles never take any individual outside of her feasible set.[81] (It is for this reason that Brian Barry refers to such views as "mutual advantage" theories of justice.[82]) Wide-scope egalitarianism, on the other hand, can easily create situations in which some individuals are obliged to make a net sacrifice of their own goals and projects in order to produce goods and services that will benefit only those with poor natural endowments. (In the limit, this can generate "the slavery of the talented," where those with an exceptional natural endowment are forced to work in their most productive employment, or for longer than they might like, in order to pay the "debt to society" that they owe by virtue of this superior endowment.[83]) Thus when adjudicating the two positions, from a political perspective, one is dealing not just with rival moral intuitions, but also with an important structural difference.

Gauthier's reason for limiting the scope of egalitarian distributions to the feasible set (or what he refers to, felicitously, as the "cooperative surplus") is primarily *motivational*. After all, there is a reason that the feasible set is called the *feasible* set. What sort of incentive might these people have to accept the proposed institutional arrangements, when there is literally nothing in it for them? What is to stop them from simply walking away from it all? Rawls articulates similar concerns in terms of what he calls "the strains of commitment." He formulates the argument as an objection to utilitarianism, but it applies equally well to wide-scope egalitarianism. His concern is that these views fail to offer any assurance that everyone will benefit from a system of 'just' institutions. The expectation that

individuals sacrifice their own prospects entirely, in order to provide a benefit to others, "is surely an extreme demand. In fact, when society is conceived as a system of cooperation designed to advance the good of its members, it seems quite incredible that some citizens should be expected, on the basis of political principles, to accept still lower prospects of life for the sake of others."[84]

Both of these objections to wide-scope egalitarianism require considerable subtlety in their formulation, since Gauthier and Rawls are both, in effect, criticizing a particular conception of justice on the grounds that it conflicts too much with the self-interest of those expected to abide by it.[85] Since we necessarily anticipate at least some antagonism in this domain, given that justice is supposed to be an impartial constraint on the pursuit of self-interest, it is difficult to see how one could appeal to these sorts of motivational concerns as an argument against any particular conception of justice, or how one could do so without creating a framework in which the only principles of justice that can prevail are those that cater to the interests of those most capable of imposing their demands.[86] Moreover, many egalitarians are inclined by temperament to rule considerations of self-interest out of court entirely.[87]

If the issue is approached from a political perspective, however, the problem for wide-scope egalitarianism looks somewhat different. The issue is no longer the motivational burdens that the commitment to equality imposes, but rather the *justificatory* burdens. People must to be persuaded to accept a particular conception of equality, in a way that does not presuppose the correctness of any one private comprehensive doctrine. One of the attractions of appealing to "mutual advantage," from this perspective, is that it is freestanding with respect to such doctrines (since "advantage" is simply a placeholder for the conception of the good subscribed to by each participant).[88] Furthermore, the only thing that the narrow-scope egalitarian needs to persuade people to accept is the constraint that the "mutuality" requirement places upon their "advantage" (which can be done through appeal to various rather thin notions, such as reciprocity, or compossibility of satisfaction). Once the scope of egalitarian distribution is extended beyond the domain of mutually advantageous interactions, on the other hand,

people must be persuaded to accept not just constraints, but also real sacrifices. Thus some new justificatory resources must be brought to bear. Furthermore, it is difficult to see how such sacrifices could be motivated without appeal to some fairly strong conception of the good. While it may be possible to discharge this burden of proof, absent such an argument it is reasonable to insist that a political conception of equality be:

Confined in scope to the benefits of cooperation: The need for cooperation arises when unconstrained individual action would result in an outcome that is worse for everyone involved. Under these circumstances, individuals stand to benefit from a system of generalized constraint. This expectation is usually secured through some combination of internal restraint and external sanctions. However, because of the "impossibility of a perfect tyranny," people generally cannot organize a system of cooperation through purely external sanctions. As a result, cooperation has a significant voluntary element. Everyone must be willing to "play along" in order for the cooperative arrangement to be credible and effective. They must be willing, in Rawls's terms, to act reasonably, and not just rationally.[89]

Yet what does it mean to act "reasonably" in this context? The problem with rationality (*pace* Gauthier) is that it massively underdetermines the choice of cooperative arrangement. Furthermore, given any particular cooperative arrangement, each individual will typically have a rational preference for some other, nearby cooperative arrangement, which offers that individual a superior payoff. Thus in order for a stable system of cooperation to emerge, individuals must be willing not only to accept some sort of generalized constraint on the pursuit of their own self-interest, they must be willing to accept some set of principles to guide their more specific choices within the set of feasible cooperative arrangements.[90] The former makes it possible for individuals to cooperate, rather than always defecting, while the latter makes it possible for cooperation to be governed by a set of stable, convergent

expectations. (Or speaking more roughly, the former makes it possible for individuals to cooperate *at all*, while the latter makes it possible for them to cooperate *in the same way*.)

In Rawls's view, a theory of justice is precisely the set of principles that guides the choice of cooperative arrangements (and thus reasonableness is defined in terms of the willingness to endorse and abide by principles of justice under conditions of anticipated reciprocity).[91] Equality is favored for inclusion among these principles of justice because it offers a solution to the "who gets what?" distribution problem (or if not a solution, then a proposal that seems least likely to attract objections). Thus the principle of equality arises quite specifically out of the need to secure cooperative agreement, which in turn explains why it is limited in scope to the benefits of cooperation. Naturally, no individual does as well under egalitarian arrangements as she could under some other set of arrangements that favored her more particular interests. The problem lies in persuading others to accept an arrangement that deviates from equality, since the advantage of one individual is typically achieved at the expense of some other. This, combined with the fact that *no* benefits will be forthcoming if others cannot be persuaded to participate in the cooperative arrangement, means that everyone generally has good reason to settle for equality, even if that principle is one that holds no particular charm. In a sense, access to cooperation provides the "carrot" that gives everyone a reason to accept an equal distribution of the benefits.

The situation with respect to natural endowments is quite different. The Christian and the Hindu may have very different ideas about whether handicaps or talents are deserved or not, just as the libertarian and the Kantian may have very different intuitions about whether or not they should be redressed. These disputes are unlikely to be resolved anytime soon. Nevertheless, and despite these disagreements, the Christian, the Hindu, the libertarian and the Kantian are still in a position to engage in mutually beneficial cooperation, and if the sort of arguments adduced by contractualist egalitarians are correct, such cooperation will be difficult to secure without an equal distribution of the benefits

produced. Thus the "strategy of avoidance" with respect to controversial value commitments generates a presumption *against* redressing natural inequality, but *in favor of* an egalitarian distribution of the cooperative surplus.[92]

Of course, merely limiting the scope of the principle of equality to the benefits of cooperation leaves unresolved all sorts of difficult questions. In particular, it leaves open the possibility of adopting Gauthier's "microcontractualist" view, which applies principles of justice (i.e. minimax relative concession) to the outcome of particular interactions, or else Rawls's "macrocontractualist" view, which applies them more broadly to the basic structure of society. The "contract" notion is more clearly a metaphor, or device of representation, in the latter case. There is also the question of how the non-cooperative "baseline" is to be established, and thus how the benefits of cooperation are to be defined. These are all important questions, but it is not clear that any of the answers are prejudged by the requirement that the conception of equality be political, and thus they will not be addressed here.

This analysis suggests that the desire to redress natural inequality is a private comprehensive commitment, not a political one. Of course, this does not mean that a political conception of justice should have nothing to say about natural inequality. It simply shows that a strict principle of equality is unlikely to attract an overlapping consensus when extended to include this domain. This is not surprising, given how onerous the demands are that can be imposed by the principle of equality. A far more plausible candidate for dealing with inequality in the distribution of natural endowments, in a political conception of justice, is some sort of basic needs principle, which ensures that no individual falls below the minimum required for a decent life, or for an acceptable level of standing in the society. People who disagree with one another profoundly about the nature of the good life may still be able to find considerable common ground when it comes to defining such a "civic minimum."[93] Indeed, there is considerable evidence that a principle of this sort is already implicit in our public political culture.[94]

Most people have strict egalitarian intuitions (at least *pro tanto*) when it comes to dividing up inheritances and marital assets, but these intuitions quickly dissipate when the principle is extended to deal with the severely handicapped or those suffering terrible illnesses.

This phenomenon has generated a tendency, among those who want to give the principle of equality wide scope, to water down the principle in its formulation, in order to make it more consonant with commonsense moral and political intuitions. Philippe van Parijs, for instance, after considering various more or less strict versions of the difference principle, opts for the "less egalitarian variant," simply because it is the one that "offers the best chance of supporting the egalitarian strategy of boldly expanding its scope across both time and space."[95] In the end, the principle of equality may be weakened to the point where the framework is no longer even recognizably egalitarian. Indeed, many philosophers reinterpret equality as requiring only a basic minimum for all.[96] One can see this dynamic quite clearly in debates over international distributive justice, where proponents of egalitarian redistribution are forced to adopt such a weak interpretations of equality, in order to render their claims plausible at the global level, that they wind up inadvertently undermining the case for redistribution at the domestic level.[97]

In this respect, scope is preserved at the expense of equality. The pressure to accept such a tradeoff, however, is based upon the assumption that there must be one single principle that applies in all cases. A more attractive strategy is to combine a strict principle of equality to govern the distribution of benefits within institutions with a sufficiency principle (such as satisfaction of basic needs) to deal with the problem of natural inequality.[98] Although I have not provided an argument for the latter, it seems intuitively plausible to suppose that a less exigent principle such as this would be more likely to attract an overlapping consensus.

V

This paper has dealt with some of the specific issues that arise with the attempt to formulate a principle of equality that can qualify as freestanding. The assumption throughout has been that this principle will serve as merely one component of a general theory of justice. Indeed, in many of its formulations, the principle of equality, like the Pareto-efficiency principle, produces only an incomplete ordering of possible outcomes, and so must be supplemented by some other principle in order to fulfill the task of privileging a particular institutional arrangement. The discussion has therefore been concerned only with the general contours of a political conception of equality, prior to its supplementation by other principles, prior to the development of a mechanism for trading off these principles against one another (or otherwise reconciling conflicts), and prior to all "real-world" questions of implementation and second-best problems. Thus there is some danger in taking any one of the existing proposals for a theory of justice in the literature and checking it against the constraints elaborated above, since most of these proposals are pitched several steps further down the line. Rawls's difference principle, for instance, is not itself a conception of equality (i.e. a formulation of the principle of equality), but is more naturally understood as a formula for trading off equality against Pareto-efficiency. There are other ways of making such tradeoffs, such as weighted prioritarianism. The same can be said for Gauthier's minimax relative concession principle, Steven Brams and Alan Taylor's "adjusted winner"[99] method, or Kolm's conception of "practical justice."[100] These are all complete theories of justice. The analysis developed here applies only to "pure" formulations of the principle of equality, such as "envy-freeness applied to resources,"[101] "undominated diversity with respect to endowment,"[102] or "equality of opportunity for advantage."[103] Several of these principles are capable of satisfying the constraints associated with a political conception of equality, although there is no one theorist who has brought all of the elements together in a way that qualifies. Generally speaking, this is because of the tendency to extend the scope of the principle to include natural endowments.[104]

It may seem as though it would be difficult for a conception of equality to satisfy all of the

constraints elaborated above. Indeed, some readers may draw the conclusion from this discussion that a commitment to equality can only be made sense of within the framework of certain particular moral doctrines. I have tried to suggest, however, that a political conception of equality would have two very attractive features (above and beyond its ability to attract an overlapping consensus) that make it worth pursuing. First, "going political" allows egalitarians to avoid the problem of adapted preferences. This is important, since this problem is felt to be quite a significant difficulty by many, and is often presented as a knock-down argument by critics of liberal neutrality. Second, "going political" provides egalitarians with a nonconvoluted (which is to say, intuitively natural) argument for combining a strict principle of equality for the distribution of the cooperative surplus with a less demanding principle for dealing with natural inequality. This provides, among other things, a more intuitively acceptable way of dealing with the problem of handicaps. Of course, the discussion in this paper is not intended to provide concrete proposals with respect to these issues, it is more like an invitation to tender (combined with a set of technical specifications).

1   John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), pp. 12-13.
2   Rawls, *Political Liberalism*, p. 15.
3   Rawls, *Political Liberalism*, p. 12.
4   This of course presupposes that Rawls is not himself a luck egalitarian. On this point, I am in complete agreement with Samuel Scheffler, "What is Egalitarianism?" *Philosophy and Public Affairs*, 31 (2003): 5-39 at 18. It also seems to me uncontroversial that Rawls would have regarded luck egalitarianism as a comprehensive moral view, in the same way that he did Habermas's "discourse ethics" (which is a far less substantive construction). See John Rawls, "Political Liberalism: Reply to Habermas," *Journal of Philosophy* 92 (1995): 132-180. Whether he would have been right to do so is discussed in the following section.
5   Ronald Dworkin, "Liberalism" in *A Matter of Principle* (Cambridge, MA: Harvard University Press, 1985), pp. 181-204.
6   Elizabeth Anderson, "What is the Point of Equality?" *Ethics* 109 (1999): 287-337 at 288. Her use of the term "political" ranges back and forth, over the course of the paper, between the everyday and the Rawlsian sense. Nevertheless, it seems clear that her conception of democratic equality is intended to be political in the Rawlsian sense.
7   Robert Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1973), pp. 160-164.
8   G. A. Cohen, "On the Currency of Egalitarian Justice," *Ethics*, 99 (1989): 906-944 at 932.
9   Ronald Dworkin, *Sovereign Virtue* (Cambridge, MA: Harvard University Press, 2000), p. 73. See also John Roemer, *Theories of Distributive Justice* (Cambridge, MA: Harvard University Press, 1996), p. 263.
10 Following G.A. Cohen's influential formulation: "In my view, a large part of the fundamental egalitarian aim is to extinguish the influence of brute luck on distribution," in his "On the Currency of Egalitarian Justice," p. 931. This focus on luck has been singled out for special criticism by Susan Hurley, *Justice, Luck and Knowledge* (Cambridge, MA: Harvard University Press, 2003), pp. 146-180, although it is not clear that Cohen, or any other luck-egalitarian, ever took himself to be *deriving* the commitment to equality from this luck-neutralizing aim.
11 For example, Richard Arneson writes that "the ideal of equality of opportunity for welfare is roughly that other things equal, it is morally wrong if some people are worse off than others through no fault or voluntary choice of their own," in his "Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare," *Philosophy and Public Affairs,* 19 (1990): 159-194 at 177. See also Larry Temkin, *Inequality* (New York: Oxford University Press, 1993), p. 13.
12 Rawls, *Political Liberalism*, p. 59.
13 On questions of personal identity, see Philippe van Parijs, *Real Freedom for All* (Oxford: Clarendon, 1995), p. 46. On causation, see, e.g., Hurley, *Justice, Luck and Knowledge*, pp. 169-173. The mere fact that luck-egalitarian arguments for particular distributive arrangements rely upon complex chains of counterfactual reasoning should be cause for alarm, from a "political" perspective, regardless of how good the underlying arguments that support those counterfactuals are.
14 For a useful overview and discussion, see Carl Knight, "The Metaphysical Case for Luck Egalitarianism," *Social Theory and Practice*, 32 (2006): 173-190. Of course, the mere fact that luck egalitarians feel obliged to write papers with titles like this more-or-less proves the point that I am trying to establish in this section.
15 Cohen, "On the Currency of Egalitarian Justice," p. 934.
16 Cohen, "On the Currency of Egalitarian Justice," p. 934.
17 Knight, "The Metaphysical Case for Luck Egalitarianism," p. 185.
18 Norman Daniels has expressed similar reservations with regard to luck egalitarianism, in his "Democratic Equality: Rawls's Complex Egalitarianism," in Samuel Freeman, ed. *Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2003). His particular focus is the commitment, on the part of luck egalitarians, to what Rawls calls the "principle of redress." Daniels writes, "Without passing judgment on the truth of the justifiability of such a view, it seems more likely to be part of a particular comprehensive moral view and not a shared feature of public democratic culture," p. 256.
19 These proposals are presented in the following works, respectively. David Gauthier, *Morals by Agreement* (Oxford: Clarendon, 1986), Richard Arneson, "Equality of Opportunity for Welfare," *Philosophical Studies*, 56 (1989): 77-93, Amartya Sen, *Inequality Reexamined* (Cambridge: Cambridge University Press, 1992), John Rawls, *A Theory of Justice*, 2nd edn. rev. (Cambridge, MA: Harvard University Press, 1999), and Dworkin, "Equality of Resources," in his *Sovereign Virtue*, pp. 65-119..
20 Dworkin, "Liberalism," p. 191.
21 Neutrality is a controversial term. I will be using it here in the relatively restricted sense that Dworkin adopts in this article. See also Will Kymlicka, *Contemporary Political Philosophy*, 2nd edn. (Oxford: Oxford University Press, 2002), pp. 218-219.
22 This was an early source of controversy with Rawls's work. See Will Kymlicka, *Liberalism, Community and Culture* (Oxford: Clarendon, 1989), p. 166.
23 Richard Arneson, "Neutrality and Utility," *Canadian Journal of Philosophy*, 20 (1990): 215-240 at 220.
24 One can see a similar concern for comprehensiveness in Amartya Sen's attempts to define the notion of a "capability." He begins in the most general way possible, first by defining a "functioning" as "an achievement of a person: what he or

she manages to do or to be." In case this is not general enough, he defines a *capability* as a "space of possible functionings," then takes capabilities as the *equalisandum* of his theory. See Amartya K. Sen. *Commodities and Capabilities* (Amsterdam: North-Holland, 1985), p. 10.

25 Richard Arneson, "Welfare Should be the Currency of Justice," *Canadian Journal of Philosophy*, 30 (2000): 497-524 at 503.

26 Arneson, "Equality of Opportunity for Welfare," pp. 85-86.

27 In particular, there is a delicate problem that arises concerning the treatment of externalities. See See Joseph Heath, "Dworkin's Auction," *Politics, Philosophy and Economics*, 3 (2004): 313-335 at 331.

28 See Steven J. Brams and Alan D. Taylor, *The Win-Win Solution* (New York: W.W. Norton, 1999), p. 9., H. Peyton Young, *Equity* (Princeton: Princeton University Press, 1994), pp. 6-7.

29 Anderson, "What is the Point of Equality?" p. 330.

30 Rawls, *A Theory of Justice*, p.79.

31 John Rawls, "Social Unity and Primary Goods," in idem, *Collected Papers*, Samuel Freeman, ed. (Cambridge, MA: Harvard University Press, 1999), p. 366.

32 First out of the gate was William A. Galston, "Moral Personality and Liberal Theory," *Political Theory*, 10 (1982): 492-519 at 498.

33 Philippe van Parijs, "Linguistic Justice," *Politics Philosophy Economics*, 1 (2002): 59-74.

34 John Rawls, *Justice as Fairness: A Restatement* (Cambridge, MA: Harvard University Press, 2001), p. 172, 179.

35 John Stuart Mill, *Utilitarianism*, ed. George Sher (Indianapolis: Hackett, 1979) p. 34.

36 Although even equalizing just income can be surprisingly complex, especially when one starts thinking about how to deal with families. See Hilde Bojer, *Distributional Justice* (London: Routledge, 2003), pp. 78-85.

37 These are examples given by Anderson, "What is the Point of Equality"" p. 320.

38 Rawls, "Social Unity and Primary Goods," in *Collected Papers*, p. 367, Rawls, *Justice as Fairness*, p. 60; Anderson, "What is the Point of Equality?", p. 329

39 Or to put the point another way, as preferences become less urgent, T.M. Scanlon's "Preference and Urgency" *The Journal of Philosophy*, 72 (1975): 655-669 argument becomes less and less persuasive.

40 Amartya Sen writes, "The battered slave, the broken unemployed, the hopeless destitute, the tamed housewife, may have the courage to desire little, but the fulfillment of those disciplined desires is not a sign of great success and cannot be treated in the same way as the fulfillment of the confident and demanding desires of the better placed," in "The Standard of Living: Lecture I, Concepts and Critiques," in Amartya Sen, John Muellbauer, Ravi Kanbur, Keith Hart, Bernard Williams and Geoffrey Hawthorn (eds.) *The Standard of Living* (Cambridge: Cambridge University Press, 1987), p. 11. See also Roemer, *Theories of Distributive Justice*, pp. 190-192.

41 Richard Arneson, "Autonomy and Preference Formation," in Jules Coleman and Allen Buchanan, eds. *In Harm's Way: Essays in Honor of Joel Feinberg* (Cambridge: Cambridge University Press, 1991): 42-73 at 42. On external preferences, see Ronald Dworkin, Taking Rights Seriously (Cambridge, MA: Harvard University Press, 1978), pp. 275-76.

42 It is easy to become seduced by fallacious lines of thinking, such as the following: "In a society of equal individuals, no one would want *x*, therefore an egalitarian system of distribution need not respect the preference, on the part of some, for *x*." The fact that people might not want *x* does not change the fact that certain individuals do want *x*, and will not consent to a political arrangement in which that preference is not respected. A political conception of justice must take people's private comprehensive doctrines as they are, not as they might be.

43 E.g, see Walter E. Schaller, "Why Preference-Satisfaction Cannot Ground an Egalitarian Theory of Justice," *Journal of Social Philosophy*, 31 (2000): 294-306.

44 Arneson, "Autonomy and Preference Formation." In later work, he moves towards an unapologetically perfectionist stance. See Richard Arneson, "Welfare Should be the Currency of Justice."

45 Arneson, "Autonomy and Preference Formation," p. 45.

46 Arneson, "Autonomy and Preference Formation," p. 45.

47 This term is due to Robert Goodin, "Laundering Preferences," in Jon Elster and Aanund Hylland, eds. *Foundations of Social Choice Theory* (Cambridge: Cambridge University Press, 1986): 75-101.

48 Dworkin, *Sovereign Virtue*, p. 151.

49 Dworkin, *Sovereign Virtue*, p. 152.

50 For general discussion, see Marc Fleurbaey and Peter Hammond, "Interpersonally comparable utility", in S. Barbera, P. Hammond, C. Seidl eds., *Handbook of Utility Theory, Vol. 2*, (Dordrecht: Kluwer, 2004).

51 Roemer, *Theories of Distributive Justice*, p. 17.

52 John Roemer, "The Mismarriage of Bargaining Theory and Distributive Justice," in idem, *Egalitarian Perspectives* (Cambridge: Cambridge University Press, 1996).

53 For a survey, see Matthew Adler D. and Eric A. Posner, *The Moral Foundations of Cost-Benefit Analysis* (Cambridge,

MA: Harvard University Press, 2006), pp.43-52.

54 See John Harsanyi, *Rational Behavior and Bargaining Equilibrium in Games and Social Situations* (Cambridge: Cambridge University Press, 1977), Kenneth Arrow, "Extended Sympathy and the Possibility of Social Choice," *Philosophia*, 7, (1978): 223-37, Serge-Christophe Kolm, *Justice and Equity* (Cambridge, MA: MIT Press,), p. 18-20. The other major strategy involves "normalizing" the utility functions of all and trying to establish a shared 0 and 1 point (e.g. "the best possible outcome" and "the worst possible outcome"). There are still serious questions, however, about whether this establishes a genuine basis for comparison. See discussion in Daniel M. Hausman, "The Impossibility of Interpersonal Utility Comparisons," *Mind*, 104 (1995): 473-490.

55 See Arneson, "Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare," p. 166. For discussion and critique, see Alex Voorhoeve, "Interpersonal Comparisons of Welfare, Neutrality, and Preference Formation," in Serena Olsaretti, ed. *Preference Formation and Well-Being* (Cambridge: Cambridge University Press, 2006).

56 Ken Binmore, *Playing Fair: Game Theory and the Social Contract Vol. 1* (Cambridge, MA: MIT Press,), p. 297.

57 Binmore, *Playing Fair*, p. 297.

58 Binmore, *Playing Fair*, p. 297.

59 John Harsanyi, "Morality and the Theory of Rational Behavior," in Amartya Sen and Bernard Williams, eds. *Utilitarianism and Beyond* (Cambridge: Cambridge University Press, 1982), p. 50.

60 Harsanyi, "Morality and the Theory of Rational Behavior," p. 51,

61 Kolm, *Justice and Equity*, p. 19. More opaquely, Kolm writes, "A transformation of a specification, of the fundamental utility function into another specification by an arbitrary increasing function, amounts to a transformation of the corresponding specifications of the persons' utility functions into other specifications by the same arbitrary increasing function (which thus is the same for all). This constitutes co-ordinalism and its justification," p. 19. For discussion, see Roemer, *Theories of Distributive Justice*, pp. 185-88.

62 See Rawls's criticisms, *A Theory of Justice*, rev. edn. (Cambridge, MA: Harvard University Press, 1999), p. 152.

63 Binmore, *Playing Fair*, p. 297, also Ken Binmore, *Just Playing: Game Theory and the Social Contract, Vol. 2* (Cambridge: MIT Press, 1998), pp. 176-178.

64 Thus a political conception of equality need not be concerned with what Steven Brams and Alan Taylor refer to as "equitability" – the condition in which "both parties think they received the same fraction of the total, as each of them values the different items," *The Win-Win Solution* (New York: W.W. Norton, 1999), p. 14.

65 The terms used here are due to Arneson, However, he believes that the "public metric" will have to be perfectionist. See Arneson, "Welfare Should be the Currency of Justice."

66 See Heath, "Dworkin's Auction," pp. 325-326.

67 Dworkin, *Sovereign Virtue*, p. 149.

68 Namely, that each individual play an "equal role" in determining the constitution of the bundles. See Dworkin, *Sovereign Virtue*, p. 68. See also Heath, "Dworkin's Auction," pp. 326-327. As H. Peyton Young notes, the central problem with envy-freeness as a conception of equality is that "it does not generalize naturally to the case of unequal entitlements," *Equity* (Princeton: Princeton University Press, 1994), p. 161.

69 For example, see Marc Fleurbaey and François Maniquet, "Fair Social Orderings," (forthcoming), and Marc Fleurbaey, "The Pazner-Schmeidler Social Ordering: A Defense" (forthcoming).

70 Dworkin, "The Place of Liberty," *Sovereign Virtue*, p. 165. When Dworkin says that "someone's resource deficit is the sum he would need to transform his resources into those he would have had under that [egalitarian] auction," he is disregarding the fact that this calculation will yield different results, depending upon which set of prices are used (actual, or ideal egalitarian).

71 Kenneth Arrow, "Some Ordinalist-Utilitarian Notes on Rawls's Theory of Justice," *Journal of Philosophy*, 70 (1973): 245-263, Allan Gibbard, "Disparate Goods and Rawls's Difference Principle: A Social Choice Theoretic Treatment", *Theory and Decision,* 11(1979): 267-288, also Douglas H. Blair, "The Primary Goods Indexation Problem in Rawls's Theory of Justice," *Theory and Decision*, 24 (1988): 239-252.

72 Rawls, "Social Unity and Primary Goods," pp. 365-367

73 Rawls, *Justice as Fairness,* p. 60.

74 Rawls, *A Theory of Justice*, p. 100.

75 Rawls makes it fairly clear that this is his interpretation (e.g. *A Theory of Justice*, pp. 62-64). However, much of his subsequent discussion is quite misleading on this point (e.g. p. 83). He does not distinguish as sharply as he might between neutralizing the effects of natural inequality in the distribution of the social product and redressing these inequalities. He claims that "the distribution of wealth and income" must not be "determined by the natural distribution of abilities and talents,"(pp. 73-4) or that "the benefits and burdens of social cooperation" should not be *weighted* "according to their social fortune or their luck in the natural lottery" (p. 75). This speaks in favor in immunizing the social contract from the effects of natural inequality, not undoing them. The debate with Robert Nozick, however, almost hopelessly obscured this aspect of Rawls's view. Some clarification can be found in John Rawls, *Justice as Fairness: A*

Restatement (Cambridge, MA: Harvard University Press, 2001), pp. 75-76.

76 See Scheffler, "What is Egalitarianism?", also Samuel Scheffler, "Equality as the Virtue of Sovereigns: A Reply to Ronald Dworkin," *Philosophy and Public Affairs,* 31 (2003): 199-208.

77 Rawls, *A Theory of Justice*, p. 101.

78 It should be noted that wide-scope egalitarians sometimes forget that they are committed to, as Philippe van Parijs puts it, "differential transfers, in amounts inversely related to people's level of talent," *Real Freedom for All*, p. 61. Eric Rakowski, for example, after articulating a forceful commitment to luck egalitarianism, goes on to defend a scheme that would merely immunize incomes against differences in natural endowment, e.g. "guaranteeing that all who did the same work would receive the same income, as would be the case in a world where talents were equal and markets perfect." *Equal Justice* (Oxford: Clarendon, 1991), p. 144.

79 Ripstein writes, "Whenever we relieve one person of the cost of something because he or she didn't identify with the choice, or didn't think about it, or wished it wouldn't happen, someone else ends up bearing the cost, typically someone else who didn't want, or couldn't control the result either. The idea that a person's life should depend only on the things he can control may make sense in the case of a particular individual if others are ready to devote their lives and resources to covering that persons' losses. But it cannot be made sense of in the case of a plurality of persons living together on terms of mutual respect," *Equality, Responsibility and the Law*, pp. 269-270.

80 Anderson, "What is the Point of Equality?" p. 331.

81 E.g. Roger B. Myerson, *Game Theory* (Cambridge, MA: Harvard University Press, 1991), p. 376.

82 Brian Barry, *A Treatise on Social Justice, Vol. 1, Theories of Justice*, (London: Harvester Wheatsheaf, 1989).

83 Van Parijs, *Real Freedom for All*, p. 64.

84 Rawls, *A Theory of Justice*, p. 155.

85 Rawls writes (again regarding utilitarianism) "Thus the scheme will not be stable unless those who must make sacrifices strongly identify with interests broader than their own. But this is not easy to bring about," *A Theory of Justice*, p. 155.

86 This is the intuition at the heart of Brian Barry's insistence that "justice as mutual advantage" collapses into "might makes right." Barry, *A Treatise on Social Justice, Vol. 1*, p. 7.

87 E.g., see G.A. Cohen, "Where the Action is: On the Site of Distributive Justice," *Philosophy and Public Affairs* 26.1 (Winter 1997): 3-30.

88 This is, I believe, Rawls's reason for thinking that the original position, as formulated in *A Theory of Justice*, remains an plausible candidate for a political conception of justice. Rawls, *Political Liberalism*, p. 26-28.

89 Rawls, *Political Liberalism*, p. 51.

90 The clearest formulation of the problem in these terms remains John Nash, "The Bargaining Problem," *Econometrica*, 18 (1950): 155-162.

91 Rawls, *Political Liberalism*, p. 49.

92 Thus, for example, the fact that many people believe in reincarnation speaks against luck-egalitarian attempts to redress natural inequality. At the same time, such beliefs cannot be appealed to in defense of inegalitarian arrangements like the caste system, because this concerns the distribution of the cooperative surplus. In this case, the fact that these beliefs are contested by others makes them unsuitable as a basis for cooperation, and cooperation will not occur unless some set of principles can be discovered that everyone can accept.

93 For an example of an argument along these lines, see Stuart White, *The Civic Minimum* (Oxford: Oxford University Press, 2003), pp. 86-91.

94 David Miller, "Distributive Justice: What the People Think," reprinted in his *Principles of Social Justice*, (Cambridge, MA: Harvard University Press, 1999), chap. 4.

95 Philippe Van Parijs, "Difference Principles," in Freeman, ed. *Cambridge Companion to Rawls,* p. 210.

96 See, e.g. Harry Frankfurt, "Equality as a Moral Ideal," *Ethics,* 98 (1987): 21-43.

97 See Joseph Heath, "Rawls on Global Distributive Justice: A Defence," in Daniel Weinstock, ed. *Canadian Journal of Philosophy Supplementary Volume* (Lethbridge: University of Calgary Press, 2007).

98 This would correct the extremely unsympathetic stance that luck egalitarianism adopts toward the improvident. See Anderson, "What is the Point of Equality?"

99 Steve J. Brams and Alan D. Taylor, *The Win-Win Solution* (New York: W.W. Norton, 1999).

100 Kolm, *Justice and Equity*, pp. 228-235

101 See William J. Baumol, *Superfairness*.(Cambridge, MA: MIT Press, 1988), p. 19.

102 Van Parijs, *Real Freedom For All*.

103 Roemer, *Distributive Justice*, pp. 276-283.

104 This is the case with both Dworkin and Van Parijs.