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How Interesting is the “Boring Problem” for Luck Egalitarianism?

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Imagine a two-person distributive case in which Ernest’s choices yield X and Bertie’s choices yield $X + Y$, producing an income gap between them of Y . Neither Ernest nor Bertie is responsible for this gap of Y , since neither of them has any control over what the other agent chooses. This is what Susan Hurley calls the “Boring Problem” for luck egalitarianism. Contrary to Hurley’s relatively dismissive treatment of it, it is contended that the Boring Problem poses a deep problem for standard luck egalitarianism. To counter it, luck egalitarianism needs to be recast as a baseline-relative theory. This new version of luck egalitarianism is then put to work against some significant problems that have been encountered by luck egalitarianism: Saul Smilansky’s “Paradox of the Baseline,” the “Partiality Worry,” and the “Pluralism Worry.” But baseline-relative luck egalitarianism is not without problems of its own.

I shall contend that what Susan Hurley has called the “Boring Problem” for luck egalitarianism is genuinely interesting—more interesting than Hurley thinks it is—and that a full appreciation of it enforces a structural alteration, or at least a major clarification, in the theory of luck egalitarianism. More particularly, the Boring Problem requires that luck egalitarianism be explicitly recast as a *baseline-relative* theory of distribution. This restructuring relieves luck egalitarianism of pressure from some critical directions, but exposes it to other problems. This article will mention some of these problems. Its underlying aim, however, is neither to defeat nor to vindicate luck egalitarianism, but rather to clarify what luck egalitarianism *is*, or what it needs to be, if it is not to succumb to a fatal charge of incoherence. Both friends and foes of luck egalitarianism will be in a better position to appraise it when that clarification is in place.¹

¹ I am a declared foe: see, for example, Lang (2006), (2009a). But the present essay is more exploratory in character.

The article will progress as follows. In the scene-setting sections 1 and 2, I provide a bare exposition of luck egalitarianism and the Boring Problem. I also briefly explain the location of the Boring Problem in Hurley’s complicated overall dialectic against luck egalitarianism; I will indicate how Hurley deals with it, and why she regards it as a *boring* problem. Section 3 reviews two quick strategies or fixes for eliminating the Boring Problem—one of them is Hurley’s own—and explains why, in my view, they are deficient. In section 4, I outline the structure of luck egalitarianism that must be in place if the theory is to provide a convincing response to the Boring Problem. I call this new form of the theory “baseline-relative luck egalitarianism.” In section 5, I test baseline-relative luck egalitarianism against the challenge posed to luck egalitarianism by Saul Smilansky’s “Paradox of the Baseline.” As we shall see, baseline-relative luck egalitarianism can evade the problem presented by the Paradox of the Baseline, but engagement with Smilansky’s argument brings to the fore a further problem, which I call the “Underdetermination Problem,” explored in section 6. Some further assessment of baseline-relative luck egalitarianism is offered in sections 7 and 8, where I test its responses to what, in turn, I call the “Partiality Worry” and the “Pluralism Worry.” In section 9, I detach myself from the immediate fray and provide a speculative line of argument linking Rawls’s struggles with moral arbitrariness with luck egalitarians’ preoccupation with involuntary relative disadvantage, in order to explain why luck egalitarianism’s exposure to the Boring Problem managed to be overlooked prior to Hurley’s critique. A brief recapitulation of the main parts of the argument is provided in section 10.

1. LUCK EGALITARIANISM AND THE “BORING PROBLEM”

According to the received understanding of luck egalitarianism, inequalities are unjust if they reflect relative involuntary disadvantage among individuals. Luck egalitarianism is probably the most prominent post-Rawlsian theory (or family of theories) of distributive justice in the Anglo-American philosophical tradition, and its initial appeal is not difficult to grasp. For its defenders, luck egalitarianism preserves potentially valuable or attractive freedoms associated with the political right with the indispensable protections and concern for a robust form of equality of opportunity offered by the political left, and does so, moreover, in a theoretically unified way, appealing to a single distributive “cut” between permissible inequalities which reflect voluntary behaviour, and impermissible inequalities which reflect involuntary behaviour. Luck egalitarianism allows room for

individual responsibility and the pursuit of personal ambitions, but it also protects individuals against involuntary losses and relative deprivation due to factors over which they have no control. This theoretical unity is *prima facie* attractive. So, if the commitment to this single distributive cut exposes luck egalitarianism to the charge of structural incoherence, it is important that this charge receive careful investigation.

Now it is the reference to *relative* advantages and disadvantages which will command most of the critical attention in what follows. But it is important to get a little clearer on the basis of the distinction between the voluntary and the involuntary. What does that contrast amount to? For G. A. Cohen, who advanced perhaps the canonical form of luck egalitarianism, the crucial distinction, or principal distributive “cut,” is between *choice* and *luck*.² As Cohen writes, “Egalitarians... object to all and only those inequalities that do not appropriately reflect choice.”³ A corollary of that claim is that “only differential responsibility can justify inequality.”⁴ This is the understanding of the voluntary/involuntary distinction which will be employed in the following argument.⁵

Now we turn to the “Boring Problem” for luck egalitarianism. Susan Hurley describes it in the following passage:

I may or may not be responsible for my income level. But this is a very different question from whether I am responsible for the *relation* between *my* income level and *your* income level. ... If Ernest is responsible for *X* and Bertie is responsible for *X + Y*, is either [of them] responsible for the *difference* between their goods positions?⁶

To explain further: Ernest’s choices may explain why he gets *X*, but they cannot explain why Bertie gets *X + Y*. Ernest has no direct control over what Bertie does, or earns; Ernest bears responsibility for *his* choices, not *Bertie’s* choices. If Bertie is making any choices at all, then they cannot be *Ernest’s* choices. Similarly, Bertie’s choices may explain why he gets *X + Y*, but they cannot explain why Ernest gets *X*. That is because Bertie has no direct control over what Ernest does, or earns. Bertie bears responsibility for *his* choices, not *Ernest’s* choices. If Ernest is making any choices at all, then they clearly cannot be *Bertie’s* choices.

² See Cohen (1989), (2006).

³ Cohen (2006), 439.

⁴ Cohen (2006), 442.

⁵ There may well be more to voluntariness than this: see, for example, Hyman (2013). But the identification of voluntariness with choice tends to constitute the received understanding in the luck egalitarian literature.

⁶ Hurley (2003), 159-60; emphases added.

The point easily generalizes beyond this simple two-person case: *no* inequality between individuals, including supposedly permissible ambition-sensitive inequalities, can be fully traced to the choices made by *any* individual in *any* comparison among a set of individuals. But this must surely be problematic for luck egalitarianism, since the inequalities among individuals which luck egalitarianism is supposed to permit are those that reflect choices, and the inequalities it is supposed to condemn are those that do not reflect choices. The relevant riposte should be: *whose* choices? By assumption, the income gap between Bertie and Ernest is Y , which is the difference between Ernest's X and Bertie's $X + Y$. This gap undoubtedly emerges out the joint combination of their choices, since Bertie's choice explains why he gets $X + Y$, and Ernest's choice explains why he gets X . But it is still the case that the *difference* between what each of them gets, and thus the inequality which arises between them, is chosen by neither of them. Ernest's choice explains why he ends up with X , but *not* why Bertie gets $X + Y$. Bertie's choice explains why he ends up with $X + Y$, but *not* why Ernest ends up with X . Relative income gaps between Ernest and Bertie are not, and cannot be, fully explained by the choices made by either Ernest or Bertie: their respective choices explain the two income sums from which that gap is calculated, but not the gap itself. This seems problematic. It certainly warrants further investigation.

2. WHY IS THE BORING PROBLEM A BORING PROBLEM?

The Boring Problem earns its name from Hurley's conviction that the problem just described is, variously, "simple," "uninteresting," and "obvious."⁷ Now *obvious* problems are not, for that very reason, *unimportant* or *uninteresting* problems, but the Boring Problem is, in addition, only a relatively minor cog in the wheel of Hurley's larger enterprise. A brief description of this larger enterprise will help us to understand why, for Hurley, the Boring Problem remained comparatively insignificant.

Hurley's leading task, in this part of her project, is to show that luck egalitarianism's luck-neutralizing commitments do not provide any support for the specifically *egalitarian* part of luck of egalitarianism. In other words, the structure of luck egalitarianism, and its commitment to what Hurley calls the "luck-neutralizing aim" in particular, cannot tell us anything about *how* goods ought to be distributed among individuals. To do so, the luck-neutralizing aim would have to demonstrate how it favors distributions which have a roughly egalitarian character: why relatively equal distributions

⁷ Hurley (2003), 161.

are preferred, at least as a default, over relatively unequal distributions.⁸ Hurley's view is that the luck-neutralizing aim can provide neither a *justification* for this default type of egalitarian patterning, nor a *specification* for it. A specification for the egalitarian default would consist simply in a descriptive statement of the extension of possible distributions meeting the relevant egalitarian constraints.

The luck-neutralizing aim cannot contribute to the justification for the egalitarian patterning due to its exposure to what Hurley calls the *luck-neutralizing dilemma*.⁹ On one horn of this dilemma, we appeal to *interpersonal* luck between agents, such as Ernest and Bertie, in order to demonstrate what is objectionable about the inequality that obtains between them. Hurley's main response to this horn of the dilemma is to point out that bad luck is being *defined* in terms of inequality. Ernest suffers bad luck by comparison with Bertie *because* Ernest is worse off than Bertie due to factors which lie beyond his control.¹⁰ And that gives the appeal to luck no explanatory purchase on why the inequality is morally objectionable. On the other horn of the dilemma, we appeal instead to *counterfactual* luck; we say that it is a matter of counterfactual luck that Ernest only earns *X*, whereas he might, in other circumstances, have ended up with *X + Y* instead, which would have put him on a par with Bertie. The problem with this second horn of the dilemma is that, even assuming we can obtain determinate verdicts about what individuals would end up with if their histories were purged of counterfactual luck, there is no particular reason to think that the resulting interpersonal distribution would be recognizably egalitarian.¹¹

Having failed to contribute to the justificatory basis of egalitarianism, Hurley then suggests that the luck-neutralizing aim cannot even contribute to the specification basis of egalitarianism. It is at this point that the Boring Problem makes its particular entrance. The Boring Problem helps to confirm, to Hurley, that the luck-neutralizing aim cannot contribute even to the specification basis of egalitarianism, due to the fact that “[j]udgments of responsibility seem *prima facie not to have the right form* to specify a pattern of distribution across persons.”¹² (A second problem for the specification basis of egalitarianism emerges, once again, when we turn to counterfactual luck: as before, these

⁸ Hurley (2003), 147. Hurley's treatment suggests that the egalitarian patterning constraint *and* the egalitarian default, considered separately, must both be provided by the luck-neutralizing aim: see especially Hurley (2003), 148.

⁹ See Hurley (2003), 155-9.

¹⁰ Hurley (2003), 156-7.

¹¹ Hurley (2003), 160.

¹² Hurley (2003), 160; emphases added.

worries oscillate between indeterminacy and non-conformity to any recognizably egalitarian pattern.)

Even if the Boring Problem could be solved, luck egalitarianism would be vulnerable to all these other difficulties. That fact helps to explain why, for Hurley, the Boring Problem can enjoy, at best, only a limited and supporting role in the overall drama she has constructed for luck egalitarianism. Besides this, however, Hurley also briefly sketches a solution to the Boring Problem:

A luck neutralizer may reply that so long as each person is responsible for her actual position, he is not concerned with whether relations between them are nevertheless partly a matter of luck. Fair enough.¹³

According to this solution to the Boring Problem, luck egalitarians may legitimately lose interest in the gap of Y between Ernest and Bertie, as long as Ernest is responsible for getting X , and Bertie is responsible for getting $X + Y$. Hurley's solution to the Boring Problem will be appraised in the next section.

3. TWO QUICK FIXES?

Before arriving at my own proposal for tackling the Boring Problem, I want to consider two quick fixes for it. These fixes point in incompatible directions: the first fix advises luck egalitarians to be untroubled by the income gap between Ernest and Bertie, whereas the second fix instructs luck egalitarians to be troubled by it, and to seek to eliminate it. In my view, neither fix is really satisfactory.

We have already encountered the first fix: it is Hurley's own. According to this line of thought, luck egalitarians are entitled to suggest that the gap between what Bertie earns and what Ernest earns does not matter in itself. What matters is only the fact that Bertie is responsible for what he earns, together with the fact that Ernest is responsible for what he earns. Neither of them has to be responsible for the gap between their respective income levels, as long as they are responsible for the individual earnings which lie on either side of that gap.

To spell out this line of thought in more detail: Ernest gets X , and Bertie gets $X + Y$. But it is not being assumed that Ernest's *failure* to end up with $X + Y$ is to be explained by luck rather than choice. The explanation of why Ernest gets X , rather than $X + Y$, proceeds, by assumption, through an appeal to the choices which Ernest has

¹³ Hurley (2003), 162.

made. So even if Ernest did not choose that *Bertie* ends up with $X + Y$, we can still appeal to *Ernest's* choices to explain why *he* did not end up with $X + Y$. Why is that not enough to shut down the Boring Problem? We can refer to this fix as the *Dismissive Response* to the Boring Problem.

There is some truth to the Dismissive Response. The solution I am about to go on to outline, as we shall see, has some affinities to it. But it will not quite do as it stands. There are two problems with it.

First, it is easy to recognize the presence of *choice-sensitivity* in the Dismissive Response, but it is more difficult to discern the *egalitarianism* in it. The solution, as described, consists squarely in appeal to the principle that what individuals end up with should be due to their choices, not to luck. But this proposal does not tell us why *inequalities* are of special interest to luck egalitarians. Imagine that Ernest gets X and Bertie also gets X , and that Ernest's collection of X is due to choice while Bertie's collection of X is due to brute luck. Call this *Outcome A*. Outcome A represents both an equal outcome, and an outcome which offends against the choice-sensitive principle. Compare Outcome A with *Outcome B*: in Outcome B, Ernest gets X , while Bertie gets $X + Y$, but Ernest's collection of X is due to choice, while Bertie's collection of $X + Y$ is due to luck. Outcome B is an unequal outcome, which makes it dissimilar to Outcome A. But, like Outcome A, Outcome B also offends against the choice-sensitive principle. Are Outcome A and Outcome B equal offenders against luck egalitarianism, as the Dismissive Response construes it? If so, we lack provision for the egalitarianism which must be part of luck egalitarianism. If not, we lack an explanation of how the egalitarianism is provided for. We need more than this.

Second, the basic idea behind luck egalitarianism is that individuals who are on the losing side of inequalities *with other individuals* are not forced to explain these inequalities by pointing to factors lying beyond their control. But Ernest *is* forced to explain the gap between his income and Bertie's income by pointing to a factor over which he all too obviously lacked control: namely, the fact that he had no control over, or responsibility for, the fact that Bertie's choices turned out in the way they did, or indeed the fact that Bertie made any choices in the first place. The puzzle therefore remains. What Hurley may be getting right is that, on a *sensible* approach to justice, neither Bertie nor Ernest has a serious *complaint* about the gap that exists between them, if neither of them was obstructed in their respective choice-sensitive income-making efforts. Still, *luck egalitarians* cannot easily make sense of their acquiescence to these

distributive arrangements, since it remains the case that the inequality between Ernest and Bertie is not fully explained by factors for which either of them is responsible. As it stands, luck egalitarianism cannot explain why the income gap of Y between Ernest and Bertie does not sustain a complaint from Ernest. The income gap between them is therefore also accompanied by a justificatory deficit. More, then, needs to be said before this style of response can be upheld.

The second fix takes the opposite tack. According to this fix, luck egalitarians can say that Ernest in fact suffers brute bad luck by not making choices which allow him to collect $X + Y$, rather than X . Given the existence of this brute bad luck, there will be a compelling luck egalitarian case for redistributing the gap of Y between them, so that, in this particular instance, both of them end up with $X + 0.5Y$.¹⁴ Given its readiness to embrace the positive distributive implications of the Boring Problem, we can refer to this fix as the *Concessive Response*.

The Concessive Response is also unconvincing (and the solution I go on to outline will be less sympathetic to it than it is to the Dismissive Response). Our first question must be this: what is the exact *source* of Ernest's complaint about the fact that Bertie gets $X + Y$, whereas he only gets X ? Luck egalitarians can support different answers. First, they might try to exploit the luck-affected *contingency* of the fact that Ernest only ends up with X , rather than $X + Y$. (Luck egalitarians nowhere deny the presence of such contingency in successful choice-sensitive behaviour.¹⁵) Ernest *might* have ended up with $X + Y$, like Bertie, had his choice turned out differently, or had he made a different choice which it was within his power to make.

This line of argument seems immediately exposed to Hurley's indeterminacy problem.¹⁶ It is surely true of *any* level of income made by Ernest that he might have earned *another* level of income, through making different choices, or because the choices he made turned out differently. There is nothing special about the fact that Ernest's achieved level of income is X , rather than $X + Y$. So why should the fact that Ernest gets

¹⁴ Perhaps not a compelling *conclusive* case, since luck egalitarians' commitment to justice will be tempered by the need to uphold other values. See, further, section 8.

¹⁵ Dworkin's distinction between "option luck" and "brute luck" seems to confirm this view: see Dworkin (2000), Part I. Certain commentators, such as Lippert-Rasmussen (2001) and Vallentyne (2002), who have urged luck egalitarians to be suspicious of the distinction between option luck and brute luck, seem more likely to favor the overall tenor of the Concessive Response. Though he does not discuss the Boring Problem in its own right, the drift of discussion in Otsuka (2006) suggests that Michael Otsuka might also be drawn to the Concessive Response.

¹⁶ Hurley (2003), 160.

X rather than $X + Y$ be privileged, given the additional fact that Ernest might have ended up with *any other* level of income?

As I see it, the indeterminacy problem does not stop the Concessive Response in its tracks. The fact that Ernest collects X rather than $X + Y$ may indeed count as a privileged fact, in this context, because luck egalitarians are justified in taking a greater interest in correcting indefensible *actual* inequalities than indefensible *merely possible* inequalities. Only inequalities which are actual and unjustified give luck egalitarians something to do. Merely possible indefensible inequalities which are not actually instantiated do not need to be corrected.

This is a more promising line of argument, but it ultimately fails to hold the line. We are now appealing to the fact that Bertie's income of $X + Y$ is contingently higher than Ernest's income of X , as a result of which Bertie's income will be reduced, in the corrected distribution, to $X + 0.5Y$. Due to Ernest's failure to earn more than X , Bertie is not entitled to hang on to his income of $X + Y$.¹⁷ Correlatively, if Ernest had been more successful, then Bertie would not have lost $0.5Y$ of income. That fact surely compromises Bertie's pursuit of his ambitions and choices in ways that were not foretold by the original luck egalitarian vision. In effect, the Concessive Response concedes too much to the Boring Problem. It simply amputates the choice-sensitive dimension of luck egalitarianism, which is an indispensable part of luck egalitarianism's overall initial appeal.

Let me venture a final remark about these two rival quick fixes. The Dismissive Response may appeal, at first, to some card-carrying luck egalitarians, while the Concessive Response may appeal, at first, to other card-carrying luck egalitarians. But these respective camps cannot *both* be right about the appropriate fix for luck egalitarianism. If the Dismissive Response were correct, then those egalitarians who favored the Concessive Response would be, not just mistaken, but mistaken about a matter which struck them as a *quick and obvious* fix for the Boring Problem. Similarly, if the Concessive Response were correct, then those egalitarians who favored the Dismissive Response would again be, not just mistaken, but mistaken about a matter which struck them as a *quick and obvious* fix for the Boring Problem. Wherever the truth lies, it would be surprising, given these facts, if any solution to the Boring Problem could aspire to be a *quick* fix. This consideration alone helps to motivate a more detailed and patient exploration of the problem.

¹⁷ The ensuing restrictions on the pursuit of an individual's ambitions recall Cohen's criticisms of a "joint ownership" account of world-ownership: see Cohen (1986).

4. BASELINE-RELATIVE LUCK EGALITARIANISM

How, then, should luck egalitarians defeat the Boring Problem? As I see it, the only stable way of identifying distributions which satisfy Cohen's distributive "cut" between responsibility and luck is to tie permissible distributive inequalities to what we can call an *egalitarian baseline*. The resulting form of luck egalitarianism will be *baseline-relative luck egalitarianism*.

Call the egalitarian baseline, whatever it is,¹⁸ N , and assume, as before, that Ernest earns X and Bertie earns $X + Y$. According to baseline-relative luck egalitarianism, it does not matter that Ernest has *less than Bertie* on grounds which neither of them has any direct control over. What matters are the facts about each of these individuals' relationship to N . If X exceeds N , then Ernest's collection of the net difference ($X - N$) should be due to *his* choices, rather than brute luck; and, if $X + Y$ exceeds N , then Bertie's collection of the larger net difference ($X + Y - N$) will be due to *his* choices, rather than brute luck. Similarly, if X is less than N , then Ernest's collection of X should be due to *his* choices, rather than brute luck. And, if $X + Y$ is less than N , then Bertie's collection of $X + Y$ should be due to *his* choices, rather than brute luck. Regardless of the case, no further distributive supervision of the income difference *between* Ernest and Bertie will be possible. If Ernest's collection of X is due to his choices, and Bertie's collection of $X + Y$ is due to his choices, there will still be a gap of Y between their income levels, but that gap will not matter in itself. Gaps between their respective incomes will be assessed as fairness-preserving or fairness-destroying only *mediately*: it is the gap between their incomes and N which is of primary interest.

Baseline-relative luck egalitarianism represents a notable improvement over the two responses to the Boring Problem we have already considered, and it may be useful to compare and contrast it with each of them.

Unlike the Dismissive Response to the Boring Problem, baseline-relative luck egalitarianism explicitly restructures luck egalitarianism, so that it is no longer the unchosen nature of the income gap between Ernest and Bertie which generates a complaint about the inequality. It also makes the *egalitarianism* in luck egalitarianism more perspicuous. Perhaps this position is what some proponents of the Dismissive Response, such as Hurley, had in mind all along. But the Dismissive Response, as I characterized it, does not sufficiently labour the significance of the egalitarian baseline, or the necessity of

¹⁸ I return to this point later, particularly in sections 6 and 7.

renouncing fundamental interest in the existence of the relative gap between individuals in pairwise comparisons.

Unlike the Concessive Response to the Boring Problem, baseline-relative luck egalitarianism does not simply amputate the choice-sensitive character of luck egalitarianism. Baseline-relative luck egalitarianism permits the retention of a single distributive cut between permissible inequalities and impermissible inequalities, but adds an important qualification to the notion of relative disadvantage which underlies the formulation of standard luck egalitarianism.

Baseline-relative luck egalitarianism is also in a position to make some headway against the other constituents of Hurley's case against luck egalitarianism. Because, in this version of it, the egalitarian baseline is theoretically central to luck egalitarianism, Hurley's complaints about the lack of justification for the egalitarian character of the theory seem curiously beside the point. The egalitarian baseline is not a gratuitous addition to the theory, but lies at the very centre of it, and thus explains why this form of egalitarianism cannot fail to provide for the egalitarian default. To put it another way, luck egalitarianism's real business is to say when and why *inequalities* are permissible, and the responsibility-sensitive part of the theory is surely indispensable to that project.¹⁹

Two major clarifications, or pre-emptive replies to possible challenges, will be added before we continue.

I will call the first of these challenges the *Redundancy Challenge*. It is reasonable to ask what actual work the egalitarian baseline does in this solution to the Boring Problem. Why don't we simply attempt to determine, for each of Ernest and Bertie in turn, which proportion of their respective incomes is attributable to choice and luck, respectively? Why does our investigation have to be mediated by *any* attention to the egalitarian baseline? Perhaps the egalitarian baseline is simply redundant.

I will make two replies to the Redundancy Challenge. First, we should take heed of Hurley's point that there is no reason to expect such choice-enforcing, luck-excluding corrections to yield a recognizably egalitarian distribution, or a distribution which is structured around egalitarian concerns. Second, and in any case, we must pay attention to what Ernest and Bertie are entitled to *before* the results of their choices, or their failures to choose, can even be considered. For luck egalitarians, and indeed *any* patterned theorists

¹⁹ Cohen (2006) makes a similar reply on behalf of standard luck egalitarianism. It seems to me that Cohen's reply would not have been entirely satisfactory had Hurley decided to award a fuller role to the Boring Problem. For more on luck egalitarianism's relationship with equality, see Segall (2015).

of a non-Nozickian sort, an independent part of the concern with justice will be the presumptive share of distributive resources to which each individual is entitled before we pay attention to the dynamic effects of economic interaction over time. Individuals intelligibly, and rightly, care about this question independently of the inequalities which stand at the end of the processes of activity and transfer, and this concern explains why many theories of justice find it desirable to provide for the egalitarian default.²⁰

The second of these challenges is the *Normative Focus Challenge*. It amounts to this: does the concern with individuals' various relationships with the egalitarian baseline, as opposed to a direct concern with the actual inequalities that obtain among individuals, fully make sense of the specifically *egalitarian* tendencies in luck egalitarianism? One might suspect that it is the existence of relative inequalities, whose nature is fully revealed in pairwise comparisons between individuals, which generate the lion's share of complaints about inequality: the problems of low self-esteem, of hierarchy, deference, risk of domination, and so on.²¹ These problems may appear to arise among individuals *because some are better off than others for reasons that are beyond the control of the worse-off*, rather than because some of these individuals bear the wrong sort of relationship to a (hidden and largely off-stage) egalitarian baseline. The relevant problems will therefore be revealed in facts about pairwise comparisons among individuals, rather than facts about different individuals' relationship with a common egalitarian baseline. In short, baseline-relative luck egalitarianism stands accused of having the wrong normative focus.

The Normative Focus Challenge is a serious one, but I believe that it can be met by four claims.

²⁰ As noted in Kymlicka (1990), ch. 1, it is possible to interpret *all* post-medieval theories of justice as theories which treat individuals as equals in *some* sense. The egalitarian default amounts to a stronger condition, however, since it insists upon some sort of equality of *condition*.

²¹ For good discussions of such matters, see Scanlon (2003), O'Neill (2010), and Wolff (2013). The relational nature of egalitarianism is given particular emphasis by Parfit (1997). But it was never really clear that the relational properties Parfit attributes to egalitarianism, as opposed to other distributive theories such as prioritarianism, were meant to capture the particular moral concerns of *luck* egalitarianism. If luck egalitarianism in its baseline-relative version fails to emerge, by Parfit's lights, as *distinctly* egalitarian, I do not think that result is costly or embarrassing. (And Parfit would, I feel, be unlikely to demur, given the criticisms he advances against egalitarianism.) Consider, as an example, Richard Arneson's painless switch from luck egalitarianism to "responsibility-catering prioritarianism" in Arneson (2000). It would be uncharitable to maintain that this restatement of Arneson's position was self-defeating simply because it was *non-egalitarian*. Arneson's restatement suggests, rather, that his distributive concerns were never helpfully captured by the characterization of egalitarianism in the Parfit-style taxonomy. I thank an anonymous referee for inviting me to be clearer about these issues.

First, and most aggressively, baseline-relative luck egalitarians should not be afraid, when all is said and done, to deny that egalitarian concern is properly engaged by the fact that some individuals are better off than others for reasons that are beyond the control of the worse-off. The Boring Problem squarely implies, as we have seen, that this *cannot* be the genuine site of concern, even if that is far from obvious upon preliminary examination. So if, as a result, baseline-relative luck egalitarianism requires us to abandon traditional egalitarian concerns, then that is precisely what we should do.

The second point is that, plausibly, not *every* unchosen inequality between individuals contributes in the same basic way to the problems, concerning domination, hierarchy, and unequal status, that are enumerated by egalitarians. Inequalities which engage egalitarian concern will tend to be persisting and explainable in ways which suggest that those on the losing side of the inequalities were denied a real opportunity to have avoided domination, hierarchy, and lower status. (Much may depend on where the value of N is set: more on this below.)

The third point is that baseline-relative luck egalitarianism still deserves, in any case, to be counted as a form of *egalitarianism*. The common relevance of the egalitarian baseline—the fact that the egalitarian baseline possesses significance *for everyone*—ensures that, in a just distribution, different individuals' distributive shares display the *same sort of choice-sensitive relationship* to the *same* baseline. As I see it, that complex structural feature qualifies baseline-relative luck egalitarianism to satisfy the moral spirit of egalitarianism.

The fourth point concerns the hidden, off-stage character of the egalitarian baseline. The obvious reply to this worry is that the egalitarian baseline should be made more *salient* in the web of justifications and deliberations at work in the liberal political community. In the *theory* of standard luck egalitarianism, the existence of the egalitarian baseline may be non-obvious. In *politics*—and, in particular, in the political life of a community governed by baseline-relative luck egalitarianism—the social volume would need to be turned up, in order to permit the egalitarian baseline to function as a point of common reference and concern.²²

Apart from its ability to solve the Boring Problem, does baseline-relative luck egalitarianism offer any other types of advantage? I believe so. For example, it permits luck egalitarians to sidestep an important challenge which has been pressed by Saul

²² See, further, my remarks on the distinction between underdetermination and indeterminacy in section 6.

Smilansky. I explore that issue in the next section. But the fallout for luck egalitarianism is not altogether benign, as I will show in section 6.

5. TACKLING THE PARADOX OF THE BASELINE

How do we fix the egalitarian baseline? This is an appropriate juncture at which to examine Smilansky's "Paradox of the Baseline," which poses a serious challenge to the standard formulation of luck egalitarianism.²³

Before outlining Smilansky's argument, we need to introduce some terminology. There are a number of essential working ingredients in his argument. First, there is his distinction between "Effectives" and "Non-Effectives." Effectives are defined as those individuals who have remunerative options, while Non-Effectives are defined as those individuals who lack any such options (the severely handicapped, for example). Second, there is the "Highest Potential Income," which is the highest income earned by any Effective. (Effectives' choices will not be equally remunerative, since nothing stops these choices from turning out differently. I revisit this point below.) Third, there is the "egalitarian baseline," which is the income which Non-Effectives must be compensated for failing to make, given the fact that their failure to earn this income will not reflect any choices they have made.

Armed with this terminology, Smilansky's argument can now be reconstructed as follows:

1. The Highest Potential Income, earned by the most highly remunerated Effective, *Bill Gates*, is H .

Claim 1 is true by stipulation.

2. By the tenets of luck egalitarianism, the egalitarian baseline (i.e. N) must be set as high as the Highest Potential Income, i.e. $N = H$.

Why? Because

²³ See Smilansky (2003), and (2007), ch. 7. Smilansky usually refers to choice egalitarianism, in fact, but I will treat luck egalitarianism and choice egalitarianism as interchangeable. Smilansky's argument was discussed in Lang (2009b), 287-90, but I hadn't fully registered the force or relevance of the Boring Problem in that earlier discussion.

3. If the egalitarian baseline were set any lower than the Highest Potential Income—call this lower amount H^* —then Non-Effectives would suffer relative involuntary disadvantage (due purely to their bad luck) in comparison to all incomes falling between H^* and H .

It is also the case that

4. The Effectives who earn less than Bill Gates do not need to be compensated for failing to earn H .

Why? Because

5. Effectives, *as* Effectives, make choices which are not guaranteed to be equally remunerative (since these outcomes reflect choices).

Now plausibly,

6. Non-Effectives can only be protected against the relative involuntary disadvantage of getting less than H if the Effectives' income is redistributed to ensure that Non-Effectives are given H .

So

7. The Effectives must subsidize equality between Bill Gates and the Non-Effectives whilst foregoing any realistic expectation that they will come to have the same degree of reward.

But plausibly,

8. The fact that, under luck egalitarianism, Effectives are morally required to engage in this subsidizing type of activity is “absurd and morally repugnant.”²⁴

²⁴ Smilansky (2007), 74.

And so, plausibly,

9. Luck egalitarianism yields a false account of distributive justice.

The Paradox of the Baseline seems open, at first, to a challenge concerning *degrees of effectiveness* among the Effectives. Nearly every Effective is, in the relevant sense, *non-effective* in comparison to, specifically, Bill Gates. After all, the point of selecting Gates as the baseline-setter, rather than any other Effective, is because Gates' choices generate a higher income than is generated by the choices of any other Effective. Smilansky might dismiss this objection as unconvincing, since, after all, *every* Effective can make choices, and since there was no antecedent guarantee that Effectives' choices would prove equally remunerative.²⁵ But as we have seen, differences in the degree of effectiveness of the different Effectives lead directly to the Boring Problem. The “degrees of effectiveness” challenge therefore constitutes a deep challenge to standard luck egalitarianism. And, to deal with the Boring Problem, I have suggested that luck egalitarians must embrace baseline-relative luck egalitarianism. As we shall see, the substitution of baseline-relative luck egalitarianism for standard luck egalitarianism provides crucial resources for subduing the threat posed by the Paradox of the Baseline.

To see why, consider two pairwise comparisons: between *Alpha* and *Beta*, where Alpha is a Non-Effective and Beta is an Effective; and between Beta and *Gamma*, where both Beta and Gamma are Effectives. In the first pairwise comparison, between Alpha and Beta, imagine that a “middling” egalitarian baseline has been selected, in which the baseline income is 20.²⁶ As a Non-Effective, Alpha is automatically awarded 20. Imagine that Beta earns 25. On Smilansky's view, luck egalitarians will object to the discrepancy between Alpha's income and Beta's income: the income gap between them of 5 (i.e. 25 minus 20) does not reflect any choices that Alpha makes, since in the relevant sense Alpha is not making any choices at all. That conclusion, moreover, is supposed to discredit all low-to-middling egalitarian baselines.

Next, consider the pairwise comparison between Beta and Gamma, and imagine that Gamma earns 30. The outcome of this particular pairwise comparison is supposed to be free of difficulty, since both Beta and Gamma are Effectives. But note—and this will be an entirely familiar point by now—that Beta did not choose that Gamma earn

²⁵ For a more detailed challenge of this kind, and Smilansky's reply to it, see Manor (2005) and Smilansky (2005).

²⁶ I leave aside, here and elsewhere, worries concerning the currency of justice.

more than him: Gamma's ending up with 30, after all, was by assumption due to Gamma's choices, and Beta did not choose that Gamma make any choices at all, let alone choose that Gamma's choices would prove more remunerative than Beta's. In short, Gamma's attainment of 30 is explained squarely by Gamma's choices, not Beta's choices. Similarly, Beta's attainment of 25 is explained squarely by Beta's choices, not Gamma's choices. So neither Beta nor Gamma has any degree of direct control over the size of the income gap between them. Neither the existence nor the size of that gap is determined by the choices either of them makes.

What follows from all this, if luck egalitarians are to see to it that the income gap between Beta and Gamma remains unchallenged, is that they must, in general, reject the idea that an income gap between any two agents will be permissible if it is the object of choice of either or both agents. What matters instead is that any earnings made by Beta and Gamma above or below the egalitarian baseline, N , should reflect their respective choices. But if that is true, then the first pairwise comparison, between Alpha and Beta, now stands in need of urgent review. True, Beta earns more than Alpha, and that inequality between them cannot be traced to any choices Alpha has made. But we have just established that this particular fact does not offend against a condition which is generally operative in *any* pairwise comparison between *any* two subjects of justice in the luck egalitarian scheme, even when those two subjects are both Effectives.

Of course, the permissible inequality between Beta and Gamma is constructed in some sense out of choice-sensitive behavior: Beta chooses to act in ways which yield 25, and Gamma chooses to act in ways which yield 30. That condition is not upheld in the comparison between Alpha and Beta, since Alpha is incapable, in the relevant sense, of making any choices at all. Plainly, Non-Effectives cannot be deleted from the scope of egalitarian concern; they must be awarded an income. But by now it is not so clear why the income awarded to Non-Effectives must match that of *any* particular Effective, let alone the most *effective* Effective.

So which income is it appropriate to award Non-Effectives, such as Alpha? On a plausible view, the income it is appropriate to guarantee to Non-Effectives is simply N , or the egalitarian baseline. This would entail that any permissible higher levels of income earned by Effectives such as Beta and Gamma reflect these Effectives' choices. And it would entail that the income gap between Alpha and any Effective is explained only by the choices made by that Effective, which would restore the significance of the comparison between Alpha and any Effective and the comparison between any two

Effectives. (The income gap between Beta and Gamma is constructed out of the choices made by Beta and Gamma.) If the income awarded to Alpha was any less than N —call this lower amount N^* —then the gap between Alpha and any Effective earning more than N would be explained, not just by this Effective’s choices, but also by Alpha’s brute bad luck. Call this randomly selected Effective, with a higher income than N , *Delta*. Imagine that Delta collects $N+$, which exceeds N . Alpha’s brute bad luck would explain the part of the income gap represented by the difference between N^* and N , while Delta’s choices would explain the remaining part of the income gap, between N and $N+$. This would make the comparison between Alpha and Delta significantly unlike the comparison between Delta and any other Effective. For these reasons, it is natural to conclude that baseline-relative luck egalitarians will only be satisfied if Non-Effectives such as Alpha are awarded the egalitarian baseline, N .

These arrangements leave Effectives free to earn more or less than N , depending on how their choices turn out. Thus baseline-relative luck egalitarianism is not exposed to the claim that Alpha must be awarded the Highest Potential Income, and that relieves luck egalitarianism, in its baseline-relative version, from the challenge posed to standard luck egalitarianism by Smilansky’s Paradox of the Baseline.

6. THE UNDERDETERMINATION PROBLEM

This line of argument, however, leaves us with a problem, or at least a puzzling lacuna. Though baseline-relative luck egalitarianism does not succumb to the Paradox of the Baseline, it *is* exposed to what I will call the *Underdetermination Problem*: the selection of the egalitarian baseline is *underdetermined* by the content of luck egalitarianism. It is simply unclear, at this stage, how N is to be selected. It thus seems compatible with luck egalitarianism that N be low and relatively undemanding, or that N be high and relatively demanding. Luck egalitarian schemes with low values for N will display a certain similarity to sufficiency-based distributive schemes of the sort recommended by Harry Frankfurt,²⁷ while luck egalitarian schemes with high values for N may start to generate Smilansky-style concerns. However, luck egalitarian schemes with higher values of N may fare better with the worries, concerning domination, hierarchy, and status, which egalitarians typically, and rightly, emphasize.

²⁷ See Frankfurt (1987). Baseline-relative luck egalitarians will be keener than Frankfurt is, however, to supervise the respective incidence of brute luck and of choice-sensitive behavior in income levels that diverge from the egalitarian baseline.

It is striking, but perhaps not ruinous, for the theory of luck egalitarianism to be underdetermined in this way.²⁸

On the one hand, it might seem that there is little for subjects of justice to rally round, or to take as normatively fundamental, if the specific value of the all-important egalitarian baseline cannot even be identified by the apparatus of baseline-relative luck egalitarianism. But it is vital to emphasize that the problem faced by baseline-relative luck egalitarianism is not the problem of *indeterminacy*, but rather that of *underdetermination*. Underdetermination is not indeterminacy. There is no case for thinking that *N* *cannot* be assigned a particular value. When we *do* give *N* a specific value, individuals can then care about whether the resulting distributive profiles reflect the appropriate relationship with *N*, as I suggested in section 4.

On the other hand, it also needs to be emphasized that the Underdetermination Problem might not be wholly a *problem* for luck egalitarians, depending on what the really strong challenges to luck egalitarianism are taken to be. Some brief indication of what these challenges are, and how they might possibly be assuaged by baseline-relative luck egalitarianism, is attempted in the next two sections.

7. THE PARTIALITY WORRY

Some recent work on luck egalitarianism has suggested that the theory is committed to a level of supervision of inequalities between subjects of justice which is so dense and interventionist as to be deeply counterintuitive, even for those who have no complaints about egalitarian patterning as such. Such worries become particularly prominent when the inequalities among individuals are explained by acts of non-material sacrifice or assistance or friendship. As Hugh Lazenby remarks:

Helping old ladies across the street, editing a novel for a friend or fixing their car might all be instances of brute luck giving that are objectionable from a luck egalitarian perspective.²⁹

Why is this? Imagine, as a way of developing one of Lazenby's examples, that *Delta* edits *Epsilon's* novel, but not *Zeta's* novel. *Epsilon* is now in the happy position of having had her novel edited, and thereby improved, whereas *Zeta's* novel remains unedited, and therefore unimproved. Let us assume that the welfare gap that has now

²⁸ Comments by David Miller and Ben Sachs, in particular, made me see the force of these worries.

²⁹ Lazenby (2010), 280.

opened between Epsilon and Zeta falls within the scope of the currency of justice employed by luck egalitarianism.³⁰ Does it follow that luck egalitarians must disapprove of, or at least seek to correct, Delta's uneven distribution of advantage between Epsilon and Zeta?³¹ Because this worry affects very basic forms of partiality-driven advantage, I will call it the *Partiality Worry*.

How is the Partiality Worry to be dealt with? Consider standard luck egalitarianism first. Here the welfare gap between Epsilon and Zeta clearly lies beyond the control of either of them. If Lazenby is correct to suggest that "the fundamental issue from the luck egalitarian perspective is the unfair gain of the recipient relative to non-recipients,"³² then Zeta would appear to have a complaint.

How does baseline-relative luck egalitarianism address these concerns? There are two possible issues we need to distinguish between. The first of them is concerned with, specifically, the Boring Problem. Regardless of the choices made by Epsilon and Zeta, the *gap between them* will be a matter of brute bad luck. Baseline-relative luck egalitarianism can afford to dismiss this particular worry. But the substitution of baseline-relative luck egalitarianism for standard luck egalitarianism does not retire a second worry, regarding Epsilon's collection of a benefit which seems not to be choice-sensitive. Assume that there is nothing we can point to in Epsilon's behavior or choices which explains why she is advantaged over Zeta. This means that baseline-relative luck egalitarianism, no less than standard luck egalitarianism, will be exposed to the Partiality Worry.

Or so it may seem. Even so, a closer look at these issues suggests that baseline-relative luck egalitarianism may be able to relieve some of this critical pressure. Assume, then, that luck egalitarians are initially minded to assign Epsilon's collection of the benefit to the category of "choice" rather than "luck" in order to show that Delta's unevenly distributed largesse does not generate an injustice between Epsilon and Zeta. How might they do this? It is natural to say that Epsilon's receipt of this benefit cannot possibly reflect *her* choices, since it is *Delta*, not Epsilon, who chooses to bequeath this benefit on Epsilon. This is of course true. But the benefit still arises in a perfectly intelligible way out of activities for which Epsilon *is* responsible: namely, her pursuits of

³⁰ Though, again, my stance on the currency issue is officially agnostic, it should be noted that many card-carrying luck egalitarians favor wider welfare-involving metrics over narrower resource-based metrics.

³¹ Even if luck egalitarians do not propose to implement an *ex ante* prohibition of such behavior, it will still seem counterintuitive to many people that, in the absence of a distributive correction, Delta's actions introduce any *injustice* between Epsilon and Zeta.

³² Lazenby (2010), 280.

friendship and artistic creation. That consideration will help baseline-relative luck egalitarians, if they are so minded, to situate Epsilon's receipt of Delta's non-material gift in the category of choice, rather than luck, and therefore to declare themselves at peace with the resulting inequality between Epsilon and Zeta. Since baseline-relative luck egalitarians already have a principled basis for their acceptance of the fact that Epsilon's and Zeta's choices can turn out differently, they have the beginnings of a promising response to the Partiality Worry.

Of course, the success of this counter-response depends on how outcomes are related to choices, which will depend, in turn, on how agents' choices are individuated. It will not be theoretically satisfactory if the troublesome cases which trigger the Partiality Worry are automatically assigned to "choice," while the non-troublesome cases which intuitively call for egalitarian correction are automatically assigned to "luck," with no further rationale for the division between choice and luck. So this proposal remains, at best, a schema, which requires further disciplined development. But it is better to have a rough-and-ready schema which offers some hope against the Partiality Worry than to be simply exposed to an undiluted form of it. In summary, baseline-relative luck egalitarianism has promising resources for dealing with the Partiality Worry.

8. THE PLURALISM WORRY

A further possible advantage of baseline-relative luck egalitarianism emerges from the Underdetermination Problem. Against some criticisms that have been made of it—for example, that, it is committed to making demeaning inquiries into the source of subjects' disadvantages³³—luck egalitarians have often appealed to a *pluralist* version of luck egalitarianism, where the value of justice has to be honored along with, and thus tempered or kept in check by, the other values which are relevant to political morality, such as respect for privacy and economic efficiency. Faced with such objections, luck egalitarians often retreat to the pluralist character of their theory.³⁴ Typically, they do not adopt the maxim of *fiat justitia ruat caelum*. Even for the just liberal state, there are more values that need to be upheld than simply justice.

There are at least two potential problems with this *pluralist maneuver*, as I will call it. First, it seems to encourage an explanatorily indistinct, intuition-dependent approach to the *weighing* of these different values: when does justice cede its place to other values,

³³ See Wolff (1998), Anderson (1999), and Lang (2009a) for discussions.

³⁴ See, for example, Cohen (1989), 908.

and when, by contrast, does justice reign supreme?³⁵ Does justice beat a retreat whenever the results of prioritizing it look embarrassing? Call this the *Intuition Worry*. Second, it might already seem embarrassing that justice recommends morally counterintuitive courses of action which only *other values* can save the luck egalitarian from having to endorse in conclusive form. Embarrassment can surely await values in their *pro tanto* form, not just in their conclusive or all-things-considered form. Call this the *Pro Tanto Worry*. I will refer to these two worries collectively as the *Pluralism Worry*.

Baseline-relative luck egalitarianism can save luck egalitarians from the Pro Tanto Worry, precisely in virtue of the facts which give rise to the Underdetermination Problem. Because the value of N is not fixed in advance, the other values which need to be combined with justice in a satisfactory overall theory of political morality admit of theoretically easy combination, without these types of *ad hoc* adjustment. Moreover, justice, or the specific value of the egalitarian baseline that forms the heartland of justice in baseline-relative luck egalitarianism, does not beat a retreat whenever the consequences of prioritizing justice seem problematic. *Justice* can endure as an equally weighty concern throughout our moralizing, though the other values which demand recognition will have an effect on *which* value of N we operate with. This is a sizeable theoretical advantage.

Of course, that does not entirely retire the Intuition Worry. We must still engage in something that looks like intuitive judgment when the relevant values appear to be in collision. But the overall complexion of the Pluralism Worry is still improved, because it is not justice itself, but only the specific value of N , which admits of variation in situations when justice appears to collide with these other values.

Also, none of this necessarily means that the Underdetermination Problem has ceased to be a *problem*. It may still strike baseline-relative luck egalitarians as a worrying theoretical lacuna. But it will then be important to focus more on the *Underdetermination Problem*, and less on some of these other problems that have just been discussed in connection with it.

9. FROM JUSTICE AS FAIRNESS TO LUCK EGALITARIANISM TO THE BORING PROBLEM: A BRIEF SPECULATIVE HISTORY

³⁵ Pluralist luck egalitarianism, in other words, appears actually to re-embrace the intuitionism that Rawls (1972) was so keen to leave behind.

I have been discussing the problems and opportunities created by the Boring Problem. I hope to have shown that the Boring Problem, and also the theorizing that can help to solve it, have deep roots in the theory of luck egalitarianism. In this penultimate section, I want to return to the supposedly boring, obvious nature of the problem which Hurley was describing. I have mixed feelings about Hurley's own estimation of the Boring Problem: I do not think it is boring, but I do think it is fairly obvious (if not, perhaps, immediately obvious). Why, then, hasn't more attention been paid to it?

To help answer that question, I will prescind from the detailed, close-quarter fighting in order to locate the problem in a larger sequence of thought. More specifically, I want to advance a speculative line of thought which links Rawls's hostility to moral arbitrariness to the luck egalitarian's hostility to relative involuntary disadvantage, in order to explain why such a supposedly obvious and therefore boring problem went unacknowledged before Hurley's critique.

This sequence of thought starts, as advertised, with Rawls. Rawls is usually taken, in this tradition, to be after the elimination of inequalities in distributions which reflect any sort of morally arbitrary advantages, such as the benefits conferred upon us by unchosen social background and unchosen talents and skills.³⁶ Thus understood, Rawls may seem vulnerable to the Nozick-style critique that his theory of justice betrays an indefensible scepticism about personal desert, especially in the light of Nozick's plausible claim that desert need not "go all the way down."³⁷ Rawls's vulnerability to that criticism will then expose him, in turn, to the worry that our individual endowments are treated in his theory of justice as a collective asset, to be deployed in order to suit egalitarian purposes, and thus at odds with a commitment to a moderate form of self-ownership

³⁶ Such a view is stoutly upheld in Cohen (2008), and it is this commitment which, on Cohen's view, makes Rawls's provision for inequality-permitting incentives under the aegis of the Difference Principle puzzling. (I express some dissent against Cohen's interpretation in Lang (2014), section 4.) Now it cannot be denied that, on *any* eligible understanding of Rawls's justice as fairness, Rawls is *in some sense* hostile to the distributive influence of morally arbitrary factors. But I doubt whether he was after, specifically, the annulment or neutralization of all inequalities in distributions so long as those inequalities reflect morally arbitrary influence. See Scheffler (2003) and Freeman (2001) for views which pursue similar doubts. The important point for present purposes is that Rawls has often *been taken* to display this sort of distributive hostility which was then further refined in the luck egalitarian descendants of his justice as fairness. (Though she does not provide a detailed treatment of Rawls's views, Hurley (2003), 133-6, also seems happy to go along with this proto-luck egalitarian interpretation of Rawls's project.)

³⁷ See Nozick (1974), 225, for this famous phrase.

which many of those to the left of Nozick, no less than Nozick himself, may be keen to uphold.

As Samuel Freeman notes in an instructive discussion of these issues,³⁸ one antidote to these concerns about the collectivization of assets and talents is perhaps suggested in this passage in *A Theory of Justice*:

It is one of the fixed points of our moral judgments that *no one deserves his place in the distribution of natural assets* any more than he deserves his initial starting place in society.³⁹

Why does this passage help? It helps because it supposedly shows us that Rawls is not targeting the claim that we are entitled to, or have full ownership over, our natural assets. Rawls's actual claim, which is fully compatible with commitment to a moderate form of self-ownership, is that none of us bears a proprietorial relationship to the *inequalities* which obtain among us. Since this is so, those inequalities can supposedly be corrected without raising any special worries about intrusions into self-ownership. The correction of these inequalities will not impinge on the normative territory surrounding any particular individual, even if a moderate thesis of self-ownership is retained.

I lack the space here to explore whether this line of argument ultimately pays dividends for Rawls.⁴⁰ The specific point of mentioning it, after all, was to cast light on luck egalitarianism and the Boring Problem. So what does the connection amount to? I think it is this: *if* the Rawlsian influence on luck egalitarianism is taken to be a fairly deep one, then luck egalitarians may have taken themselves to be in *already* safe territory when they concerned themselves with the inequalities which obtain between individuals. Their implicit line of thought might have been something like the following: Rawls has already escaped from the force of the Nozickian challenge by focusing his attention on the inequalities between individuals, and luck egalitarianism maintains the same focus but seeks only a further refinement of the distributive “cut” between permissible and impermissible inequalities. This sense of safety is chimerical, however, because the Boring Problem demonstrates that luck egalitarians' favoured distributive cut *cannot* be satisfied within the standard luck egalitarian rubric.

As admitted at the outset, this line of thought is only speculative. Perhaps this Rawlsian-flavored dialectic does not do all that much to explain luck egalitarians' relative

³⁸ See Freeman (2001). Pogge (1989), ch. 1, is also very helpful on these issues.

³⁹ Rawls (1971), 311-2; cited by Freeman (2001), 115; emphases added by Freeman.

⁴⁰ I will be exploring these issues in other work.

inattention to the Boring Problem. If Hurley is correct, though, to suppose that the Boring Problem is obvious, we need an explanation of *some* sort. Others may have better explanations than the one I have sketched here.

10. CONCLUSION

Under pressure from Hurley's Boring Problem, I have urged a reformulation of luck egalitarianism from its standard version, where it is concerned with relative involuntary disadvantage, to a baseline-relative version, where it surrenders any immediate theoretical interest in the unchosen income discrepancies between individuals in order to assess whether different individuals' incomes reflect the approved incidence of choice-sensitive behavior in income levels which rise above, or fall below, the egalitarian baseline.

Baseline-relative luck egalitarianism can sidestep Smilansky's Paradox of the Baseline. It also offers promising strategies for tackling the Partiality Worry and for dealing with at least one half of the Pluralism Worry. However, baseline-relative luck egalitarianism's ability to deal with this half of the Pluralism Worry reflects a theoretical feature, concerning flexibility over the selection of the egalitarian baseline, which may not be altogether benign. I have, accordingly, referred to this feature as the Underdetermination Problem. It may deserve to count as a bug and not just a feature of baseline-relative luck egalitarianism.

Many problems remain for luck egalitarianism in either its standard or baseline-relative versions. In particular, the distinction between choice and luck which we need to consult in order to see whether inequalities are permissible may seem weirdly inflexible or dogmatic when the primary significance of pairwise comparisons is retired, as it will be retired under baseline-relative luck egalitarianism. I propose, in any case, that there ought to be a revision of the usual lines of criticisms and the lines of defence of luck egalitarianism. The landscape needs to be reshaped, and the debate needs to be largely refocused.⁴¹

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