CHRISTIAN SCHEMMEL | # On The Usefulness Of Luck Egalitarian Arguments For Global Justice*

ABSTRACT: Much of the recent philosophical literature about distributive justice and equality in the domestic context has been dominated by a family of theories now often called 'luck egalitarianism', according to which it is unfair if some people are worse off than others through no choice or fault of their own. This principle has also found its way into the literature about global justice. This paper explores some difficulties that this principle faces: it is largely insensitive to the causes of global inequality, and it is so demanding that it can only give rise to weak moral claims. I go on to argue that a) understanding justice claims as merely weak claims rests on an implausible and impractical concept of justice, and b) using the global luck egalitarian argument in practical discourse is likely to lead to misunderstanding, and to be counterproductive if the aim is to tackle global inequality. While these considerations do not suffice to make a conclusive case against the luck egalitarian principle, they should be acknowledged by global luck egalitarians – as some similar problems have indeed been by domestic luck egalitarians – and need to be addressed.

KEYWORDS: luck egalitarianism, fairness, distributive justice, global inequality, rights and duties, moral reasons

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Introduction

A family of theories that is now commonly termed 'luck egalitarianism'[1] has dominated much of the recent debate about equality and distributive justice. According to the luck egalitarian core intuition, it is unfair if some people are worse off or better off than others due to factors that lie outside their control, like their social background, their natural endowments, or other kinds of individual good or bad fortune. It then follows from this intuition that a principle of distributive justice demands that such factors be equalised. Luck egalitarianism has commonly been regarded as a theory of distributive justice for the domestic case, and has typically been used to justify claims for equality on behalf of, for example, the disabled. But its core thought is equally applicable to matters of global justice, and in the literature about global justice there are arguments in favour of cosmopolitanism

in matters of distributive justice that appeal to the same intuition. According to these arguments, the unfairness of some people being born into poorer societies than others gives rise to a claim of justice to global equality of circumstances: how well-off a person is should not depend on the arbitrary fact of where on the globe that person was born. If this argument is successful, it would present advocates of global justice with an extremely powerful weapon to object to global inequality and demand its removal.

In this paper, I will examine the prospects of success of this argument. The paper is in three sections. In the first, I will very briefly explain the theoretical pedigree of luck egalitarianism and present a luck egalitarian argument made in the recent debate about global distributive justice. In the second section, I will discuss two problems such arguments encounter, and argue that these are similar to problems that beset domestic luck egalitarianism. Firstly, the luck egalitarian principle is implausibly insensitive to the question of who or what caused the inequalities it objects to, as long as it is not the disadvantaged person herself. It demands efforts to establish equality of circumstances between individuals across the globe even if these individuals never had anything to do with each other before. Secondly, in order to avoid the claim that their principle is overly demanding, it seems that global luck egalitarians would have to retreat, paralleling a move that has in fact been made by domestic luck egalitarians. They could claim that, while their principle is indeed a principle of justice, it nevertheless needs to be compromised: moral values other than justice have to be balanced against their principle, such as democracy and self-determination. Luck egalitarians hence picture such a compromise as a *necessary retreat from justice*, justified by important moral concerns. But this leaves us with a notion of justice that does not correspond to our intuitive understanding of justice. It cannot fulfil the special task in practical deliberation that justice considerations are normally expected to fulfil: to single out moral reasons of special weight, which can only be defeated in exceptional cases. In the final section, I will draw attention to some consequential detrimental effects of using the luck egalitarian argument in practical debates about global justice.

Luck Egalitarianism and the Global Justice Literature

What is Luck Egalitarianism?

In the last two decades, luck egalitarianism, as developed and defended by G.A. Cohen[2], Richard Arneson[3], and, partly, Ronald Dworkin[4], has attained a high level of theoretical influence in contemporary political philosophy. Luck egalitarians respond to a strand of argument that is present in John Rawls', *A Theory of Justice*. Rawls argues that the distribution of resources in a society

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2. G.A. Cohen, 'On the Currency of Egalitarian Justice', *Ethics* 99/4 (1989), 906-944.

3. Richard Arneson, 'Equality and Equal Opportunity for Welfare', *Philosophical Studies* 56 (1989), 77-93.

4. Ronald Dworkin, 'What is Equality? Part 1: Equality of Welfare', *Philosophy and Public Affairs* 10/3 (1981), 185-246, henceforth 1981a, 'What is Equality? Part 2: Equality of Resources', *Philosophy and Public Affairs* 10/4, (1981), 283-345, henceforth 1981b, both reprinted as Chapter 1 and 2 of *Sovereign Virtue*, (Cambridge: Harvard University Press, 2000).

should not be 'improperly influenced' by factors that are 'arbitrary from a moral point of view'[5], namely, people's natural endowments (the 'natural lottery'[6]), and the social background they are born into. Given their arbitrariness, these factors cannot constitute moral reasons in favour of granting such inequalities free play in society, as, for example, libertarians would have it.

Luck egalitarians seek to develop further and, in their view, improve Rawls' reasoning: They see in the quoted passages a first, and incomplete attempt to draw a fundamental distinction between all those factors influencing peoples' lives which may be called 'morally arbitrary' - because they do not depend on individuals' choices and effort - and non-arbitrary factors that depend on peoples' choices and efforts. The basic idea of luck egalitarianism is this:

Natural inequalities and inequalities of social background are examples of factors that call for equalisation, because they are morally arbitrary. But inequalities do not call for rectification insofar as they came about due to choices individuals have made. Inequality-restricting principles should take people's choices and the consequences of these choices explicitly into account.

Dworkin seeks to capture this intuition with the help of a distinction between *brute luck* and *option luck*.[7] Paradigm cases of bad brute luck are poor natural endowments, and especially handicaps. But there is no principled reason to restrict brute luck to poor genetic endowments, or poor family background. It is rather defined generally and negatively as all the factors influencing people's life prospects that are involuntary and hence outside their control; 'chance', as opposed to 'choice', which constitutes option luck[8]. In the most abstract formulation, the luck egalitarian principle hence demands that *the effects of brute luck be equalised*.[9]

Luck Egalitarianism in the Global Justice Literature

Such an extension of the 'moral arbitrariness' argument to all cases in which individuals face inequalities for which they cannot reasonably be said to be responsible suits the purposes of some of the cosmopolitans among global justice advocates especially well. If one is concerned with the present level of global inequality, an appeal to its unfairness from the point of view of individuals seems to put possible defendants of such inequality in a precarious position. If it is generally unjust that some people are worse off than others due to reasons beyond their control, then it must be unjust that some people are born into countries, or areas of the globe, where people are better off than people in other areas. Consider

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5. John Rawls, *A Theory of Justice*, revised edition, (Oxford: Oxford University Press 1999), p. 63.

6. Ibid., p. 64.

7. Dworkin (1981b), p. 293.

8. See, for example, Dworkin (2000, p. 287.

9. There is much debate within the luck egalitarian camp as to what exactly the 'currency' of justice should be (resources or welfare), and how exactly the scope of peoples' responsibility is to be determined - e.g., whether people should be held responsible for their 'expensive tastes'; see Cohen (1989), Arneson (1989), and Dworkin's (2000) response to them, pp. 287ff. Also, Dworkin now claims that he has never argued that justice requires the equalisation of brute luck, see Ronald Dworkin, 'Equality, Luck and Hierarchy', *Philosophy and Public Affairs* 31/4 (2003), 190-198, p. 192. I leave all such controversies aside in this paper.

the following quotation in which Simon Caney argues for a principle of equality of opportunity that requires 'that persons do not have worse opportunities *because* of their nationality'[10] as a fundamental principle of global distributive justice:

> [U]nderpinning our commitment to equality of opportunity is the deep conviction that it is unfair if someone enjoys worse chances in life because of class or social status or ethnicity. This deep conviction implies, however, that we should also object if some people have worse opportunities because of their nationality or civic identity. The core intuition, then, maintains that persons should not face worse opportunities because of the community or communities they come from. This point can be expressed negatively: people should not be penalized because of the vagaries of happenstance, and their fortunes should not be set by factors like nationality or citizenship. Or it can be expressed positively: People are entitled to the same opportunities as others. If, then, we object to an aristocratic or medieval scheme that distributes unequal opportunities according to one's social standing, or to a racist scheme that distributes unequal opportunities according to one's race, we should, I am arguing, also object to an international order that distributes unequal opportunities according to one's nationality. In short, then, the rationale for accepting equality of opportunity within the state entails that we should accept global equality of opportunity.[11]

Similarly, though in a context of deep disagreement with positions such as Caney's, Thomas Nagel has pointed out the implications of the use of the arbitrariness argument in the global justice debate:

> The accident of being born in a poor rather than a rich country is as arbitrary a determinant of one's fate as the accident of being born into a poor rather than a rich family in the same country.... [A] cosmopolitan conception [of justice] has considerable moral appeal, because it seems highly arbitrary that the average individual born into a poor society should have radically lower life prospects than the average individual born into a rich one, just as arbitrary as the corresponding difference between rich and poor in a rich but unjust society.[12]

The arbitrariness argument hence gives rise to principles of global distributive justice that fulfil the following two requirements:

1) They must be egalitarian in some sense, since the basis of the luck egalitarian argument is the comparative *unfairness* of *differential* circumstances. It is essentially different, for example, from the argument that it is morally problematic

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10. Simon Caney, 'Cosmopolitan Justice and Equalizing Opportunities', *Metaphilosophy* 32/1 (2001), 113-134, p. 114, emphasis in the original.
11. Ibid.
12. Thomas Nagel, 'The Problem of Global Justice', *Philosophy and Public Affairs* 33/2 (2005), 114-147, pp. 119, 126.

that some people do not reach a sufficiency threshold for a decent life due to their unfavourable life circumstances. Under such a rationale, people's life circumstances are assessed by reference to an absolute standard of minimum well-being. Considerations of unfairness do not enter the picture.

2) They must leave some distributive room for individuals to be able to influence by their choices how well they fare. In a wide sense, the principle must have the form of an equality of opportunity principle. For a principle of equality of resources, for example, this is true, as long as we may assume that it is up to people's free choices whether they indeed reach their personal goals with the help of their equal share of resources.

Accordingly, global luck egalitarians object, for example, to cases of unequal natural resources. Imagine the following scenario: country A is rich in natural resources of all kinds - precious metals and a fertile soil, etc.; country B, on the other hand, is poor in natural resources, it has no minerals and only infertile rock and desert soil. There is no good moral reason why country A, or its inhabitants, should be allowed to regard the natural fact of their possession of, or physical proximity to, such resources as determining an entitlement to them that excludes all others from their use, at least as long as circumstances of global scarcity hold, under which B has no acceptable opportunity to avail itself of resources of equal value. This consideration is valid completely independently of possible historical injustices, for example, a prior expulsion of population B from territory A. Country B hence has a claim on country A for redistribution of the differential value of their respective natural resources.

The analogy between this example and the case for the arbitrariness of individual natural endowments in Rawls' argument for the difference principle naturally suggests itself. As Beitz points out, the case for the moral arbitrariness of differential natural resources seems rather less problematic than for that of natural personal talents, since, in general, the former cannot be reasonably said to have such an impact on personal identity as the latter - they are not 'parts of the self'.[13]

Yet the scope of the global luck egalitarian argument is not restricted to such clear-cut cases of natural inequalities. The argument is extraordinarily strong. This strength is due to the fact that, almost no matter what the causes of the wealth or poverty of a society, an *individual* born into it cannot be said to be responsible for that wealth or poverty. Whether country A is richer than B because it could profit from superior natural resources, or because it escaped some major catastrophes that struck B, or because it disposes of more cultural capital and knowledge than A, enabling it to deliver a better economic performance, or because the ancestors of the present population have made some wise decisions as to their society's future, is simply irrelevant for the argument. This is because the individuals born into that society *now* cannot be said to be responsible for any of these factors. They have almost nothing to do with the choices they have made

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13. Charles Beitz, *Political Theory and International Relations*, (Princeton: Princeton University Press, 1999), p. 140.

or could have made. It thus seems possible, on the basis of the luck egalitarian argument, to argue for more global equality without having to make difficult, complex and potentially controversial empirical claims about history and the causes of underdevelopment.

Two Problems of Luck Egalitarian Cosmopolitanism

The application of luck egalitarianism to global inequality faces two serious problems. First, it is insensitive to existing interrelations between countries and between individuals across countries, and to the presence and agency of a substantial global institutional order that is at least partly causally responsible for global inequalities. When faced with this objection, global luck egalitarians might retreat to the claim that luck egalitarian justice is only one moral value among others, and not necessarily the one that has the most influence on what we should do, on a global scale, all things considered. But, and this is the second problem, this retreat comes at the cost of an unattractive and intuitively implausible account of the proper role and meaning of principles of justice.

Interrelations and Unfairness

The luck egalitarian argument from the general unfairness of differential circumstances is not sensitive to the question of whether the individuals in richer societies have contributed to, or continue to contribute in any way to the existence of such inequalities. All that matters is the fact of inequality (as long as individuals in poorer countries cannot plausibly be said to be responsible for it, for example, because, at some point in time, they were in possession of equal resources, but subsequently squandered them in an irresponsible manner).

But it does seem to make a rather large intuitive difference whether these inequalities have come about due to factors for which the richer individuals cannot plausibly be said to bear any causal responsibility. As an example, imagine the discovery of a very poor tribe living in the depth of a jungle that had not previously been explored by individuals from a richer society. Let us assume that the tribe, so far, had been living in complete isolation and has not changed its way of living over the last few centuries - nor has the richer society actively contributed to their poverty in any other way (for example, by clearing the jungle around the area where the tribe lives, thus reducing the fauna available to the tribe for hunting, or something similar).

The only factor that the luck egalitarian argument is sensitive to is the fact that the inequalities exist now, and that something can be done about them. Precisely speaking, on the moral level, it does not even matter ultimately whether something can be done about it; if it cannot, the argument still requires us morally to deplore the state of affairs of such inequality. Under the argument, the fact that nothing can be done about the inequality would be just a feasibility problem, albeit the gravest possible one.

Now, to be sure, I do not want to deny that even in such a case, we can intelligibly assert that some unfairness exists. It remains arbitrary that the people that happen to be born into the tribe are worse off than the ones born into the richer society; and we can also say that this is 'morally' arbitrary (if we mean thereby that there

is no moral reason *a priori* why such cross-societal wealth differences *should* exist). For example, we do not believe that the members of the tribe deserve to be worse-off.[14] Nor do I want to deny that this assertion triggers some kind of intuitive concern. And it does so independently of the fact that I have described the tribe as 'poor', which has an absolute, non-comparative ring. Even if the tribe should not be poor, but enjoy a decent lifestyle, according to cross-culturally valid standards of assessment (whatever these may be), it is still unfair that they do not have all the opportunities that members of the richer society have due to their wealth.

However, I contend that the kind of intuitive concern it triggers is different from the one where such inequalities are themselves brought about or maintained by the interrelations that exist between the two societies. In such cases, these types of inequalities are a reason to feel *indignation*. Indignation is the appropriate emotional response to injustice. And it is not clear that every distributive difference that can be described as unfair is also unjust. That is the reason why we feel indignation about arbitrary inequalities within a society (assuming that we do), and not necessarily about arbitrary inequalities across societies. Something more needs to be shown in the latter case, which is intuitively taken for granted in the first case. In the first case, that of a society, we understand that individuals' life prospects are greatly influenced by some institutional scheme to which they are all subject, and which relates them one to another by distributing burdens and benefits accruing from social activities under that scheme. Hence, what needs to be argued, or shown empirically, to strengthen the intuitive objectionableness of cross-societal inequalities, is that some such scheme is, to some degree, present, and that its effectiveness causes, to some degree, the inequalities we are objecting to.

Now, so far I have made a statement of fact about the different intuitive reactions we display towards different kinds of arbitrary inequalities, depending on our background understanding of the way these inequalities are brought about and maintained. Some reasons are needed why such an intuitively different reaction to differently caused inequalities makes moral sense. One reason why they do seem to make moral sense is that principles of equality gain their normative significance as principles of justice if we understand them as moral imperatives governing our *actions*. In the case of social justice, the relevant actions are our collective actions that erect and maintain common institutions that, together with the social practices that evolve around them, affect our lives as individuals. Principles of equality as principles of justice thus rest on a moral imperative of equal treatment as a requirement on *collective action*: in Dworkin's famous formula, institutions have to treat individuals 'with equal concern'. Now, in the cases where some people are worse off than others without any kind of causal connection between the two groups, such as one of participation in a common

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14. Compare Rawls' (1999) remarks on the 'undeserved' nature of differential individual natural talents, p. 86.

institutional scheme, we do not have a case of *treatment* of the first group by the second group, in the first place.[15] In the case of present day global inequalities, what would then be needed to appeal to the stronger intuition of justice I have sketched, is that there is some common institutional scheme that is - at least partly - responsible for these inequalities. This is argued by Thomas Pogge[16] and (the earlier) Charles Beitz. Beitz describes the condition for requirements of distributive justice to apply as follows:

> [T]he requirements of justice apply to institutions and practices (whether or not they are genuinely cooperative) in which social activity produces relative or absolute benefits or burdens that would not exist if the social activity did not take place.[17]

I think it is safe to add that such institutions and practices are subject to a principle of proportionality between any inequalities and the causal responsibility of a scheme for people's life prospects over all: the more the scheme determines people's life prospects, the more are arising inequalities of life prospects between people a problem of justice for that scheme. A very loose scheme, for example, one of occasional trade between subsistence farmers, has to fulfil less equality requirements than a highly integrated economy based on division of labour and specialisation.

If we take a closer look at Caney's argument quoted above, we can discover that some of the intuitive appeal of the luck egalitarian argument as he presents it relies on an implicit suggestion that people across the globe are in fact bound together by such a scheme:

> People are entitled to the same opportunities as others. If, then, we object to an aristocratic or medieval scheme that distributes unequal opportunities according to one's social standing, or to a racist scheme that distributes unequal opportunities according to one's race, we should, I am arguing, also object to an international order that distributes unequal opportunities according to one's nationality.

The suggestion lies in the comparison between the medieval and racist societies and the 'global international order': unequal opportunities in medieval and racist societies *deny access to some of the goods they produce to some of their members* (serfs, blacks), or grant such access in an unequal manner without cogent moral reasons. If I am right, that is why the example is intuitively so striking as an

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15. Hence, Dworkin understands his distributive scheme based on the distinction between option and brute luck as his preferred interpretation of the equal concern principle only for the domestic case; 'A political community that exercises dominion over its own citizens and demands from them allegiance and obedience to its laws, must take up an impartial, objective attitude toward them all, and each of its citizens must vote, and its officials must enact laws and form governmental policies, with that responsibility in mind. Equal concern....is the special and indispensable virtue of sovereigns.' Dworkin (2000), p. 6. The 'special' in the last sentence of the quotation indicates that he does not seem to think that even highly intensive economic cooperation could trigger egalitarian principles of distributive justice, as long as the scheme in question lacks the feature of sovereign power. Dworkin is hence *a fortiori* not a global luck egalitarian.

16. Thomas Pogge, *World Poverty and Human Rights*, (Cambridge: Polity Press, 2002), passim.

17. Beitz (1999), p. 131.

instance of injustice. What would have to be argued, or shown empirically, is that the parallel to the international case holds; that the global international order is a *distributive agent* that generates opportunities which it then distributes in an unfair manner among its members, these being all individuals on the globe.[18] But surprisingly, in the light of this example, Caney goes on to argue *against* positions that demand that people need to be institutionally interconnected for requirements of global equality of opportunity to apply.[19]

The Status of Luck Egalitarian Principles of Justice

Luck egalitarian cosmopolitans seem to have a simple answer to the intuitive considerations I have just discussed. It seems that they can claim that the fact of the existence of an institutional interconnection between people across the globe is just another arbitrary fact. Restricting our attention to already interconnected individuals would, in the words of (the later) Beitz, 'arbitrarily favor the status quo.'[20] Distributive justice demands the extension of these institutional interconnections and to the integration of worse off individuals, or societies.

Nagel notes the consequences of this view:

> According to [this] conception...the demands of justice derive from an equal concern or a duty of fairness that we owe in principle to all our fellow human beings, and the institutions to which standards of justice can be applied are instruments for the fulfilment of that duty... [This] cosmopolitan conception points us toward the utopian goal of trying to extend legitimate democratic governance to ever-larger domains in pursuit of more global justice.[21]

The intuitive difference we make between cases of institutionally and non-institutionally caused inequalities would hence fail to find a reflection in the moral principle of global justice; we intuitively take what is merely instrumental, the institutions, to be of independent and foundational moral importance. In the case of luck egalitarian cosmopolitanism, this should have been clear from the beginning: it remains just as unfair as before that people are born into different circumstances due to their differential global backgrounds.

However, this kind of response leads to a different problem, namely the problem of the indeterminate stringency of the moral demands of luck egalitarianism, and of its relation to other moral considerations than those based on the luck egalitarian notion of fairness.

Let us avoid a misunderstanding right at the beginning. The problem is not that global luck egalitarianism is 'utopian' - surely the goal of the erection of a unified regime of egalitarian global justice is utopian, as Nagel rightly notes - but there is no reason to think that the fact that a position is 'utopian' should count as a serious theoretical objection to it. All that is needed is that the goal it sets up

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18. I am indebted to Adam Swift for clarification of this point.
19. Caney (2001), pp. 124-127.
20. Charles Beitz, 'Cosmopolitan Ideals and National Sentiment', *The Journal of Philosophy* 80 (1983), 591-600, p. 595.
21. Nagel (2005), pp. 119, 126.

can serve as guiding our efforts to achieve more global justice, that it is a goal that can at least be *approached*, if not fully reached. Mere feasibility problems are just the wrong kind of considerations to serve as an objection against a principle of justice. The real problem is that luck egalitarian cosmopolitanism does not only encounter mere feasibility problems. The luck egalitarian principle is so strong and insensitive to moral complexity that its *status* as a principle of justice is unclear, both for the domestic and for the global case.

Considerations of justice are mostly regarded as enjoying a certain primacy over other moral and non-moral considerations. They are seen as giving rise to rights and duties. Rights and duties are moral considerations of *special weight* - it is not necessarily that they are never defeasible, and cannot be outweighed by other moral considerations, but they pose moral requirements that are not defeasible by any kind of moral reasons. In a first approximation, one might say that they are moral requirements that can only be overridden *in exceptional cases*. Neither domestic luck egalitarianism, nor global luck egalitarianism can aspire to be a theory of justice in this sense. In the domestic case, Cohen and Arneson openly acknowledge this. Cohen clarifies that the luck egalitarian principle demanding the equalisation of bad brute luck yields only 'weak equalisandum claims.'[22] In his view, claims of equality need to be balanced against, for example, claims based on liberty - people will, for example, have a claim of privacy, that their private life not be unduly scrutinised in order to find out whether they are worse off or better off than others due to responsible choices they have made, or due to brute luck. Or, considerations of efficiency might trump considerations of distributive unfairness where the equalisation of somebody's bad brute luck would drain too many resources away from the rest of the society - as might be the case for certain severe handicaps. In a similar vein, Arneson points out that his version of a luck egalitarian theory is only concerned to work out what the value of distributive equality, taken in isolation, would require. It is not meant to guide our moral judgments about the *overall* desirable distribution of burdens and benefits.[23]

Similarly, for the global case, it is not clear how much moral importance we should assign to the fact of arbitrarily differential distributive shares due to a differential global background. The problem is not that a global luck egalitarianism would be 'utopian' in the sense of 'not feasible', or 'not yet feasible'. The problem is that it does not give any consideration to other legitimate moral concerns on the global level, such as the self-determination of communities or societies based on the interests of individuals to enjoy meaningful membership in a self-governing community, or to have access to a meaningful cultural background, etc. It does not give any guidance as to how luck egalitarian fairness and other moral considerations should be weighed against each other. For example, democratic decisions taken in different communities can give rise to differential luck in the sense of the luck egalitarian principle. Taken in isolation, the global luck egalitarian principle would rule out the legitimacy of substantial democratic decision making on a sub-global level, because such democratic decisions affect

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22. Cohen (1989), p. 908.
23. Arneson (1989), Postscript 1995, p. 241.

individual lives in such a way as to give rise to differential global luck. This is clearest if we think of cases where the individuals ending up disadvantaged did not vote for the law responsible for the disadvantages. But the thought is also applicable to the fact that, generally, individuals have not decided, and generally cannot alter by decision now, the extension of their democratic communities. So, global luck egalitarians would have to tell us how much sub-global democracy and self-determination they think is compatible with their principle. As long as they do not do that, it is not clear how concerned with differential global luck we should really be.

This consideration also gives us a principled reason why our intuitions about inequalities are so much stronger when individuals in different countries are in fact affected by a common institutional scheme. Individuals in one country might have moral discretion, based on autonomy and self-determination, as to how much trade they wish to engage in with individuals in other societies, despite the maintenance of differential global luck in this way. But once they have decided to engage in substantial trade - as arguably at least all of the rich countries of the world have - or once this has somehow happened and is left running, they are no longer free to withhold the application of moral principles of institutional interaction based on an adequate interpretation of the principle of equal treatment to its trade partners.

The details of these matters are obviously extremely complex, and I cannot enter into them here.[24] The point I am making is simply that the luck egalitarian principle, based on the unfairness of differential global luck, cannot tell us how morally important the considerations are that it presents us with. It delivers us, at best, one *moral reason* to care about brute luck inequalities. Insofar as the luck egalitarian principle is intended to be a principle of justice, this is in considerable discord with both a widely spread intuitive conception of what justice is, as well as with the function that considerations of justice generally fulfil in practical deliberation. This can be seen in the example of law, where fundamental rights are seen as embodying our conception of justice, and are supposed to give us moral guidance as to which considerations of special moral weight constrain our political actions and choices. Global luck egalitarians would have to hold, like Cohen does, that we are wrong in thinking about principles of justice in this way.

But this would be highly counterintuitive. The concept of justice itself is tied to certain intuitive phenomena, and these have at least two different dimensions. One is a dimension of *weight* - an injustice is an *especially serious* moral problem. The other one, connected to this, is a qualitative dimension. We feel indignation about injustices, and not sufficiently respected as persons when we think injustices are committed against us, as opposed to, for example, feeling just disappointed,

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24. Just one note of caution: the fact that strong equality claims of distributive justice arise out of sufficiently intensive participation in institutional schemes does not entail that there are no moral requirements governing inclusion or exclusion from such schemes (migration), or extension of the scheme, or a unification of schemes (such as The European Union), etc. It only entails that strong egalitarian claims of distributive justice and the requirements governing inclusion and exclusion do not belong to the same moral category, so that it is possible that they are governed by different principles.

or frustrated. Appeals to justice, as it were, ring an intuitive bell and call for our moral attention in a way that an appeal to other values do not. They do so because we understand justice as constituted by moral principles of special weight that are supposed to constrain our actions. We might, of course, establish many different concepts of justice - for example, justice as a personal virtue vs. social justice. We can even make sense of a notion of cosmic justice (though maybe not as a moral notion). But generally, debates of social justice, be it domestically or globally, are considered to be of special importance precisely because we understand justice to be so important - this corresponds to the intuitive notion of justice I have sketched.

Luck egalitarians, on the other hand, must be very cautious with regard to the moral language they employ, in order to make clear that they do not even attempt to trigger such strong intuitive reactions. For example, they should not say that their considerations about fair distributions aim at establishing distributive entitlements, insofar as we understand entitlements to be moral reasons of special weight, such as rights, which are intimately linked to the strong notion of justice (I take this to be the ordinary meaning of the concept of entitlement). They hence need to qualify their use of such concepts (like Cohen does). Caney, on the other hand, describes his principle of global equality of opportunity based on unfairness, as giving rise to entitlements, and does not qualify his use of that concept in any way.[25]

Consider also the following example of a misunderstanding due to the restriction of luck egalitarianism to a 'just one value'-strategy: Allan Buchanan has recently examined whether a human rights regime based on distributive requirements of sufficiency, under which everybody should be guaranteed the means to lead a decent life, is 'compatible' with 'more robustly'[26] egalitarian theories for the domestic case. Under the latter, he lists Cohen's and Arneson's theory. By listing some differences between the domestic and the global case that could lower egalitarian requirements for the global case, he comes to the conclusion that it is compatible. But he overlooks that this comparison cannot be made with respect to Cohen's and Arneson's theories, because these theories do not draw on the whole of the most important moral considerations at stake, like a theory of human rights does. They are hence not 'robustly egalitarian' theories in the sense intended by Buchanan, that is, theories that stress the normative importance of equality and, on the basis of that, demand that there be a very high degree of equality, all things considered. No answer to the question 'how little equality is too little equality?' can be expected from these domestic luck egalitarian theories. They are only incompatible with theories in which equality plays no role whatsoever.

Furthermore, since luck egalitarians purport only to appeal to certain intuitions about equality and fairness, it might be that they are incurring considerable meta-ethical commitments as to the status and nature of such intuitions. One might have to ask whether we can so clearly identify intuitions based on single values,

25. Caney (2001), *passim.*
26. Allan Buchanan, 'Equality and Human Rights', *Politics, Philosophy & Economics* 4/1 (2005), 69-90, p. 84.

abstract from their particular contexts, and then be able to build a general theory of equality on them (albeit one restricted in validity). If one considers the context from which they arise, and thereby assesses factors that account for both their strength and qualitative differences - such as the question, 'who or what caused this unchosen inequality, and how?'- the possibility of constructing such isolated theories might become rather questionable. As the discussion above made clear, I think it is doubtful whether we can sensibly separate a general element of unfairness present in all cases of unchosen inequalities, from the question of how such inequalities came about (whether they were caused by other agents, or by nature, for example). Of course, we can separate these elements conceptually, and I have just done that in the previous sentence. But the interesting question is whether such a separation makes moral sense, whether we can base general but validity-restricted theories of equality on it that are neatly matched and supported by luck egalitarian fairness intuitions. The question of who, or what, brought about such inequalities, and how, might make a difference to the very question of *how unfair* they really are. This is the case if we regard fairness as a constraint on our action (on our treatment of others), and not as a property of individual distributive situations. It is not clear that luck egalitarians have managed to single out the notion of fairness that morally matters the most.

Much more would need to be said about these points especially to arrive at a more worked-out account of the special weight of justice and its connection to fairness. The thrust of these remarks is simply to point out which problems an appeal to a global luck egalitarian principle as a principle of justice carries with it. Maybe some, or even all, of these problems can eventually be solved.[27] My aim here was more modest: to point out these difficulties for global luck egalitarians, drawing on parallels to domestic luck egalitarianism.

Practice: On the Use of Luck Egalitarian Arguments in Political and Moral Discourse about Global Justice

I want to conclude by making some practical remarks on using luck egalitarian arguments to oppose the unfairness of differential global circumstances. In everyday discussions about global justice in the last few years, I have heard some people make the luck egalitarian argument in a very general manner, and I have also witnessed several times how puzzled and perplexed, rather than persuaded, non-luck egalitarians about global justice are when they are confronted with this argument - and quite independently of how demanding their political views on global justice were.

The argument might be useful to convince unthinking people that there are people out there who are worse off than us without any obvious *a priori* reason,

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27. I discuss these problems further in a chapter of my D.Phil. dissertation, and deny there that they can be solved. The chapter argues a) that the point of justice is to regulate social cooperation, and that this is incompatible with understanding justice as giving rise to merely weak claims, and b) that, in many cases, the luck egalitarian intuition does not even succeed in singling out weak claims that justice has to take into account, alongside other, possibly competing claims - due to external limits on possible demandingness that are built into the very concept of justice. Accordingly, such claims are not merely *outweighed* by competing claims, they are simply *excluded* from the scope of justice.

for example of desert. But apart from such restricted uses, the argument is problematic. While the argument is sound and points to some kind of unfairness, the content of the argument is not what perplexes people. People are perplexed because they are unwilling to believe that what follows from this is a strong and definite requirement of justice to pursue global equality, because this is what they naturally understand the argument to imply. The reason for this is that, in non-academic settings, it is tacitly presupposed, as part of the language game of moral and political discourse that a specific moral argument is chosen because it reflects considerations that are of comparatively great weight. One could say, borrowing a term coined by Paul Grice, that this is a kind of 'conversational implicature' of moral and political discourse. This matches the normal purpose of appeals to justice: to make clear that the issue at hand is of fundamental moral importance for the terms on which we interact with each other.

The use of the argument is hence double-edged. It is, on the one hand, an argument of vast scope. It is insensitive to facts about what we, in the rich countries, are already doing to contribute to the disadvantage of worse-off people around the globe. But, on the other hand, it is not of comparative moral weight. In its most extreme and simple form, it is also extremely implausible as a dominant principle of global justice, and global luck egalitarians quickly have to admit that (and I have pointed out that, for the domestic case, some luck egalitarians admit this willingly). Hence, from a pragmatic point of view, when one starts a debate with this argument in order to persuade a sceptic on global justice, one acts somewhat similar to giving a daring promise knowing that one will not be able to deliver. If this is the case, one should maybe start with more modest arguments in terms of scope, but ones that, if sound, also manage to establish a justified claim of pre-eminent moral importance. After all, this is what the debate about global justice is about, in practice.

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