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### Is Dworkin a luck egalitarian?

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#### Introduction.

The present thesis discusses some crucial aspects of Ronald Dworkin's galitarian theory. In particular, the thesis focuses upon the following issue: is Dworkin's egalitarianism a luck egalitarian theory? The work is divided in three chapters, each one includes few specific paragraphs.

The first chapter sketches the main features of luck *Luck Egalitarianism*. In the first paragraph of this chapter, I tried to provide a definition of luck egalitarianism's theory, starting from the introduction of the personal responsibility factor in the simple egalitarian ideal and the qualification about fault and choice. I also focused on the controversial role of the choice in the several luck egalitarian theories described in the work. In the second paragraph, the different concepts of luck's factor are expressed through the points of view of the luck egalitarians authors and their critics. Then, in the last paragraph, I move on to the debate between Cohen and Dworkin, about the different roles of personal responsibility in the egalitarian discussions, and the distinctions between choice and circumstances.

The second chapter deals with *Dworkin's Theory*. The aim of this chapter is to analyze in detail the key features of Dworkin's theory of equality starting from a general definition of equality's conception. I also described the ideal of equal concern and equal respect for citizens, and the fundamental role of this kind of equality for the legitimacy of democratic governments. In the second last paragraph I investigated what it means for a theory of distributive justice to be 'egalitarian', through the strengths and the weaknesses of Dworkin's argument of equality of resources. In

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<sup>&</sup>lt;sup>1</sup> Ronald Dworkin (Worcester, December 11, 1931 – London, February 14, 2013) American philosopher, professor at Yale University Law School (1962-69) and then professor of Jurisprudence at Oxford (1969-98) His works include *Taking Rights Seriously* (1977), *A Matter of* Principle (1985), *Sovereign Virtue: The Theory and Practice of Equality* (2000), *Justice for Hedgeogs* (2011).

Dworkin's view, equality is closely linked to an equal distribution of resources which are related with the choices and the personal responsibility of people.

The third chapter, divided in three paragraphs, faces the issue whether Dworkin is or not a luck egalitarian theorist.

The first paragraph is a positive answer to the research question and, includes all the arguments in favor of the label, included the arguments of some authors such as Elizabeth Anderson and Samuel Scheffler. The second one is a negative answer to the question, using some arguments against a luck egalitarian definition of Dworkin' theory. In this part I recall the debate between Scheffler and Dworkin, through the arguments of the same author, who try to clarify and to defend his position. In the last paragraph the characteristics that make an author a luck egalitarian are described, through examples and comparisons among the authors.

This thesis is a is a guide path through the history of egalitarianism, useful to better understand the modification of this theory into luck egalitarianism, through his prominent theorists.

The goal of the thesis is to clarify the Dworkin's position in the philosophical debate about luck egalitarianism, discussing his 'luck egalitarian' label. I have tried to achieve this purpose through the argumentative contributions of some theorists such as G.A. Cohen, R. Arneson, and E. Anderson. As the same Ronald Dworkin claims, in current times the conception of equality is a very important ideal. In addition, people have always tried to understand the reasons behind certain social facts, especially when they concern natural and economic inequalities. Furthermore, when people do not find a rational answer to this kind of questions, they 'justify' the inequalities through the conception of 'luck'. Nevertheless, to what extent can the 'luck' justify inequalities? We try to answer also this question, through the works analyzed, where the philosophical theory intertwines with the practice of human life.

The analysis of the theories, through which the philosophers try to provide solutions for social and human issues, has been a very compelling work.

This thesis could be seen as a modest contribution, useful for reading and analyzing Dworkin's works from different points of view. The debate on this controversial issue is still opened, nevertheless, this work can be used to compare the several positions of the authors in the contemporary philosophical framework find a unique response to the philosophical nature of Dworkin's theory of equality.

#### 1. Luck egalitarianism- a definition.

In this chapter we try to provide a definition of luck egalitarianism's theory, showing the different concepts of luck's factor through the points of view of the luck egalitarians authors and their critics. Then we move on to the debate between Cohen and Dworkin, about the different roles of personal responsibility in the egalitarian discussions.

Elizabeth Anderson coined the term Luck egalitarianism, which is defined as "a family of egalitarian theories of distributive justice that aim to counteract the distributive effects of luck"<sup>2</sup>, to describe this group of theories she critics. To render the overall position as coherent and plausible as possible it is useful to put together the package of components of luck egalitarianism. For this reason Richard Arneson arranged the luck egalitarian's broad family of views in four main variants.

First and foremost there are two fundamental and independent components called 'luckism' and 'egalitarianism' <sup>3</sup>, where each element comes in two main versions. In his article *Luck egalitarianism, interpreted and defended*, R. Arneson explains one of the versions as the idea that we should all have the same things or we should at least we should make it so that we all reach a condition of equality one way or another. While a simple egalitarian claim is that " it is bad -unjust and unfair- for some to be worse off than others" <sup>4</sup>, Larry Temkin believes that it is unfair for one person to be worse off than others when this does not depend directly on the person. As Larry Temkin states in his paper "Inequality", it is important to mention that simple egalitarianism is modified by the introduction of the personal responsibility factor,

<sup>2</sup> C. Knight, article "Luck Egalitarianism", Philosophy Compass, July 2013

<sup>&</sup>lt;sup>3</sup> Egalitarianism "is a trend of thought in political philosophy. Egalitarian doctrines tend to rest on a background idea that all human persons are equal in fundamental worth or moral status". Stanford Encyclopedia of Philosophy

<sup>&</sup>lt;sup>4</sup> R. Arneson "Luck egalitarianism. Interpreted and defended." Philosophical topics vol.32 num. 1&2,2004.

through the qualification about fault or choice. This modification leads to the other fundamental component of luck egalitarianism that R. Arneson calls 'luckism' which he defines as "the strength of any moral reasons there might be to alter the condition of some individual for the better or for the worse (if the latter, this is to be done for the sake of improving the condition of other individuals) can be amplified or dampened by some factor involving an assessment of individual responsibility".<sup>5</sup>

In addition luckism does not depend on the relationship between people, using Arneson's words we can say that "it does not matter per se that the people who are possible recipients of aid (...) or possible people to be asked to aid the needy, are engaged in a dense network of cooperative activity, are fellow members of a Nation state or other social group", and so on. For this reason Arneson describes luckism as 'asocial'.

We have seen that the idea of luckism comes from the modification of egalitarianism introduced by the concepts of fault or choice. Through the term 'fault or choice' it is possible to recognize two other modifications of egalitarianism, called 'Desert' and 'Choice', both which are basically attached either to equality or priority. The first step to understanding this idea is to define these terms.

Firstly the basic idea of Desert is that the amount of good fortune that reaches an individual is proportionate to their desert. In addition Desert has two different points of view: a subjective conception and an objective conception of deservingness. According to the subjective point of view, a person is deserving when one's will is oriented toward his or her belief of what is right and what is good; while through the objective conception, as Arneson claims, a deserving person orients his or her will toward the right and the good as they really are. However, in his paper *Luck egalitarianism-A primer*, Richard Arneson argues that there is

<sup>&</sup>lt;sup>5</sup> R. Arneson, "Luck egalitarianism. Interpreted and defended".

also a third possibility which is being a deserving person striving both toward what is objectively and subjectively right and good at the same time. Instead according to Choice view, inequality depends on people's voluntary choices among a fair framework for interaction.<sup>6</sup> In this latter phrase we can recognize the importance of the idea of personal responsibility for the theory of just distribution.

The three examples stated below describe three varying situation where the contrast between Desert and Choice is illustrated. These examples will allow us to grasp a better understanding of the two concepts.

The first example is offered by Richard Arneson, where two equally agents who are well off engage voluntarily in high stakes gambling. The choice to gamble might be either reasonable or unreasonable. The only constraint is that if the choice is unreasonable, then it must be sufficiently considered by the agent, in order for it to be considered voluntary, the result is that one agent has severe consequences from the gambling, while the other comes out a winner. In this case Choice and Desert disagree because according to the latter is necessary to keep more information about the agents' deservingness, in order to evaluate the results of the situations. this ties with the reflection that there are substantial differences between the objective and subjective conceptions of deservingness. On the other hand, Choice says that this outcome is not bad, or at least less bad than the same distributive outcome brought about by sheer luck unmediated by choice. This example highlights the importance of voluntary choice but, as Arneson underlines, it does not consider two important factors: firstly, that choices may have different levels of voluntary will and that negligence also varies by degree.

The second example focuses on the relationship between personal responsibility for choices and their "equal consequences":

<sup>&</sup>lt;sup>6</sup> R. Arneson, "Luck egalitarianism. Interpreted and defended".

if we imagine a society where a young adult follows a certain code of conduct, this would lead him to the same opportunities as his peers in his conditions. He then engages in self- destructive, viciously imprudent behavior where, for example, by a car recklessly on an abandoned road endangering no one but himself and he has neglected to purchase accident insurance. He has bad luck and suffers a bad accident. His lifetime expectation of quality of life is now extremely poor unless we give him an expensive medical operation that would restore his lifetime functioning. However, investing extra resources for this person, at this point, would appear to violate equal opportunity for well-being. Society would be bestowing on him a greater than equal opportunity, using resources that are owed to others. In this case even if Desert and Choice use different approaches, one might say that they give a similar weight to the agent's behavior and to the inequality in outcomes. In fact, in this case, Choice says that the agent is far worse off than others but that the inequality of the outcomes is only partially lessened by the degree of responsibility derving from a single voluntary action, made in a certain moment. At the same time, Desert says that the young man's behavior resulting in the accident renders him somewhat undeserving, but he also suffers from very bad luck. So in Arneson's argument, Choice and Desert come to the same conclusion, that the young man's punishment does not fit his crime, thus resulting in the fact that in the name of egalitarianism, some people are owed extra assistance as opposed to others. This is a counterintuitive consequence of the equality of opportunities' theory. In fact according to some luck egalitarians the equality of opportunities and the importance of free will are closely linked to the thesis about personal responsibility.

The principle of responsibility claims that "Persons are themselves responsible for certain inequalities that result from their voluntary decisions, and they deserve no compensation for such

<sup>&</sup>lt;sup>7</sup> R. Arneson, "Luck egalitarianism. Interpreted and defended".

inequalities". However the example above shows that the principle of responsibility could not be applied in all situations by the egalitarians. Supporting this thesis, the French economist Marc Fleurbaey claims in his work *Equal Opportunity or Equal Outcome?*, that although a person has a high level of responsibility for choices made, according to both Choice or Desert, the unexpected loss of something good is not proportioned in any way to bad events that disadvantage the individual regardless of the choices made that lead to these misfortunes.

The third example appeals to the idea of opportunity. Here is a scenario describing this statement: Sally and Harry have been fairly treated according to distributive justice norms. Their resource holdings are fair. They both have an opportunity to do some great good deed that is not morally required but is clearly very virtuous and admirable. Sally devotes her life and fortune to the poor of Calcutta. There is no great fulfillment or personal payoff for her. Harry has the same opportunity to do good but declines it and behaves with impeccable bourgeois prudence. Sally ends up badly off and Harry ends up well off. Now Desert says that Sally has an high level of deservingness and for this just reason she becomes better off. From the egalitarian's point of view Sally's desert strengthens the case for coming to her aid. On the contrary, according to Choice no such strengthening reason exists, both the agents have moved via pure option luck process from initial fair equality condition. The equality condition consists of the equal opportunity for both of them to do something good, therefore the inequality is just the result of the option luck.

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<sup>&</sup>lt;sup>8</sup> Definition of *principle of responsibility*, Stanford Encyclopedia of Philosophy

<sup>&</sup>lt;sup>9</sup> R. Arneson, "Luck egalitarianism-A primer", p.148

#### Conception of luck: brute luck and option luck.

The last two examples above introduce the term 'luck'<sup>10</sup> which is deeply relevant in individuals' life.

Ronald Dworkin distinguishes between 'brute luck' and 'option luck'. The author defines 'option luck' as a "matter of how deliberate and calculated gambles turn out, whether someone gains or loses through accepting an isolated risk he or she should have anticipated and might have declined". While 'brute luck' is defined as a "matter of how risks fall out that are not in that sense deliberate gambles". 

According to Dworkin, individuals should be held responsible for their option luck and not for their brute luck, in fact people own the effects of their option luck while brute luck good along with good or bad fortune does not depend on us. Thus, misfortune is not a matter of choices. In fact Arneson states that the line between brute luck and option luck does not coincide with the outcome of a person's voluntary choice and non voluntary choice.

Therefore one might say that the difference between the two kinds of luck is a difference of degrees. Alexander Brown <sup>12</sup> provides some examples of option and brute luck: ambition and investment luck are examples of option luck while features of brute luck are inequalities in the distribution of physical endowments, disability or lack of talent, mental ability. According to Ronald Dworkin a link between brute and option luck exists, even if it does not remove the differences between them. The link is insurance, it is through insurance that option luck is lessened because it becomes a calculated gamble.

<sup>&</sup>lt;sup>10</sup> 'Very bad luck', in the second example, 'option luck' in the third example.

<sup>&</sup>lt;sup>11</sup> R. Dworkin, "What is Equality? Part.2 Equality of resources" Philosophy and Public Affairs, vol.10, no.4, 1981, p.293

<sup>&</sup>lt;sup>12</sup> A. Brown, "Ronald Dworkin's Theory of Equality. Domestic and global perspectives", Palgrave Macmillan, 2009

According to Susan Hurley the fundamental motivating aim of egalitarianism is to neutralize luck, but she argues that "the aim to neutralize luck cannot provide a basis for egalitarianism".

Luck egalitarian's views make distributions insensitive to some forms of luck, but as Carl Knight claims in his *Luck Egalitarianism*, the views are not concerned with equalizing "the distributive effects of all kinds of luck". In fact on Dworkin's view, those who have bad option luck are not entitled to assistance in the name of equality because option luck, even if it is bad, follows from a choice that the individual has taken. Thus equality becomes a matter of Choice and responsibility.

## Cohen and Dworkin: the distinction between choice and circumstance.

"There is a core idea common to all luck egalitarians, that inequalities deriving from unchosen features of people's circumstances are unjust". <sup>13</sup> This phrase, deriving from Schiffler, is useful to introduce the debate between Cohen and Dworkin about the role of choice and the cut between responsibility and bad luck. As we have seen above, Dworkin's egalitarian theory provides assistance to those people who have had a brute luck not followed from the individual choices. Instead, according to Cohen "brute luck is an enemy of just equality, and, since effects of genuine choice contrast with brute luck, genuine choice excuses otherwise unacceptable inequalities" (Cohen, 1989).

Nevertheless, Cohen argues that for Dworkin it is not the choice but preference which excuses what would otherwise be an unjust, unequal (distribution of resources), because he believes that people with the ability to reason always base their choices on the constraints they face as opposed to what they prefer thus restricting the individual's responsibility on his or her choices. The degree of

<sup>&</sup>lt;sup>13</sup> Schiffler, 2003

responsibility for the individual's choice increases if the choice is made according to the individual's tastes.

Even if Dworkin seems to recognize the existence of two different kinds of process in this, he does not separate the presence and absence of choice, (because we all choose) but, as Cohen argues, he evaluates the degree of responsibility consequently to the decision made. For egalitarians like Dworkin, all individuals have responsibility if their choices are voluntary and for this reason he does not believe in "genuinely involuntary (expensive) tastes" 14.

Here is one of Cohen's examples in order to grasp a better understanding of the different points of view between himself and Dworkin. "Louis requires ancient claret and plovers' eggs in order to reach an ordinary level of welfare. Dworkin and I both refuse Louis's request for a special allowance, we ground our refusals differently. Dworkin says: sorry, Louis, we egalitarians do not finance expensive tastes; whereas I say: sorry Louis, we egalitarians do not finance expensive tastes which people choose to develop" (responsibly) 16.

Therefore in Dworkin's point of view, egalitarians do not compensate disadvantages for (expensive) tastes, even if irresponsibly acquired, because tastes are considered like 'unfortunate resources' and not results of bad luck, they are not "instilled by a process which circumvents the volition" On the contrary Cohen says that we should not draw a line between unfortunate resource endowment and unfortunate utility function, and that according to a luck egalitarian theory, we should compensate all the disadvantages that come from both situations and not just from the first one as Dworkin claims. In fact, according to Cohen there is no moral difference between a person who irresponsibly acquires an expensive taste and a person who

<sup>&</sup>lt;sup>14</sup> G. A. Cohen, "On the Currency of Egalitarian Justice", p.923

<sup>&</sup>lt;sup>15</sup> Schiffler, 2003

<sup>&</sup>lt;sup>16</sup> my emphasis

<sup>&</sup>lt;sup>17</sup> G. A. Cohen, "On the Currency of Egalitarian Justice", p.924

irresponsibly loses a valuable resource. Thus, "The right cut is between responsibility and bad luck, not between preferences and resources."  $^{18}$ 

According to Dworkin's view each person is responsible for defining and achieving the flourishing of his/her own life. Thus, he is considered one of the most important exponent of luck egalitarianism as this theory gives responsibility of distributive justice to the individual, so that bad luck underwrites a more compelling case for redistribution compared to the bad choices of those less fortunate.

<sup>18</sup> G. A. Cohen, "On the Currency of Egalitarian Justice", p.922

# 2. Dworkin's Theory - conception of equality in Dworkin's Theory.

The purpose of this chapter is to analyze in detail the key features of Dworkin's theory of equality, starting from a general definition of equality's conception. We try to provide a definition of equal concern and equal respect and also to investigate what it means for a theory of distributive justice to be 'egalitarian' through the strengths and the weaknesses of Dworkin's argument of equality of resources.

During the presentation<sup>19</sup> of his book, *Justice for hedgeogs*, Ronald Dworkin claims that the conception of equality is an important ideal for our politics now. As Alexander Brown 20 reminds us, the abstract egalitarian concept is that " government must treat each and every person with an equal concern and equal respect". With regards to "equal concern" Dworkin argues that social policy must consider each individual equally important "when (government) deciding on a political policy it can discount the effect on some citizens"21. A notion of responsibility can be incorporated within the theory of equality. This argument in Dworkin's view draws upon two fundamental humanist principles, the first one is that it is of equal objective importance that all human lives flourish, in addition each person is responsible for the definition and the achievement of his/her own life. The concept of "equal respect" takes these principles. In this case it is up to the government to respect the dignity of the citizens "by allowing each individual to determine him/herself " what count as a good and successful life. When a government "views the success of some people's lives as more important than that of others or regards some

<sup>&</sup>lt;sup>19</sup> Ronald Dworkin, *Equality*. Video <a href="http://www.youtube.com/watch?v=PrDJAm09F-E">http://www.youtube.com/watch?v=PrDJAm09F-E</a>.

<sup>&</sup>lt;sup>20</sup> A.Brown, Ronald Dworkin's Theory of equality. Domestic and Global perspectives

<sup>&</sup>lt;sup>21</sup> Dworkin's speech about Equality at New York University Dec. 6, 2011, http://www.youtube.com/watch?v=PrDJAm09F-E.

people's definition a of living well as superior with respect to another's" <sup>22</sup> it fails the purpose to treat its citizens with equal concern and respect.

Dworkin adds that "equal concern is the 'special' and 'indispensable' virtue of sovereign". It is 'special' because it can be only held by members of political communities and only "against their own particular government and fellow members" and it is 'indispensable' because a political community cannot claim legitimacy ignoring this right. Unfortunately reality is different from theory. Even if each citizen is officially considered the same by its own government, policies are often addressed to improve the conditions of life of those who are better off.

Supporting this are various every-day instances such as health care. Even in a system holding public health service, better services are offered in the private sectors, which obviously not all the citizens can afford due to the elevated costs. In such a scenario the government does not intervene; on the contrary the Italian government for example, has decided to cut the public spending for health services offered to its citizens thus favoring the growth of a private health care system. Another useful example comes from the field of education. Once again, Italy fits this shoe perfectly as public education is often the first victim of spending cuts. Here the situation is not so different from that of health care. Private schools are well organized and focused on the students, but obviously not every young person can frequent private schools, because of the high fees rendering costs and the related resources the main problems.

Let us briefly recall that Dworkin's theory is that while equality requires government to take steps to compensate for the bad 'brute luck' of being born with poor endowments, it does not

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<sup>&</sup>lt;sup>22</sup> R. Dworkin, "Sovereign Virtue".

<sup>&</sup>lt;sup>23</sup> A. Brown, "Ronald Dworkin's Theory of Equality. Domestic and global perspectives", p.85.

require compensation for bad 'option luck' as the latter is the result of voluntary made choices.

The distinction between chance and choice is intuitively important for distributive justice. In fact, according to a theory supporting distribution of resources, to be 'egalitarian' means to be insensitive to endowments but sensitive to ambitions <sup>24</sup>. Thus, resources are the result of choices relating to occupation, investment and consumption but they are not affected by differences in physical abilities or something that depends on luck.

#### **Equality of resources.**

According to Dworkin, equality is linked to humanist principles along with economic issues and it is also a matter of distribution therefore distinguishing two general theories of distributional equality in particular: 'equality of welfare' and 'equality of resources'. Out of the two, we will focus on the latter.

The purpose of this theory is to remove impact on the distribution of goods from the factors that are not under the control of individuals so that they may be influenced only by situations that are the results of voluntary choices. This point could confirm the doubts of those critics who do not consider Dworkin as a luck egalitarian author.

As we know, Susan Hurley claims that "the fundamental motivating aim of egalitarianism is to neutralize luck," and she considers this assumption as a characteristic of the luck egalitarians authors. She adds that the aim of neutralizing the impact of luck does not outline how to distribute goods and resources. Ronald Dworkin's theory seems to replay to Hurley's criticisms, proposing a scheme to distribute equally the resources.

According to the equality of resources' theory a distribution scheme "treats people as equals when it distributes or transfers so that no further transfer would leave their shares of the total

<sup>&</sup>lt;sup>24</sup> R. Dworkin, "Sovereign Virtue", Equality of Resources.

resources more equal". <sup>25</sup> The term 'resources' refers to what Alexander Brown called "personal and impersonal resources", the 'private property' of individuals and the opportunities provided by that property. Personal resources include physical and mental health and ability while impersonal resources include goods that can be reassigned from one person to another through free market that "allows to change the individuals' bids even when an initially market-clearing set of prices is reached, or even to propose different lots" <sup>26</sup>. This is possible only if the agents operate in a context of economic market, as a device for setting prices for a vast variety of goods and services.

So equality of resources presupposes an economic market. Paradoxically, since the eighteenth century, the market has been regarded as the enemy of equality, because it allows the development of the industrial countries reinforcing the therefore encouraging inequality in property in different parts of the world.<sup>27</sup> On the contrary according to the Dr Mark Cooray, the economic market development "has raised the lot of the level of prosperity undreamed of in past ages, when such prosperity was confined to a few". Therefore through this development, 'prosperity', as a resource, was distributed in a sense amongst more people. This was a direct result of individual initiative within a system which allowed individual incentive and free activity. In Cooray's view the process of economic growth and development "is the only mechanism in history by which inequality has been systematically, successfully and continuously ameliorated on a large scale".

As Dworkin recounts, during the eighteenth century "the moderate politics consisted in striking some balance or trade-off between equality and these other values, either by imposing constraints on the market as an economic environment, or by

<sup>&</sup>lt;sup>25</sup> R. Dworkin, "What is Equality? Part. 1: Equality of Welfare", Philosophy and Public Affairs, vol.10, no.4, 1981, p.186

<sup>&</sup>lt;sup>26</sup> R. Dworkin, "What is Equality? Part.2 Equality of resources" Philosophy and Public Affairs, vol.10, no.4, 1981, p. 287

<sup>&</sup>lt;sup>27</sup> R. Dworkin, "Sovereign Virtue", p.284

replacing it, in part or altogether, with a different economic system". Once again Dr Mark Cooray disagrees with this thesis, claiming that, according to direct egalitarian policies and programs, it inhibits the process of economic growth and development. In the same way, Dworkin suggests that is necessary to put the idea of an economic market in the center of any theoretical development of equality. Thus Dworkin proposes to consider a hypothetical situation in which there is a number of shipwreck survivors washed up on a desert island which has abundant resources and no native population, and any likely rescue is many years away. These immigrants accept the principle that no one is antecedently entitled to any of these resources. First of all one of the shipwreck survivors is elected to achieve a division of resources which satisfies the envy test. This test says that distribution of goods is not satisfactory if, after it, a person envies someone else because of the bundle of resources he has received. Thus initially the divider tries to satisfy this test through a process of trial and error, but it soon becomes apparent that even when nobody would prefer someone else's bundle of resources, some people would prefer that the divider had chosen a different set of bundles in the first place (Dworkin, 1981b, p. 286). So Dworkin then suggests to suppose that the divider hands each of the immigrants an equal and large number of clamshells, which are sufficiently numerous and in themselves valued by no one, to use as counters in a market of the following sort. Each distinct item on the island is listed as a lot to be sold, unless someone notifies the divider of his or her desire to bid for some part of an item. The auctioneer then proposes a set of prices for each lot and discovers if the market has one or more potential buyers, should this be the case the price is fixed and all is sold; if not then prices are adjusted to meet market needs. But the process does not stop here, because each of the immigrants remains free to change his bids even when an initially market-clearing set of prices is reached, or even to propose different lots. But let us suppose that in time even this leisurely process comes to an end, everyone declares himself satisfied, and goods are distributed accordingly.

To evaluate the results of this procedure, the immigrants once again take the envy test. The results of the test have been achieved with the help of an auction in which everyone gets the same initial amount of money (clamshells), that enables the survivors to bid for all the resources that are at the community's disposal. However the envy-test can be valid only if there are no great differences between people's abilities and endowments.

We have seen that the connection between ambitions and endowments is fundamental to define an 'egalitarian' distribution. However, in the course of our lives, ambitions and endowments interact with each other, each of us are born with some particular endowments that may be the results of a bad or good luck nothing can change this. it is often difficult to identify what results from casual factors initially distributed to all individuals. This is a 'strategic problem' because it "is not possible to take out insurance against bad brute luck which has already happened".

In contrast to this, Dworkin wants to prevent suffering because of his (undeserved) natural abilities that resulted from a bad luck. Thus, the solution offered by Dworkin is to supplement the auction by an hypothetical insurance scheme, whose purpose is to realize equality of resources ex ante. He supposes during the auction, people are oblivious to what is happening; they do not know whether they have some mental of physical handicap, whether the talents they posses are in demand on the market or not, and so on. Therefore according to Dworkin the decision to buy or reject the insurance is a "calculated gamble". In this condition there are obviously winners and losers, and Dworkin distinguishes these categories based on those people who did not have the possibility to purchase insurance. In order to achieve a real equality of resources it is fundamental that people are somewhat aware of what the odds are and that they have an equal risk of suffering from bad brute luck.

In addition is necessary that everyone has the same ample opportunity to insure themselves against brute luck.

Each person can decide to "purchase a range of differently priced insurances offering different levels of coverage" (Dworkin, 1981b, p. 297). The different choices between those who spend part of the initial resources for such insurance and those who do not will reflect different opinions on relative value and different forms or components of their prospective lives. This is also the case for those who decide to purchase more or less coverage than others.

Then the amount invested for insurance would go to the common fund from which those who turn to be handicapped or insufficiently talented would be supported. Nevertheless when people decide how much of their resources to devote to insurance they must have some idea of the life they hope to lead, because only then can they decide how serious a particular catastrophe would be. But the evaluation of the seriousness of a particular catastrophe is counter-intuitive, because no rational person would chose to be born with a particular handicap or to suffer a bad brute luck, whatever ambitions he or she may have. Similarly, when a person without the handicap decides how much insurance to purchase, this person must chose the life he or she would have planned in that particular situation. In any case, in Dworkin's opinion, there is no answer to this question also because the insurance market cannot be structured to design general risks, nor to cover them.

Nevertheless, an important criticism is that the opportunity to ensure protection against bad luck is not sufficient to transform brute luck into option luck. Dworkin applies the insurance device to several disadvantages, like physical disability and lack of talent. On the other hand, Michael Otsuka argues that there are cases in which it is not possible to compensate the harm of a brute luck through insurance policy, for three main reasons: first of all there are difficulties, like several physical and mental disabilities, that are not fully compensable; then, in the case in which is possible to compensate the disadvantage, the cost of purchasing the insurance

may be very expensive or beyond a person's possibility to purchase it<sup>28</sup>. In addition, insurance does not convert brute luck into option luck because, despite the possibility of the compensation, physical or mental handicaps are results of brute luck that people cannot choose or avoid. The choice of insurance is optional, the catastrophe suffered is not.

Insurance can be considered "a bad thing", because even if it compensates an individual for his brute luck, he/she has to pay for its coverage. As part of one's resources are spent to purchase insurance, the latter itself is considered a difficulty despite the fact that everyone can decide to purchase a range of differently priced insurance.

Recalling that insurance is a "calculated gamble", we will now analyze the situation of those who gamble and win and of those who gamble and lose. How equal are the results of the bet? Suppose that both have gambled, they have calculated the same risk, but both do not win. Even if one might to say that losing is part of the life they choose. They have chosen the same lives so no one should sacrifice gains because of his or her choice. The choices are the same but the results differ, so even if the gamblers have had the optional opportunity to bet, the loss or the winning are results of bad luck. This is a further demonstration that it is not possible to convert brute luck into option luck because even after the "gamble insurance" the result is not under the control of the individuals.

In *Sovereign Virtue* Ronald Dworkin claims that an important assumption of his theory is that "people should pay the price of the life they have decided to lead, measured in what others give up in order that they can do so." In fact this is the core idea of the auction as a device to establish initial equality of resources.

In conclusion, the assumption of Dworkin's equality of resources in his distributive theory is that, if one chooses insurance he or she does not have the right complain of the inequalities of

<sup>&</sup>lt;sup>28</sup> M. Otsuka, 2002, p.4

resources received, regardless of the outcome of his life. Similarly, the choice of not purchasing insurance does not allow for laments should a person's life have brute luck.

#### 3. Is Dworkin a luck egalitarian?

The aim of the chapter is to try to answer the question of this work: is Dworkin a luck egalitarian? Here we will analyze the arguments for and against this label. Then, we will describe the characteristics that make an author a luck egalitarian, through examples and comparisons among the authors.

#### Yes, Why?

Firstly we answer the question positively. According to Anderson, luck egalitarians make a great distinction between the outcome results from voluntary choices, for which an individual is responsible, and the those that are out of personal control, for which the person is not responsible. Following this conception about luck egalitarians authors, we could say that Dworkin is a luck egalitarian. In fact, we have seen that Dworkin in his scheme of insurance provides a compensation to the people only for unequal outcome results not from voluntary choices but from factors out of the personal control. Therefore, the main luck egalitarian elements, such as the voluntariness of the choice and the conception of responsibility, are the fundamental factors of Dworkin's distributive theory. Moreover, we have seen the deep cut between responsibility and bad luck that have characterized the heated debate between Cohen and Dworkin about the conception of equality, and we have analyzed the fundamental distinction between Desert and Choice in the egalitarianism's history.

In addition, E. Anderson proposes an interesting interpretation of egalitarian's goals, she writes that the proper positive aim of egalitarian justice "is not to ensure that everyone gets what they morally deserve, but to create a community in which people stand in relations of equality to others"; this phrase could be seen as the core idea of Dworkin's theory of equality. In this view, Dr. Markovits argues that luck egalitarianism is not a purely distributive ideal, but instead contains at its core a vision of

political solidarity among free and equal citizens. This claims of Dr. Markovits confirms the luck egalitarian nature of Dworkin's theory because, the same Dworkin underlines how it is important for citizens being equal and free. We recall that according to the author, freedom and equality are fundamental conceptions for democratic and legitimate governments. In fact, in Dworkin's view, people should be equally considered and respected from their government and also they should have the possibility to realize their ambitions through the support of the political institutions.

Alexander Brown proposes a solution to the question of this work, arguing that Dworkin can be considered a luck egalitarian looking at different levels of his theory. According to Brown, in Dworkin's theory there are abstract and concrete levels of equality. The abstract levels have been identified by Scheffler's critics that we have analyzed above, and are concerned about people's circumstances and compensations. The concrete levels instead concentrate on the practice of distribution of the resources among people, and the role of luck's neutralization. He argues that Dworkin's theory of equality of resources is more luck egalitarian when stated at a higher level of abstraction than at a lower, more concrete level. So in Brown's view, Dworkin is an "interpretive luck egalitarian".

#### Why not?

Now we answer the question negatively. Among the arguments against the label that defines Ronald Dworkin as luck egalitarian, we can include the debate between the latter and Scheffler. According to Scheffler, Dworkin's equality of resources shares the core idea of luck egalitarianism which is that inequalities deriving from unchosen features of people's circumstances are unjust' (Scheffler, 2003, p. 5). Thus, we could say that Dworkin is a luck egalitarian. Nevertheless, Dworkin disagrees with Scheffler's view that equality of resources is luck egalitarian in that sense and,

answers to him, writing that the aim of his theory is not to defend the core idea suggested by Scheffler, but to make people equal through different version of envy test. So it is the same Dworkin that answers negatively to the question.

Moreover, Dworkin adds that the main goal of his theory is not to fully compensate people for their bad luck, which, as we have seen before, is not always possible. Rather the aim is to provide to each person the same opportunity to insure themselves against bad luck ex ante. Therefore Dworkin does not accept injustices over the necessity, he claims that a person who ex ante makes a voluntary choice whether to purchase insurance or not "cannot rightly complain of unequal resources ex post".

In addition, Scheffler claims that luck egalitarians deny the legitimacy of inequalities for which people cannot be held responsible for having them, such as intelligence, entrepreneurial ability and so on. On the contrary, Dworkin argues that this kind of inequalities are perfectly legitimate if it is in place a scheme of redistributive taxation that mitigates those inequalities "by indemnifying people who lack such skills in the amount most of them would have insured to receive had insurance been available on fair terms"<sup>29</sup>.

Another argument against this could be, as we have briefly seen before in the phrase of Susan Hurley, the association of luck-egalitarian authors with the idea that "the fundamental motivating aim of egalitarianism is to neutralize luck". In addition, Elizabeth Anderson defines 'luck egalitarianism' as 'equality of fortune'. These claims can be used as arguments against the luck egalitarian nature of Dworkin. In fact, what the author wants to achieve in his theory of equality of resources, through an hypothetical insurance, is not that people are equal in fortune, but that people are equal in their own resources and above all that these resources are not

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<sup>&</sup>lt;sup>29</sup> R. Dworkin, Equality, Luck and Hierarchy, Philosophy C Public Affairs 31, no. 2, Princeton University Press.

influenced by brute luck. In addition, Dworkin is not among those egalitarians who want to neutralize luck, as we know from the studies of Rakowski (1991,74), instead, Dworkin and others believe that justice requires the differential effects of option luck not to be nullified. Thus, the initial definition of the label is in this way denied.

#### Luck egalitarian authors. Characteristics and examples.

As Dr. Gerald Lang argues, in his paper *Two Objections to Luck Egalitarianism*, the fundamental impulse behind luck egalitarians is to correct, compensate for, or neutralize, involuntary disadvantages between individuals. According to him, the moral project of luck egalitarians is to reduce involuntary disadvantages between individuals that reflect brute bad luck. At the same time, when disadvantages are not involuntary, in the sense that they can be attributed to factors under the agents' control, they cannot be objected. So in this view, it is not inequality per se that luck egalitarians object to; it is inequalities that are involuntary, or attributable to brute bad luck.

The prominent theorists included in the group of luck egalitarian authors are G. A. Cohen, R. J. Arneson and J. Roemer. We can recognize a common intuition in minds of luck egalitarian authors. G.A. Cohen has argued that egalitarianism's aim is fundamentally to eliminate involuntary disadvantage. Clearly he means disadvantage for which the person suffering cannot be held responsible, because it does not reflect personal choices and they are out of his control. Similarly, John Roemer claims that society should indemnify people against poor outcomes that are the consequences of causes that are beyond their control, but not against outcomes that are the consequences of causes that are within their control, and for which they are personally responsible.

The luck egalitarians' conception of equality can be also described as equality of access to advantage, where the term

'access', often used by Cohen, is meant to reflect an ability to acquire advantage dependent upon choice but not luck. Cohen affirms the principle of 'equality of access to advantage', whatever advantage is rightly considered to be. However, there is a weakness in his formulation, because he cannot say in a pleasingly systematic way, exactly what endowments, fact or things can be considered as an advantage.

Luck egalitarians accept economic inequalities related with the different abilities to acquire 'unequal advantages', but only if those inequalities reflect choices for which people can be held responsible, and not simply facts about the physical or social differences between individuals. As we have seen above, Dworkin and Cohen both agree in this point, despite the debate about expensive tastes.

Therefore, an important issue for luck egalitarian authors, is the role of personal responsibility in the frame of distribution and compensation. The personal responsibility ethic has been combined with egalitarianism to constitute principles of social justice. As Richard Arneson argues, according to luck egalitarian's view, to hold an individual responsible, it is necessary to assess behavior as meeting or failing to meet a standard of conduct. According to him, the personal responsibility factor has modified egalitarianism through the component of 'lukism'. As Richard Arneson says, the luck egalitarian line on personal responsibility is first and foremost a reaction against the desert-eschewing core of John Rawls's influential and powerful theory of justice. All the luck egalitarian authors in fact have to reckon with the Rawls's formulation of the 'difference principle', which affirms that inequalities in the distribution of social and economic benefits are just only if they work to maximize the benefit level of the least advantaged members of society.

We try to give an overview of rawlsian's theory of justice. John Rawls proposes to determine principles of just society through an hypothetical contract among members of a society. The starting assumption is that rational individuals who make this contract primarily care for their self-interest are well informed about human nature and functioning of society, and that they are placed under so called 'veil of ignorance'. People standing under the veil of ignorance, do not know anything about their characteristics and circumstances, and that might influence their decision-making. In fact this is a fundamental condition for the realization of the hypothetical contract.

Since economic talent belongs those unknown to characteristics, and since every party to the contract standing under the veil wants to secure to himself as good position as possible, the difference principle will be chosen. The core idea is that economic inequalities are allowed only if they benefit even the least advantaged individuals. Therefore, even those who discover that they are the least advantaged, would accept to grant greater share of resources to the talented, but only if the latter give them some part of their extra wealth. This principle is often taken in practice as a justification of progressive taxation of the rich. Nevertheless, Richard Arneson argues that in luck egalitarian's view, the 'difference principle' and other justice principles embraced by Rawls, imply that the economy of a just society should be set so that the long-run income accruing to the least advantaged class should be maximized.

However, as Peter Stone writes in a review of Cohen's *On the Currency of Egalitarian Justice*, for luck egalitarians what you get is very much a function of what you give. One might say that this assumption has been developed in Dworkin's theory of equality of resources through the insurance's scheme, therefore this is further evidence of Dworkin's luck egalitarianism. But in this view, reward is clearly meant to relate to effort and to personal responsibility. In fact those who choose to do more to help society, or find personal satisfaction in ways that demand less of society, should be entitled to be better off than others.

Commonly all the authors and members of the group of luck egalitarian, have approached theories of distributive justice. For example, in his *Theories of distributive justice*, John Roemer claims that a theory of distributive justice is the scheme which a society follows, or the way in which a group should allocate its scarce resources of product among individuals with competing needs or claims. To describe the several practical procedures for building a just society through normative theories, Roemer uses tools of social choice theory and game theory. His economic approach is axiomatic.

Cohen also deals with the pattern of distribution, analyzing the way in which advantage ought to be distributed. In fact, he developed the theory of justice in his work *On the Currency of Egalitarian Justice*, in which he presents the first systematic exposition of this theory. He believes that people should be compensated for disadvantages beyond their personal control, as such, while they should not in the other case, drawing a line between unfortunate resource endowment and unfortunate utility function. In addition, he writes that distributive justice should ignore variations in preference and taste.

Arneson and Cohen both maintain that the idea of choice and responsibility is incompatible with the philosophical theory of hard determinism. This means that if hard determinism is true, then no individual should be held responsible for expensive tastes and all differential welfare is unjust (see Arneson, 1989, p. 86; Cohen, 1993, p. 28). About this latter phrase, Cohen's proposals are hard to support since they require active widespread support for the idea of compensating for involuntary expensive tastes. This support relies on a radically different set of ethical attitudes and practices in human life.

Dworkin does not support the mitigation of brute luck for all kinds of disadvantages, expensive tastes included. This is another argument against the definition of Dworkin as a luck egalitarian author. On this point, instead, other luck egalitarians have a common idea. We have seen the example of Cohen's point of view. In fact he writes that whatever number of dimensions the space of disadvantage may have, egalitarianism cuts through each of its dimensions, judging certain inequalities of advantage as acceptable and others as not, its touchstones are a set of questions about the responsibility or lack of it of the disadvantaged agent' (Cohen, 1989, p. 921). Similarly, Anderson suggests that a luck egalitarian would recommend sending compensation cheques to the ugly and socially awkward thereby showing them contemptuous pity (Anderson, 1999, p. 305).

Another important theme, linked with responsibility issue, , characterizes luck egalitarian authors and puts them in contrast (mainly Cohen) with Dworkin's theory. This is the conception of circumstances. On the one hand, Dworkin greatly stresses the distinction between a person and his or her circumstances, assigning the tastes and ambitions to the person, and physical and mental powers to the circumstances."As Samuel Scheffler argues in his paper *Choice, Circumstances, and the Value of Equality,* in Dworkin views individual tastes and ambitions are aspects of one's personality for which that person may reasonably be held responsible. At the same time, as Scheffler explains, Dworkin thinks that a person cannot be held responsible for his natural abilities, for his circumstances, or for other results of brute luck.

On the other hand, Cohen insists that the great distinction for a luck egalitarian should be the distinction between choice and circumstance rather than between the person and his or her circumstances. According to him, it is not reasonable to hold people responsible for such tastes. Some thesis about this issue have been closer to Dworkin's position and some have been closer to Cohen's. But in the end the core luck egalitarian idea is that there is something unjust about inequalities deriving from unchosen aspects of people's circumstances, while inequalities deriving from people's voluntary choices are not unjust.

A summary formulation that can include all the luck egalitarian authors is that distributive justice requires that unchosen or uncourted inequalities be undone and that chosen or courted equalities should be let alone. Nevertheless we have seen that choices can be more or less voluntary along several different dimensions of voluntariness, tastes and circumstances, and this is what distinguishes and characterizes different views of luck egalitarian authors, thus continuously doubting the luck egalitarian nature of an author.

#### Conclusion.

To sum up, the purpose of this thesis has been to try answering the research question "Is Dworkin a luck egalitarian?".

The work has been divided in three parts. To achieve the aim, I have start describing in the first part of the thesis, the meaning of luck egalitarian label, his philosophical elements and context, through the contributions of the authors expressing luck egalitarianism ideals. Also in the first part we have analyzed the conceptions of 'brute' and 'option' luck, through the Ronald Dworkin's point of view. According to Dworkin brute luck is something for which people cannot be held responsible, because the results of brute luck are out of the individual's control. For Dworkin option luck instead, is a "calculate gamble", is something for which people can be held responsible because the results of option luck are voluntary choices, so people cannot complain if their condition depend on their option luck, because they have chosen it.

In the second part of the work we have analyzed in detail the conception of equality in Dworkin's view. Related to this issue we have described in particular way Dworkin's theory of equality (of resources) and the main critics against his conception of luck, choice, personal responsibility and circumstances. As we have seen, Dworkin's egalitarian theory provides assistance to those people who have had a brute luck not followed from the individual

choices. What Dworkin means is not a fully compensation for inequalities, but an equal possibility for everyone to be insured against brute luck, before that he happens. For this reason Dworkin proposes an insurance scheme, which can be considered a link between brute luck and option luck. According to this hypothetical insurance scheme, people have the possibility to choose among variant degree of coverage at different price. Thus, people are responsible for what kind of insurance they want to purchase and at the end of the auction they have the option luck which they have voluntary chosen. In this way Dworkin believes transforming brute luck into option luck.

For Dworkin, the same possibility for everybody to ensure their lives, is one of the fundamental things that characterizes his egalitarian theory. In addition we recall the debate between Dworkin and Cohen about the expensive tastes again, analyzing in particular the degree of responsibility considered by Dworkin in the evaluation of the voluntariness of people's choices.

In fact Dworkin attaches a value to Choice per se and, this value increases people's responsibility for their choices. One might to say that Dworkin in some way recalls the conception of "Functionings", coined by Amartya Sen. The conception of functionings reflects the several things that a person may value doing or being (see Sen Development as Freedom, p. 75). These functionings vary from basical ones, such as being free from avoidable diseases, to complex ones, such as being able to realize high personal ambitions. What it is more interesting for our research is that, as the same Sen underlines, Choice can be also considered a functioning. In fact Sen recognizes, as Dworkin in this case the value of Choice, which in Dworkin's view can transform brute luck in option luck. In addition Sen also recognizes the importance of the choice of not taking up the opportunities when people have them. Similarly Dworkin attaches a value to the choice of not taking up the possibility of insurance. In fact, he believes that people who do not purchase insurance or those who buy a less

coverage of insurance cannot justly complain of their worse off conditions.

Nevertheless, we have seen that a lot of philosophers disagree with the argument proposed by Dowrkin. In fact when a person can be considered rightly responsible for his choices?

The first author we have compared with Dworkin point of view is G. A. Cohen. We have recalled the heated debate between the two authors about choices and preferences, and the different role of personal responsibility in the distribution of good (or resources). As we have seen, according to Cohen brute luck is an enemy of just equality, and, since effects of genuine choice contrast with brute luck, genuine choice excuses otherwise unacceptable inequalities. Dworkin and Cohen also disagree about the evaluation of expensive tastes as result of brute or option luck or, although results of option luck, if theory are voluntary.

Finally in the third part, we have recalled the research question and we have tried to answer it. We have seen the main characteristics of luck egalitarian authors and we have compared them with the elements which characterize Dworkin'theory. Defining the luck egalitarian nature of the several theories has not been so easy.

In all the arguments in favor or against the luck egalitarian label attracted by Dworkin, we have found conflicting and contrasting ideas. What emerges from the positions of the luck egalitarian authors recalled in the thesis, is a sort of faith in luck conception. For examples, in Cohen and Arneson's view, an equal distribution (of goods or resources) have to take in count the impossibility for individuals to control and to influence luck factors. It almost seems these luck egalitarian authors surrender to the inevitability and uncontrollability of luck while Dworkin, trying to transform brute luck in option luck, seems at least to address the issue, bypassing the uncontrollability of luck, making it 'optional'. In addition he claims that luck should play less of a role in fixing the distribution of wealth.

The writer who I have followed to proceed with the criticism about Dworkin has been Alexander Brown. The same Brown concludes his work, *Ronald Dworkin's Theory of Equality.* Domestic and Global Prospectives, arguing that Dworkin can be considered an interpretive luck egalitarian. This is it because there are so many theorical levels and so many different egalitarian elements in luck egalitarian theories that it is hard to give a unique definition of what means to be a luck egalitarian authors.

Even if this thesis seems to provide in the end a negative answer to the research question, we could say that the debate about this issue seems to be still opened. We surely have underlined the most controversial aspects of luck egalitarianism and, we partially have showed the solutions and contributions that this kind of egalitarianism suggests to the inequality's problem. The contributions analyzed in the thesis can still serve as a starting point for further reflections.

Nevertheless, over the label, this path allowed us to reflect on fundamental social issues, giving us the tools to answer the most challenging questions of our times. The author's points of view, which we have analyzed, can be useful for us because those authors try to give solutions to the continuous social issues that afflict people's life.

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