2014

# Is Rawls's Difference Principle Preferable to Luck Egalitarianism?

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Abstract

John Rawls's difference principle and luck egalitarianism are currently two of the most popular theories of distributive justice in the philosophical literature. Many luck egalitarians have argued that Rawls outlined the fundamental arguments for luck egalitarianism in *A Theory of Justice* (*TJ*) but did not settle on the difference principle because he did not realize the full implications of his own arguments. In contrast, I believe that Rawls was too thorough of a thinker not to realize the full implications of his arguments for the difference principle. In this essay I explicate two arguments I believe that Rawls puts forth in *TJ* against luck egalitarianism: the effort argument and the impracticable argument. I argue that both arguments are unpersuasive because the effort argument is invalid and we have good reason to be sceptical that the impracticable argument is sound. In this essay I do not directly take a side in the difference principle/luck egalitarianism debate; however, I do contribute to the debate by showing that Rawls was intentionally not a luck egalitarian and that Rawls arguments against luck egalitarianism are not persuasive. Rawlsians need to look beyond Rawls if they are going to defeat luck egalitarianism.

**Is Rawls's Difference Principle Preferable to Luck Egalitarianism?**

**1. Introduction**

How should societies distribute material goods, such as money and wealth? Currently two of the most popular views in the philosophical literature are John Rawls's Difference Principle and luck egalitarianism (Segal, 2010). In this essay I am going to reconstruct two arguments that I interpret Rawls (1999a) gives to show that the Difference Principle is preferable to luck egalitarianism. I shall argue that both of Rawls's arguments are unpersuasive. First I am going to outline how Rawls's Difference Principle and luck egalitarianism state societies should distribute material goods (section two). In section three I shall explicate Rawls's effort argument and argue that it is invalid. Then I shall reconstruct Rawls's impracticable argument, and argue that we have good reason to doubt that it is sound (section four). Section five will conclude.

**2. Rawls's Difference Principle and Luck Egalitarianism**

Rawls's Difference Principle says societies should arrange social and economic inequalities so that they are to the greatest benefit of the least advantaged members of society (Rawls, 1999a, 266). Rawls defines a 'society' as a more or less self-sufficient collection of persons who recognize that certain rules apply to them and generally try to obey them (Rawls, 1999a, 4). He is unclear how exactly we should define the least advantaged group in societies. One of the more popular interpretations of Rawls is that the least advantaged group of society should be defined as the representative group who has the most disadvantageous family and class origins, natural endowments and luck throughout their life (Rawls, 1999a, 83-84). Under some empirical conditions, for instance, where humans do not respond to incentives, the Difference Principle may collapse into strict egalitarianism: advocate that all good should be divided equally among all members of society. However, Rawls and most economists believe that most humans do respond to material incentives and using such incentives can increase the total amount of material goods a society is able to produce and distribute (Lamont & Favour, 2013). Therefore, in reality, the least advantaged member of society would benefit the most in *absolute*

terms if societies distributed goods unequally, so that the more productive received more goods than the less productive.

There are many types of luck egalitarianism. For the purpose of this essay I shall stipulate that luck egalitarianism states that inequalities in the distribution of material goods should derive from the choices people voluntarily make and that inequalities in the distribution of material goods should not derive from unchosen features of people's circumstances (Scheffler, 2003, 5). According to luck egalitarianism, no one deserves one's talents, disabilities, intelligence, or the wealth one is born into. So, inequalities in material goods resulting from unchosen factors, such as these, should be eliminated. However, inequalities in material goods that are the result of voluntary gambles and effort that is voluntarily exerted are acceptable.

Before I move on to discuss Rawls's two arguments against luck egalitarianism I would like to make two important clarifications. First, both the Difference Principle and luck egalitarianism make what G. A. Cohen calls "qualified" or "weak" claims (Cohen, 1989, 908). The claims that the Difference Principle and luck egalitarianism both make are subject to limitations imposed by other values. Rawls is explicit that his Difference Principle is limited by his liberty principle which states that "each person is to have an equal right to the most extensive system of equal basic liberties compatible with a similar system of liberty for all" (Rawls, 1999a, 77 & 220). All serious luck egalitarians agree that luck egalitarianism is limited by at least one other value. Also, Rawls and many luck egalitarians agree that societies should be concerned with distributing things besides just material goods (e.g. opportunities, powers, etc.) (Rawls, 1999a; Lamont & Favor, 2013; Lippert-Rasmussen, 2014). Second, the term 'luck egalitarianism' was coined by Elizabeth Anderson (1999) shortly before the publication of (Rawls, 1999a). So, to be clear, I am going to interpret Rawls (1999a) to be attacking the substance of what I have defined as luck egalitarianism although Rawls (1999a) never attacks luck egalitarianism by name.

### 3. The Effort Argument

Rawls thinks that many of us (wrongly) have an intuition that it is just for people who work more hours and exert more effort to receive more material goods than those who work and try less (Rawls, 1999a, 273-77). Luck egalitarianism seems to reflect this intuition whereas the Difference Principle does not. In response to this intuition Rawls makes an argument I shall name the 'effort argument'. The argument can be standardized as follows:

> P1a: One's willingness to make an effort is dependent on social circumstances and natural endowments (Rawls, 1999a, 64 & 274).
>
> P2a: Distributions of resources based on social circumstances and natural endowments are morally arbitrary (Rawls, 1999a, 274).
>
> Ca: Therefore, those who put forth more effort do not morally deserve more resources than those who put forth less effort (Rawls, 199a, 273-74).

Both Rawls and luck egalitarians agree that P2a is true. This argument's validity depends on how P1a is interpreted. Premiss 1a can be read to mean that one's willingness to make an effort is *completely* dependent on social circumstances and natural endowments (the determinist interpretation). Or P1a can be read to mean that one's willingness to make an effort is *partially* dependent on social circumstances and natural endowments (the compatibilist interpretation). If we take the deterministic interpretation of P1a this argument is valid; if we take the compatibilist interpretation of P1a the argument is invalid. How should we interpret Rawls?[1]

In a deterministic universe humans cannot make any voluntary efforts so luck egalitarianism would advocate distributing goods on a strict egalitarian basis. So, if Rawls is a determinist, and he meant the deterministic interpretation, it seems like he can reuse his argument against strict egalitarianism to attack luck egalitarianism. Rawls argues the Difference Principle is always preferable to strict egalitarianism because it allows good to be distributed unequally if it made some people better off and no one worse off than they would be under a

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[1] For an alternative deterministic interpretation see (Nozick, 1974, 213-16). For an alternative compatibilist interpretation see (Cohen, 1989, 914-16).

strict egalitarian distribution of goods (Rawls, 1999a, 130-31).[2] If no such unequal distribution of goods is possible then the Difference Principle also advocates distributing goods on a strict egalitarian basis (Rawls, 1999a, 130-131). In contrast, strict egalitarianism (and luck egalitarianism in a deterministic universe) would advocate that goods should always be divided on a strict egalitarian basis even if unequal distributions of goods could make everyone better off! Therefore, in a deterministic universe, the Difference Principle is clearly preferable to luck egalitarianism. At best the Difference Principle makes some people better off and no one worse off than they would be under luck egalitarianism, and at worst the Difference Principle treats people the same as luck egalitarianism does.

If Rawls meant the compatibilist interpretation of P1a the effort argument is not valid, nor does it weaken luck egalitarianism as I have defined it.[3] The effort argument is invalid under the compatibilist interpretation because it does not follow that since *part* of one's willingness to make an effort is dependent on morally arbitrary factors *all* of the effort one exerts is morally arbitrary. The argument only proves that some effort is morally arbitrary. Luck egalitarianism agrees with Rawls that material inequalities that derive from *involuntary* effort are not morally justified. However, luck egalitarianism disagrees with Rawls and affirms that material inequalities that derive from *voluntary* effort are acceptable.

I believe that we ought to interpret Rawls to mean the compatibilist interpretation of P1a. First, it is unclear whether the concepts of moral responsibility and justice are intelligible in a deterministic universe. Historically, philosophers have widely believed that volition was a prerequisite for moral responsibility (Eshleman, 2014). So if Rawls is a determinist it seems odd for him not to defend himself from the predominant view that maintains there could not be

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[2] Strictly speaking the Difference Principle only allows for deviations from strict egalitarianism if it makes the least advantaged better off.

[3] The compatibilist interpretation does attack "crude luck egalitarianism", the distributive principle that states that inequalities in the distribution of material goods should only derive from the voluntary *or involuntary* choices people make. However, this theory is clearly not plausible so I do not think that Rawls was intending to attack it. Crude luck egalitarianism implausibly implies that if a robber tells a victim "Give me your wallet or I will kill you" and then the victim gives the robber his wallet, the new distribution of material goods is justified because the victim *chose* it.

moral responsibility and justice in a deterministic universe. Second, and most importantly, I think we ought to interpret Rawls to be a compatibilist because interpreting him to be a determinist is incompatible with much of (Rawls, 1999a) and his other published work. Rawls (1999a) says that that "unless citizens are able to know what the law is and are given a fair opportunity to take its directives into account" they should not be held responsible for breaking the law (212) and that "we cannot divest ourselves of our [political] responsibility and transfer the burden of blame to others" (341). Rawls (1999b) adds that persons can "regulate and revise their ends and preference in light of their expectations of primary goods" and have "a capacity to assume responsibility for their ends" (369-70). Therefore, we ought to adopt the compatibilist interpretation of P1a and conclude that the effort argument is invalid. Consequently, this argument does not give us a reason to prefer the Difference Principle over luck egalitarianism.

## 4. The Impracticable Argument

I interpret Rawls to give a second argument against luck egalitarianism I shall name the 'impracticable argument'. The argument can be standardized as follows:

> P1b: It is impracticable to distribute resources based on luck egalitarianism (Rawls, 1999a, 274).
>
> P2b: It is more practicable to distribute resources based on the Difference Principle than based on luck egalitarianism.
>
> P3b: There is a reason to prefer a distributive scheme, X, to a distributive scheme, Y, if X is more practicable to implement than Y (Rawls, 1999a, 138-39).
>
> Cb: Therefore, there is a reason to prefer the Difference Principle over luck egalitarianism.

The impracticable argument is valid. If the premises are true, Rawls has given us a reason, although perhaps not an overriding one, for preferring the Difference Principle to luck egalitarianism. I believe both Rawls and luck egalitarians would agree that P3b is true as long as we interpret 'reason' not to necessarily mean an 'overriding reason.' However, similar to the

effort argument is it unclear how we should interpret P1b and how we interpret P1b affects the truth value of P2b. Premiss 1b can be read to mean that it is impossible to distribute resources based on luck egalitarianism (strong interpretation). Or P1b can be read to mean that it is infeasible to distribute resources based on luck egalitarianism (weak interpretation). If we take the strong interpretation of P1b and P1b is true, P2b is true as long as it is possible to distribute resources based on the Difference Principle (it is more practicable to accomplish a possible task, no matter how difficult, than an impossible task because an impossible task can never be accomplished).

If we take the weak interpretation of P1b, we may think Rawls is concerned with the administrative cost of distributing goods based on luck egalitarianism.[4] Rawls (1999a) does say that a taxation schemes is undesirable when the cost of administering the taxation scheme is greater than the revenues raised by it, and that if non-essential public goods are to be an efficient use of social resources, "there must be some scheme for distributing the extra taxes among different kinds of taxpayers that will gain *unanimous* approval" (italics mine) (Rawls, 1999a, 211 & 250). So, let us imagine a society comprised of 4 members: *A, B, C* and *D*. We can define conscientious effort as the portion of one's effort that is not determined by unchosen factors such as genetics, family upbringing or social circumstances. Suppose that each respective individual's level of conscientious effort is the same in both figures but in figure 2 the society did not expend the resources to determine what each person's level of conscientious effort is. Figure 1 shows how luck egalitarianism would advocate the society distributes its goods and figure 2 shows how the Difference Principle may advocate the society distribute its goods.[5]

| Members of Society | Goods Produced | Conscientious Effort (Known) | Administrative Cost | Luck-Egalitarian Distribution of Goods |
|---|---|---|---|---|
| *A* | 10 | Low | 10% | 16.5 |
| *B* | 30 | High | 10% | 18.5 |
| *C* | 20 | High | 10% | 18.5 |
| *D* | 20 | Low | 10% | 16.5 |

Figure 1

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[4] For a further discussion on whether the administrative cost of a distributive scheme can make a distributive principle more or less attractive see (Cohen, 2008, 308-15).

[5] Both figures 1 and 2 are based on an example in (Lippert-Rasmussen, 2014).

| Members of Society | Goods Produced | Conscientious Effort (Unknown) | Administrative Cost | Strict Egalitarian Distribution Of Goods |
|---|---|---|---|---|
| *A* | 10 | Low | 5% | 19 |
| *B* | 30 | High | 5% | 19 |
| *C* | 20 | High | 5% | 19 |
| *D* | 20 | Low | 5% | 19 |

Figure 2

Since the administrative cost of determining each person's conscientious effort is so high everyone is worse off in figure 1 than in figure 2.[6] Clearly, in this hypothetical society P2b is true: it is more practicable and hence cheaper to distribute goods based on the Difference Principle than based on luck egalitarianism. So, generally, a society has a reason to prefer the Difference Principle to luck egalitarianism if it would be more practicable for a society to distribute goods based on the Difference Principle.

Now that I have explicated what I believe to be the two most plausible interpretations of P1b we must again try to determine what Rawls means. I believe that it is most charitable to read the weak interpretation of P1b. It is uncharitable to believe that Rawls meant the strong interpretation of P1b because at the time of writing (Rawls, 1999a) articles outlining how a society could distribute resources based on luck egalitarianism had already been published. For instance, in 1981, 18 years prior, to (Rawls, 1999a) Dworkin published (Dworkin, 1981), a widely read essay outlining how in principle it is possible for goods to be distributed based on luck egalitarianism.[7] Dworkin (1981) outlines how societies could implement a wide range of insurance schemes so that the disabled do not receive less goods simply because of their unchosen disabilities and the innately talented do not receive more goods simply because of their innate talents. His proposed distributive scheme does not prevent material inequalities that result

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[6] If the individuals in this society were receptive to incentives the Difference Principle might be able to make people even better off. For example, perhaps if *B* got to keep a larger portion of the goods she produced she may produce more. Luck egalitarianism could also allow for incentives since it also makes qualified claims but if the administrative cost of luck egalitarianism is significantly higher than the administrative cost of the Difference Principle, it is likely that some people will receive more goods and no one will receive fewer goods under a distributive scheme governed by the Difference Principle than one governed by luck egalitarianism.

[7] Dworkin actually rejects being labelled a 'luck egalitarian' and prefers to call his view 'equality of resources' but I believe his view falls under what I have defined as 'luck egalitarianism' (Dworkin, 2003, 190). I do not believe I am unfairly representing Dworkin here because many authors consider him to be a canonical luck egalitarian (Lippert-Rasmussen, 2014; Scheffler, 2003).

from voluntary actions but he does concede that societies may want to disallow some inequalities or prohibit some voluntary actions for other values such as political justice or paternalism (Dworkin, 1981, 283 & 295). If Rawls meant the strong interpretation of P1b, P1b is false and the impracticable argument is unsound.

I am going to argue that we have reason to question the soundness of the impracticable argument under the weak interpretation. If we did live in a society like the one in figure 1-2, I concede that the Difference Principle is preferable to luck egalitarianism. But it is far from obvious that such a society currently exists. Economists have already done a lot of research in determining how morally arbitrary facts like one's social class and family upbringing affects one's projected income (Levitt & Fryer, 2013; Levitt & Fryer, 2004; Jencks & Phillips, 1998; Reardon, 2013). Of course more research would still need to be done in order for a society to distribute goods solely on the basis of luck egalitarianism. However, once the initial research determines which factors are generally in a persons' voluntary control and which are not, much of the research could be reused. In order to distribute goods based on luck egalitarianism it is unlikely that we would have to continually pour large amounts of resources into researching what individuals are and are not responsible for and consequently, over time, the administrative cost of distributing goods based on luck egalitarianism would decrease.

In contrast, it seems like much of the administrative cost of distributing goods based on the Difference Principle is fixed. If a society sincerely wants to distribute material goods based on the Difference Principle they must incur an administrative cost to ensure that their distribution of goods is always to the benefit of the least advantaged group. For example suppose we can divide a society into three representative groups: $G_1$, $G_2$ and $G_3$. At time $T_1$ the distributors have some material goods to distribute and have determined that $G_1$ is the least advantaged group. Therefore, the distributors distribute the goods so that they are to the greatest benefit of $G_1$. Now at a later time, $T_2$, the distributors come about some more goods to distribute. If they sincerely want to distribute goods based on the Difference Principle they must

once again commit resources to determining which group is the least advantaged—they cannot assume that $G_1$ is still the least advantaged group because the earlier distribution of goods may have raised $G_1$ so much more than it did $G_2$ or $G_3$ that $G_2$ or $G_3$ is now the least advantaged group. Rawls pre-empts this objection by suggesting that groups in societies may be chain-connected so that if a distribution of goods benefits $G_1$ it will benefit $G_2$ and $G_3$ (Rawls, 1999a, 69-72). Hence, we do not have to worry about a distribution of goods raising the least advantaged group so much that it is no longer the least advantaged group (Rawls, 1999a, 69-72). I agree with Rawls that groups in societies are chain-connected in the sense that you cannot give *some* benefits to one group without giving the benefit to them all (e.g. clean air). However, I see no reason to believe that all groups are chain-connected in the sense that a distribution of goods cannot benefit the least advantaged group without benefitting *all* groups in a society. Therefore, as long as a society wants to distribute goods based on the Difference Principle they will incur an administrative cost in determining who the least advantaged group in their society is prior to *each* distribution of goods.

Now I have not proven that P1b or P2b is false on the weak interpretation of P1b. However, I do think that we have reason to doubt that P1b and P2b are true because the administrative cost of distributing goods based on luck egalitarianism will likely decrease once the initial research is completed, whereas, the administrative cost of distributing goods based on the Difference Principle appears to be relatively fixed.[8] Therefore, we should not think that the impracticable argument gives us a good reason to prefer the Difference Principle over luck egalitarianism.

## 5. Conclusion

In this essay I have reconstructed two arguments I believe Rawls (1999a) directs against luck egalitarianism. I have argued that neither argument gives us a good reason to prefer the

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[8] The cost of distributing goods based on the Difference Principle would likely decrease due to technological advances but technological advances would also drive the down the cost of distributing goods based on luck egalitarianism.

Difference Principle over luck egalitarianism as a principle for distributing material goods. I argued that we ought to interpret Rawls to be a compatibilist and if we do so his effort argument is invalid. Then I argued that even under a charitable reading of the impracticable argument we still have reason to doubt that the impracticable argument is sound. To be clear, although I have defended luck egalitarianism from Rawls's attacks I have not argued we ought to distribute goods based on luck egalitarianism. My intention in this essay was not to take a side in the Difference Principle/luck egalitarianism debate. Instead, I have hoped to contribute to the debate by showing that Rawlsians ought to look beyond Rawls if they want to prove the Difference Principle is preferable to luck egalitarianism.

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