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LUCK AND INSTITUTIONS:
A DEFENSE OF INSTITUTIONAL LUCK EGALITARIANISM¹

Abstract

Luck egalitarianism is a picture of distributive equality which holds that a just distributive allocation of the goods or resources (that we take to matter) must reflect the choices of people and not their bad or good luck. Critics of luck egalitarianism have mounted powerful arguments in the form of a reductio ad absurdum against it. For example, one criticism charges that luck egalitarianism has an absurdly and untenably broad reach, such that it must be in the business of mitigating bad luck as it affects persons in all aspects of life. In response to this and other criticisms, I have proposed a restrictive view of luck egalitarianism, one of whose features is its limited institutional focus. On this institutional approach, luck egalitarianism is concerned primarily with how institutions handle good or bad luck, and not with all matters of luck per se. In this discussion, I further clarify this institutional approach to luck egalitarianism and defend its plausibility by replying to some objections.

In my book, *Justice, Institutions and Luck*, and in an earlier paper, *A Defense of Luck Egalitarianism*², I tried to defend a conception of luck egalitarianism that I dubbed “institutional luck egalitarianism”. Luck egalitarianism, as it is generally understood, is a theory of distributive equality which holds that justice requires an equal distribution by default, unless agential choice determines otherwise. This means that a just allocation must reflect the choices of people and not their bad or good luck. As G.A. Cohen once put it, luck egalitarianism holds that “there is injustice in distribution when the inequality of goods reflects not such things as differences in the arduousness of different people’s labors, or people’s different preferences and choices with respect to income and leisure, but myriad forms of lucky and unlucky circumstance.”³ Put another way, distributive justice, on the luck egalitarian view, should be choice-sensitive but luck-insensitive⁴.

¹ I thank Christopher Melenovsky and Samuel Freeman for very helpful discussions of Sagar Sanyal’s and Christian Schemmel’s papers that I shall be referring to below, and Christian Schemmel for comments on an earlier draft.

² K.-C. TAN, *Justice, Institutions and Luck: The Site, Ground and Scope of Equality*, Oxford University Press, Oxford 2012; and ID., *A Defense of Luck Egalitarianism*, in “The Journal of Philosophy”, 105 (11/2008), pp. 665-690.

³ G.A. COHEN, *If You’re An Egalitarian, How Come You’re So Rich?*, Harvard University Press, Cambridge MA 2000, p. 130.

⁴ The term “luck egalitarianism” was coined by a critic, Elizabeth Anderson, but it has since been appropriated by defenders of the position. E. ANDERSON, *What is the Point of Equality?*, in “Ethics”, 109 (1999), pp. 287-337.

Luck egalitarianism is thus a general position that reflects this basic idea about choice, luck and distribution, and different theories of luck egalitarianism will specify the cut between choice and luck differently, will specify the currency of distributive justice (that is, the thing that is to be distributed equally) differently, and will differ on the subject to which a principle of distribution should apply (for example, should it apply to personal conduct and choices across the board or should it be limited to the institutions of society). Nonetheless, in spite of these internal differences, all luck egalitarian theories hold that an unequal distribution must be due to choice of persons and not their bad or good luck⁵.

A contrasting egalitarian position takes equality to matter, not because a distribution is unjust when it does not reflect person's choices but their good or bad luck, but because democratic reciprocity demands it. That is, on this view, part of what it means to be members of a democratic society is that shared social and political arrangements, including the inequalities that such arrangements can allow, be arrangements that can be reciprocally justified to each other. According to democratic equality, distributive equality is a value in this indirect sense: equality matters because of a more basic commitment to the ideal of democracy.

Critics of luck egalitarianism have mounted powerful arguments in the form of a *reductio ad absurdum* against it. Some of these arguments are that luck egalitarianism has an implausibly broad reach, such that it must be in the business of mitigating bad luck as it affects persons in all aspects of life; that it must neglect the person suffering dire straits because of her own bad choice; and that it can only take the form of a principle of compensation (for bad luck), which seems uselessly crude as a distributive principle since principles of distribution are concerned with more than compensation⁶.

I offered institutional luck egalitarianism as a luck egalitarian theory that evades these objections. Most centrally, institutional luck egalitarianism (ILE) joins the general luck egalitarian ideal to the institutional ideal of distributive justice that justice is primarily concerned with the regulation of societal institutions. I argued that an institutional reading of luck egalitarianism not only makes space for the institutional approach to

⁵ For examples of the diversity of luck egalitarian theories in addition to G.A. COHEN, *If You're An Egalitarian, How Come You're So Rich?* see ID., *On the Currency of Egalitarian Justice*, in "Ethics", 99 (1989), pp. 906-44; R. ARNESON, *Equality and Equal Opportunity for Welfare*, in "Philosophical Studies", 56 (1989), pp. 77-93; K. LIPPERT-RASMUSSEN, *Equality, Option Luck, and Responsibility*, in "Ethics", 111 (2001), pp. 548-79.

⁶ The first two objections have been made in different ways by E. ANDERSON, *What is the Point of Equality?* and S. SCHEFFLER, *What is Egalitarianism?*, in "Philosophy and Public Affairs", 31 (2003), pp. 5-39; and the last by S. FREEMAN, *Justice and the Social Contract*, Oxford University Press, New York NY 2006. Freeman's argument is that a true distributive principle cannot be merely a compensatory principle since a distributive principle (like Rawls's difference principle) is designed to regulate the complex background conditions and laws that specify who can rightly own what. Another way of putting Freeman's point across is this: a genuine distributive principle is a forward-looking principle, whereas a compensatory principle is exclusively backward looking. Rawls's difference principle limits inequality in the following way: any inequality in society must be in the context of feasible institutional arrangements that are to the maximum advantage of the least well-off. J. RAWLS, *A Theory of Justice*, Harvard University Press, Cambridge MA 1971.

justice, which is appealing in its own right, but that it also makes way for a more powerful formulation of luck egalitarianism than the more standard accounts.

More exactly, ILE casts luck egalitarianism as an *institutionally focused* account of *the ground of distributive equality*, and is distinguished from more standard formulations of luck egalitarianism in three ways (corresponding to the italicized phrases in the preceding clause). First, on the institutional account, luck egalitarianism is moved not by luck per se but by how institutions handle luck. Luck egalitarianism thus takes institutions to be the subject of social justice, and can be admitted into the family of institutional approaches to justice. Second, luck egalitarianism's domain of application is restricted to the specific domain of distributive equality. That is, luck egalitarian principles are meant to determine the proper distribution of economic goods among persons in a social order on the presumption that their basic needs are realized. In a word, luck egalitarianism is about equality in distribution, not sufficiency with respect to needs. Third, luck egalitarianism is a justificatory principle, or what I call a grounding principle, of equality and not a substantive distributive principle. It motivates the case for distributive equality; but how this egalitarian commitment is to be substantiated and implemented are to be further worked out. Thus conceived, luck egalitarianism is a rival to democratic equality and not a rival to, say, John Rawls's difference principle, which on my terminology is a substantive distributive principle that derives from the ideal of democratic equality⁷.

As noted, I believe that luck egalitarianism thus restrictively formulated avoids the difficulties that cripple standard (unrestricted) accounts of luck egalitarianism *without* erasing the distinctiveness of luck egalitarianism as an alternative to democratic equality. For example, against the charge that luck egalitarianism must, absurdly, be indifferent to the suffering of the poor chooser, my formulation which limits luck egalitarianism to the domain of distributive equality as distinct from the domain of humanity avoids this *reductio*, for it allows other moral considerations to come into play in the case of the poor chooser facing severe straits. And against the charge that luck egalitarianism is implausibly overextended, my institutional limitation of luck egalitarianism reasonably circumscribes the reach of luck egalitarianism by limiting its concern to how the basic institutions of society convert matters of luck into social advantages and disadvantages for persons. Finally, against the objection that luck egalitarianism entails distributive principles in the form of a compensatory principle, understanding luck egalitarianism as a grounding principle rather than a substantive principle of distribution shows that it can be compatible with more complex substantive distributive principles, like Rawls's difference principle⁸.

In this discussion, I will try to further clarify these features of ILE and show how they support a plausible luck egalitarian doctrine. I will do this by addressing some objections against my formulation of luck egalitarianism.

⁷ On this view, then, Rawls is not a luck egalitarian even though in his development of what equality requires, he takes into account the luck/choice distinction. He is not a luck egalitarian in that it is not luck egalitarianism that grounds or motivates his egalitarian commitment. His egalitarian commitment flows from the ideal of democratic equality (K.-C. TAN, *A Defense of Luck Egalitarianism*, pp. 674-675; and ID., *Justice, Institutions and Luck*, pp. 108-109).

⁸ These arguments are more fully defended in K.-C. TAN, *Justice, Institutions and Luck*.

The basic form of the objections I will address charge that my formulation of luck egalitarianism collapses luck egalitarianism into democratic equality, thus winning only a pyrrhic victory for luck egalitarians⁹. Christian Schemmel, for example, argues that (i) my institutional-restriction for luck egalitarianism obscures that which is distinctive between luck egalitarianism and democratic equality. He also argues that (ii) my domain-restriction, which is predicated on the division of social justice into different domains, fractures the field of social justice in an “unconvincing” way¹⁰. Accordingly, he argues, ILE becomes more plausible only when it is regarded as a “possible expression” of democratic reciprocity¹¹. On the matter of a grounding principle, Sanyal makes the independent case that (iii) democratic equality specified in terms of non-domination is a more persuasive grounding principle of distributive equality¹².

I cannot respond in detail to Schemmel’s and Sanyal’s carefully constructed arguments in this discussion. My goal here is to address their concerns sufficiently so as to clarify my institutional account of luck egalitarianism and show why it does not reduce luck egalitarianism into democratic equality¹³. I turn to them in the order presented above.

Schemmel writes that my reformulation of luck egalitarianism as an institutional ideal inadvertently reduces it into a variant of democratic equality (henceforth: DE). As I see it, DE takes distributive egalitarian commitments to arise, and not otherwise, among members of a democratic (institutional) order. Distributive egalitarian commitments are motivated in a democratic political order because inequality in distribution cannot be greater than can be sustained by the ideal of democratic reciprocity. But since my institutional account of luck egalitarianism also holds that egalitarian commitments kick-in only when there is a common institutional arrangement affecting persons’ life prospects, Schemmel argues that any interesting difference between DE and ILE diminishes¹⁴.

But as I tried to explain in *Defense*, ILE is institutional in a substantively different way from DE¹⁵. DE, I stressed, takes equality to matter only within an institutional order in which the ideal of democracy applies. The arrangement of such an institutional order is subject to the regulation of egalitarian principles only in cases where it is subject to the standard of democratic reciprocity, and this in turn is appropriate only if the institutional

⁹ The objections I will concentrate on are from S. SANYAL, *A Defense of Democratic Egalitarianism*, in “The Journal of Philosophy”, 109 (7/2012), pp. 413-434; and C. SCHEMMEL, *Luck Egalitarianism as Democratic Reciprocity: A Response to Tan*, in “The Journal of Philosophy”, 109 (7/2012), pp. 435-448. In fairness, I must note that Sanyal’s and Schemmel’s papers were directed only at my paper (K.-C. TAN, *A Defense of Luck Egalitarianism*). References to my book (K.-C. TAN, *Justice, Institutions and Luck*) in this discussion may invoke arguments not made in the paper that they were criticizing.

¹⁰ C. SCHEMMEL, *Luck Egalitarianism as Democratic Reciprocity*, p. 437.

¹¹ *Ibidem*, p. 435.

¹² S. SANYAL, *A Defense of Democratic Egalitarianism*, p. 432.

¹³ Regretfully, then, I do not discuss Sanyal’s own account of equality that he calls “political egalitarianism” as is developed in his own paper; nor Schemmel’s own view of equality which informs his critique that is more fully developed elsewhere: e.g., C. SCHEMMEL, *Distributive and Relational Equality*, in “Politics, Philosophy and Economics”, 11 (2012), pp. 123-148.

¹⁴ C. SCHEMMEL, *Luck Egalitarianism as Democratic Reciprocity*, p. 441.

¹⁵ K.-C. TAN, *A Defense of Luck Egalitarianism*, p. 689; also ID., *Justice, Institutions and Luck*, pp. 141-145.

order can be characterized as a democratic one¹⁶. ILE, on the other hand, does not take distributive equality to turn on any particular normative characterization or idealization of an institutional order. It is sufficient, I argued, if there exist institutional arrangements that can convert arbitrary facts about persons into differential social advantages for them. So a normatively significant difference remains even though both DE and ILE are institutionally motivated and focused ideals of equality. DE takes distributive equality to derive from a deeper political ideal (that of the value of democracy). Distributive equality flows from an interpretation of what it means to stand in democratic relations with each other. In this sense, DE understands distributive equality as a political conception, as an obligation that arises among persons in a certain kind of political association. In contrast, ILE takes distributive equality to be independent of any prior political associational commitments. It takes distributive equality to be a moral conception, that is, as a commitment that derives from an interpretation of what it means to stand to each other as moral equals¹⁷. That equality is a moral conception under luck egalitarianism, and a political conception under DE is the crucial difference between the two accounts. The institutional focus of my luck egalitarianism does not eliminate this difference.

In my paper, I turned briefly to contemporary discussions on global distributive justice to illustrate this basic difference between DE and ILE¹⁸. My point there, which Schemmel acknowledges, was not the substantive one that DE cannot in principle support global distributive equality. Whether DE can entail global equality will depend on whether the global institutional order can be idealized or characterized as a democratic institutional order in the appropriate sense, whereas, for ILE, the case for global equality is presented more straightforwardly as (an institutional requirement) in virtue of the moral equality of persons¹⁹.

In this regard, it is worth noting that Schemmel in his attempt to show that DE can in fact support global egalitarianism interprets away the political character of DE. He, departing from Rawls as he notes, holds that it is irrelevant whether the global political order can be characterized or idealized as a democratic order²⁰. Rather, he argues, the ideal of democratic reciprocity applies whenever there is any institutionalized interaction among persons as such. He writes: “DR [democratic reciprocity] should be taken to apply to [these global] relationships of coordination and to demand their transformation

¹⁶ So I agree with Schemmel that it is not case that institutions must be presumed to be already upholding democratic values for DE to apply (C. SCHEMMEL, *Luck Egalitarianism as Democratic Reciprocity*, pp. 442-43); rather there must be an existing institutional order to which the ideal or norm of democracy apply.

¹⁷ K.-C. TAN, *A Defense of Luck Egalitarianism*, p. 665.

¹⁸ *Ibidem*, pp. 689-690.

¹⁹ Schemmel makes the interesting argument that since institutions globally impacting persons' prospects are limited – to matters of international trade primarily – then the institutional account will not necessarily support “comprehensive egalitarian claims” at the global level (C. SCHEMMEL, *Luck Egalitarianism as Democratic Reciprocity*, pp. 444). In other works, I suggest that arbitrary global institutional impact on persons' prospects is more pervasive than Schemmel suggests here. See my *Luck, Institutions and Global Distributive Justice*, in “The European Journal of Political Theory”, 10 (3/2011), pp. 394-421; also K.-C. TAN, *Justice, Institutions and Luck*, Part III.

²⁰ C. SCHEMMEL, *Luck Egalitarianism as Democratic Reciprocity*, pp. 443.

into relationships of cooperation proper”²¹. But this is a remarkable move for Schemmel to make, for in doing so, he effectively affirms the moral conception of equality thereby abandoning DE. For why should democratic reciprocity be the guiding ideal whenever there is interaction among persons as such (whether or not they stand in some political relationship or association), if it is not because some understanding of the moral standing of persons requires it? It is Schemmel who has interpreted DE away in his attempt to counter the (global) scope advantage of ILE.

Schemmel’s second objection targets my division of social justice into different domains (for example into political justice and distributive or economic justice) that allows my corresponding restriction of luck egalitarianism to the domain of distributive justice. He rightly reminds me that social justice is essentially distributive, whether it is the distribution of liberties (political justice), or other goods like income and wealth (economic justice). My defense of luck egalitarianism, he says, consequently presumes an “unconvincing” fragmentation of social justice.

But I do not deny that social justice is at bottom distributive²². What my division relies on is the fact of different aspects of social justice that are respectively concerned with the distribution of different goods via different guiding principles. The domains of political justice and economic justice, even though related, are nonetheless distinct, and each presents its own special site of inquiry. Thus, to illustrate, John Rawls’s two principles of justice, although fundamentally concerned with the fair distribution of primary goods, are directed at different aspects of social justice, differ substantively in their distribution requirements, and are concerned with different types of primary goods. I take ILE to be a principle limited to the domain of distributive justice, understood in the “narrower”, economic sense, to account for the specifics of a distributive principle in relation to economic goods²³.

Schemmel will, I expect, accept this clarification. His more fundamental claim is that DE (specified as democratic reciprocity) provides a common principle that can unify the different dimensions of social justice, and so is able to explain how the different aspects of social justice “are intertwined”²⁴. ILE, in contrast, confined as it is to the domain of distributive justice, cannot provide a unified account of social justice (unless it is acknowledged to be in turn grounded on the ideal of democratic reciprocity).

But this argument is clearly too quick. The rejection of DE as the unifying principle of social justice does not entail the denial of any unifying principle. As mentioned above,

²¹ *Ibidem*. See also his remark that independently of political association, “the institutions that we impose on each other have to be justifiable as fair and democratic overall” (C. SCHEMMEL, *Luck Egalitarianism as Democratic Reciprocity*, p. 448).

²² K.-C. TAN, *Justice, Institutions and Luck*, pp. 6-7. Thus I accept Rawls’s remarks that social justice is concerned with how the “major social institutions *distribute* fundamental rights and duties and determine the division of advantages from social cooperation” (J. RAWLS, *A Theory of Justice*, p. 7, my italics).

²³ Thus Rawls also distinguishes the “two coordinate roles” of social justice, one “political” and the other “social and economic” (J. RAWLS, *Justice As Fairness*, Harvard University Press, Cambridge MA 2001, p. 48). See also his characterization and usage of distributive justice in the “narrower” sense, i.e., economic distributive justice, as distinct from the general distributive concerns of social justice (*ibidem*, pp. 42, 43).

²⁴ C. SCHEMMEL, *Luck Egalitarianism as Democratic Reciprocity*, p. 437.

luck egalitarianism is understood as a specification of the ideal of the moral equality of persons, and this ideal of moral equality can be offered as the basic unifying principle of social justice²⁵. The different dimensions of social justice, with their distinctive motivating and substantive principles, can be seen as specifications of what moral equality *entails* within different arenas of social life. The difference between my ILE and standard LE is that while standard accounts take luck egalitarianism to be an interpretation of what moral equality requires across all dimensions of social justice (if not across the entirety of morality), ILE takes it to be an interpretation of moral equality specific to the domain of economic distributive justice. How we interpret the requirements of moral equality will depend on the context to which we are applying that general ideal, taking into account the kinds of goods that are at stake, the significance of these goods for persons and so on. Hence, it is not implausible, so I hold, that the requirements of moral equality can give rise to different commitments within different aspects of social justice, depending on whether we are dealing with goods like liberties and civil rights on the one hand, or economic goods, such as income and wealth and opportunities, on the other. The claim I tried to defend in my institutional view is that even when it is understood in this circumscribed way, luck egalitarianism remains an appealing and distinctive ideal of why *distributive* equality matters. That is, luck egalitarianism need not be promoted as a grounding principle for the whole of social justice for it to be of interest as a grounding principle of distributive justice. That both political justice and distributive justice are based on a deeper ideal of moral equality does not mean that the luck egalitarian ideal itself loses significance as a principle specific to distributive justice.

Now one might object that the ideal of moral equality is rather formal and general, and how moral equality is to inform our conception of social justice is a matter open to interpretation. But, in reply, the generation of substantive principles of social justice from the ideal of DE is as much an interpretative exercise. There is no basis for thinking that we can arrive at substantive principles of social justice more naturally, as a matter of interpretation, from DE than from the more general idea of moral equality of persons. Moreover, a complete evaluation of these interpretative enterprises will involve among other things examination of their substantive assumptions and implications. That one interpretation takes distributive equality to apply among moral agents as such and has therefore potentially a wider scope of application is one of these considerations.

I turn now to Sagar Sanyal's argument that DE in fact offers a better grounding principle for distributive equality than luck egalitarianism. For Sanyal, what the ideal of democratic equality best encapsulates are the values concerning "autonomy and domination"²⁶. He writes that the luck egalitarian "principle identifies an important chord in egalitarian intuitions. However, the notions of non-domination and collective autonomy also identify important chords in egalitarian intuition"²⁷. Indeed, according to Sanyal, the "more important concern with respect to injustice lies in the fact that the disadvantage is caused by the inequality in decision making power and domination"²⁸.

²⁵ K.-C. TAN, *Justice, Institutions and Luck*, pp. 87, 90.

²⁶ S. SANYAL, *A Defense of Democratic Egalitarianism*, p. 414.

²⁷ *Ibidem*, p. 423.

²⁸ *Ibidem*, p. 433.

He goes on to say, by way of rejecting luck egalitarianism, that “it is a point against a grounding principle if it trivializes the legitimate justice-based concerns of the persons”²⁹. For illustration, he says that in the case of “poverty caused by unilaterally belligerent military action, it is odd to focus on [luck]... It is more compelling to focus on the lack of equality *in the relations* between the aggressor and the victim. In an indirect but significant sense, the poverty in this case is due to the belligerence...”³⁰.

One implication of ILE is that its modest domain of application automatically leaves space for different value-considerations to operate within the other domains of morality³¹. Thus it can allow that poverty caused by belligerence is unjust on two counts: because it is impoverishing (a matter of humanitarian concern), and because the outright aggression that caused it is a moral wrong (a matter of moral right). I can, therefore, fully agree with Sanyal that it will be odd to make severe impoverishment of persons, say, a matter of moral concern depending on whether it is due to the luck or choice of those affected. But it is odd because we are applying a principle to a moral domain in which it is not designed to apply. Thus *a fortiori*, impoverishment due to another’s belligerence is also a moral concern. These are matters of basic morality that need not implicate luck egalitarian reasoning.

So to reconstruct Sanyal’s arguments in order to expose a possible objection against my account, we must assume a case of social interaction that does not cross the line incontrovertibly into outright aggression, and that though this interaction is somewhat asymmetrical and results in distributive inequality among the relevant parties, it *does not* push anyone into absolute deprivation. Does Sanyal’s point, that DE can account for the injustice in relationship better than ILE, still hold?

I would argue, to the contrary, that it is the other way around. How do we know that a relationship or interaction is one that involves unjustifiable domination (when there is no clear violation of basic moral rights, e.g.)? This might be easy if we are dealing with a relationship or interaction that undermines one side’s basic moral rights. But what if the relationship results in distributional inequality without violating anyone’s basic rights? For instance, the advantaged party may just end up having more resources than the less talented (without absolutely depriving the less advantaged). Is this inequality in distribution an injustice?

On Sanyal’s proposal, the answer to this last question turns on the following: is there a relationship of unjustifiable domination here? But how are we to know that this relationship involves *unjustifiable* domination? Sanyal’s account does not give an answer. He seems to hold that it is incontrovertible when there is unjustifiable domination. But this is so only when there are clear violations of rights, obviously arbitrary restrictions of individual autonomy, or deprivation of basic needs (as in Sanyal’s example of outright belligerence). However, our concern here is with a relationship that does not involve a clear-cut case of rights violation, obvious arbitrary interference or deprivation. ILE provides a standard for determining whether this relationship is one that is just or unjust, and its benchmark of justice can in turn provide a measure of its moral justifiability. For

²⁹ *Ibidem*.

³⁰ *Ibidem*, p. 432; my italics.

³¹ K.-C. TAN, *A Defense of Luck Egalitarianism*, p. 669-671 and ID., *Justice, Institutions and Luck*, pp. 100-102, 119-126.

instance, if the inequalities are due to an institutional set-up that privileges the talented simply because of her good luck, and disadvantages the less talented simply because of her bad luck, then the inequalities are unjust on my account. We can then try, by reference to this injustice, to draw the further conclusion that this is a relationship that involves wrongful domination or subordination. One might deny that luck egalitarianism can successfully provide an explanation for why certain forms of social relations are oppressive or involve domination. But at least it can attempt such an explanation; and it might just as well be the case that oppression is not what is really at stake in some cases, but unjust inequality. Sanyal's approach, in contrast, seems to take domination to be basic, without the need for further analysis, and I am suggesting here that there are situations in which some other evaluative standards must be invoked if we are to decide whether there is domination going on or not³².

I do not disagree with Sanyal when he says that it is “widely agreed in contemporary political philosophy that people should not be dominated (subject to the arbitrary whims of others)”³³. What I deny is that non-domination is uncontroversially morally basic across the board of human relations. In less obvious but still morally significant cases, an independent benchmark set by justice provides the reference point for determining the rightness or wrongness of the relationship; and if oppression is at play in these cases, it cannot be defined independently of the standard of justice.

Sanyal, in analyzing DE in terms of the moral values of non-domination and autonomy, unwarrantedly reduces the field of egalitarian inquiry, for inequality in distribution may still be of interest in cases where domination is not the most basic moral concern. These instances of inequality must fall outside the range of his egalitarian concern. Treating DE to be based on some pre-political ideal of non-domination, to be sure, allows Sanyal to resist my argument that DE cannot support global egalitarianism without first making the case that the global order is a democratic political order. He can now say that so long as there is concern of domination in global relations, egalitarian considerations enter the scene³⁴. But in saying this, Sanyal, like Schemmel, strips DE of that which is essential to it. He reformulates DE into a moral conception of equality, which it is meant to stand opposed to³⁵.

This last comment sums up a basic problem with both my critics' arguments against ILE. Recall that the distinguishing feature of DE is that it offers a political conception of distributive equality; that is, it takes equality to matter only among persons sharing a political association that can be aptly idealized as democratic. It opposes the view, defended by different versions of luck egalitarianism, that distributive equality is a moral conception, a commitment that applies among persons as such independently of their

³² Sanyal could say that democratic equality is that which will define domination and subjugation, and that it can do so better than LE. But this is not Sanyal's thesis, for he wants to use the concept of domination to vindicate DE, not the converse. Moreover, reducing domination to some democratic theory will undermine the global scope Sanyal seeks for his position. Justice for him is global because domination is present globally, not because the political order is ideally democratic.

³³ S. SANYAL, *A Defense of Democratic Egalitarianism*, p. 426.

³⁴ *Ibidem*, pp. 429ff.

³⁵ Schemmel, as we saw, says that democratic reciprocity requirements apply whenever persons interact systematically.

political association. This is quite clearly not a trivial difference. But in the course of trying to show that my formulation of luck egalitarianism collapses into DE, in particular in attempting to minimize the potential difference between DE and ILE in their global applications, both Schemmel and Sanyal end up affirming a vision of equality that DE resists and that luck egalitarianism seeks to defend.

The institutional view of justice, as I noted in the opening of this paper, has its appeal. I have not in this discussion attempted an argument in its defense. What is relevant for this paper is that luck egalitarians can presume the institutional approach to justice, and conceive of the luck egalitarian ideal to be an ideal operating within the parameters of the institutional ideal. This adds to the plausibility of luck egalitarianism. Luck egalitarianism is a view of why distributive equality matters that differs fundamentally from democratic equality. But there is nothing in the luck egalitarian ideal that precludes giving it an institutional reading. As I hope to have shown here, luck egalitarianism can be coupled with institutionalism whilst maintaining its distinctiveness as an account of why equality should matter.