Luck Egalitarianism and What Valuing Responsibility Requires

Abstract

Luck egalitarianism originated in an attempt to respond to the conservative objection that egalitarianism fails to respect the value of responsibility. In response, luck egalitarians have introduced a distinction between choice and circumstances and recommend redistribution only when inequalities are not the result of choice. I will argue, however, that this standard formulation of the luck egalitarian aim is problematic, and ought to be revised. Valuing responsibility requires more than redistribution—it requires giving priority to ensuring equality of opportunity for advantages at the level of institutions. Preventing unfairness has normative priority over efforts to alleviate it. Compensation’s role is secondary to the prior normative importance of ensuring that people are responsible for the advantages they have.

Luck egalitarianism remains an influential, if controversial, account of distributive justice. In this paper I will argue, however, that some key aspects of the view remain unclear, and misinterpreted both by critics and supporters of the view. Luck egalitarianism originated in an
attempt to respond to an influential conservative objection to egalitarianism. The conservative objection is that egalitarianism fails to recognise the values of responsibility, agency and effort: it fails to recognize that some individuals enjoy fewer advantages than others as a consequence of their own choices. In response, and building on ideas first introduced by Ronald Dworkin, luck egalitarians have introduced a sharp distinction between choice and circumstances, and recommend redistribution only when inequalities are not the result of different choices (Dworkin 1981). Luck egalitarians claim that this allows them to respect the value of responsibility. As Cohen puts it: ‘Dworkin has, in effect, performed for egalitarianism the considerable service of incorporating within it the most powerful idea in the arsenal of the anti-egalitarian right: the idea of choice and responsibility’ (Cohen 1989, p. 933).

In this paper, however, I will argue that, in order to successfully respond to the conservative objection, luck egalitarians need to revise some of the standard ways in which they formulate their commitments. Luck egalitarians typically locate unfairness in the distribution of advantages resulting from differential brute luck. Instead, I will argue that, according to a more plausible interpretation of luck egalitarianism, unfairness is rather located in the differential impact of brute luck on individuals’ opportunities for advantages. To properly respect the value of responsibility and respond adequately to the conservative objection, luck egalitarians should therefore formulate their aim not as the redistribution of advantages, but as the elimination of the differential impact of brute luck on individuals’ opportunities for advantages. This reformulation of the view has important normative implications, since to attain this aim, luck egalitarians need to give normative priority to interventions at the level of institutions over redistributive compensation. They should explicitly acknowledge that compensation plays only a secondary role.

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1 Note that its very name, luck egalitarianism, was coined by one of its critics (Elizabeth Anderson 1999).
role in distributive justice, whose primary focus should be to ensure that people are responsible for the advantages they have. This change of focus is due to the simple reason that preventing unfairness is morally superior to any effort to alleviate it.\(^4\) And ensuring that people are responsible for the advantages they have is best ensured through institutional design.

Both Iris Marion Young and Elizabeth Anderson have already pressed for a change of direction towards more focus on structural institutional change (Young 1990, Anderson 1999).\(^5\) Samuel Scheffler and Samuel Freeman have criticised the luck egalitarian focus on compensation (scheffler 2003, Freeman 2009).\(^6\) Kok-Char Tan has recently defended an institutional form of luck egalitarianism (Tan 2008).\(^7\) Finally, Jonathan Wolff has discussed alternative remedies to compensation and pointed out that some forms of enhancement might be more adequate (Wolff 2002).\(^8\) The novelty of my argument lies in the claim that it is an implication of the basic commitments of luck egalitarianism, once they are properly understood, that alternative remedies (such as changes at the level of the institutional structure and personal enhancements) ought to be preferred. The argument I will put forward here is thus not only, as others have argued, that changes at the level of the institutional structure and personal enhancements constitute a better strategy from the point of view of social justice. It is that, given the basic commitments of luck egalitarians, it makes better sense to endorse this form of remedy.

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\(^4\) Prevention is not used here in the sense of preventing something to happen at a specific time instead of a later point in time. I assume “whole lives” egalitarianism; the point is thus to prevent unfairness from occurring within whole lives not at a specific point in time. Moreover, the distinction between the prevention of unfairness and the compensation of unfairness is not primarily temporal; preventing unfairness doesn’t necessarily precede compensation. If it is foreseen that an injustice might arise, compensation might be provided before the unfairness itself arises and before any preventive intervention is attempted.


over compensation. I also believe that current formulations of luck egalitarianism are misleading in that respect and that they should be revised. The aim of this paper is to bring greater clarity to discussion of luck egalitarianism by making these points explicit, and thereby drawing attention to the significance of the distinction between compensation, on the one hand, and institutional change and personal enhancement, on the other hand.

The argument will proceed as follows. I will begin by clarifying the basic tenets of luck egalitarianism. In section 1, I argue that although luck egalitarians disagree on the currency of equality, they share a common view on their identification of the location of unfairness. In order to accommodate our strong intuitions about the unfairness of luck, luck egalitarians often claim that only relative deprivations for which individuals are not responsible ought to be compensated. I will argue that this standard formulation of the view is problematic.

Section 2 develops the core of my argument. I will argue that luck egalitarians often take the value of responsibility into account too far downstream. They should look at the source of the differential distribution of advantages, which is that luck intervenes in people’s lives to different degrees. In section 2.1, I will argue that there are two distinct ways to promote the luck egalitarian aim. One way is to focus on redistribution of advantages in order to achieve a responsibility-sensitive distribution. The other is to focus on responsibility, by aiming directly at the reduction of the impact of brute luck on opportunities for advantages. In many luck egalitarian writings, the first strategy is placed centre stage, but their aim can also be promoted via the second.

In section 2.2, I argue that luck egalitarians should give normative priority to this second strategy. It is misleading for luck egalitarians to formulate their aim as if it were indifferent between compensation and change at the level of the social structure. Instead, they should make
it explicit that priority should be given to the elimination of the differential impact of brute luck on opportunities. The role of compensation should be secondary to the prior normative importance of ensuring that people are responsible for the advantages they have. Luck egalitarians have so far largely failed to make it explicit that, on their view, compensation has this merely secondary role in justice. In section 2.3, I tackle the question of how this new aim should be achieved. I argue that structural institutional changes along with personal enhancements should be the main remedies against unfairness.

In section 3, I consider some objections to my argument. Finally, in section 4, I examine some implications of my argument for the principle of equality of opportunity for advantages.

1.1. The Luck Egalitarian Location of Unfairness

Let us start by clarifying the luck egalitarian conception of unfairness. Luck egalitarians disagree on many aspects of their conception, but they seem to agree on two fundamental points: the location of unfairness, and the appropriate remedy to correct that unfairness.

Consider first the luck egalitarian location of unfairness. Luck egalitarians claim that it is unfair for an individual to suffer relative deprivation of advantages if she is not responsible for it (where advantage stands for any currency of justice endorsed, whether it is welfare, resources, capabilities). Thus Temkin states that ‘it is bad — unjust unfair — for some to be worse off than others through no fault or choice of their own’ (Temkin 1986, p.101). In countless articles on luck egalitarianism, this statement by Temkin is taken to represent the core of luck egalitarianism. I will therefore refer to this claim as the Basic Intuition:

**Basic Intuition:** It is unfair for some to be worse off than others through no fault or choice of their own.

I take the Basic Intuition to specify the luck egalitarian location of unfairness. The same fundamental intuition about unfairness is sometimes articulated in terms of the distinction between brute and option luck.\(^\text{10}\) This distinction was introduced by Ronald Dworkin\(^\text{11}\):

Option luck is 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. Brute luck is a matter of how risks fall out that are not in that sense deliberate gambles.

(Dworkin 1981, p.293)\(^\text{12}\)

In other words, brute luck is typically the kind of luck the agent could not have foreseen, expected or protected herself against.\(^\text{13}\) If an agent is afflicted by an unknown genetic disease, this is a case of brute luck. By contrast, option luck refers to the occurrence of luck in a way that was foreseeable by the agent. A case in point would be gambling. The bad luck suffered by an agent who gambles is option bad luck, as the agent could have averted it by not engaging in gambling.

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\(^\text{13}\) I purposely simplify the issue here, as defining what brute luck is and how it differs from option luck is a much more complicated task. For an insightful discussion of this distinction, see Vallentyne P., *Brute Luck, Option Luck and Equality of Initial Opportunities*, *Ethics*, vol.112, n.3, 2002.
From the luck egalitarian perspective, if there is no brute luck, there is responsibility.\(^\text{14}\) Brute luck and responsibility are ‘conceptual mirror images of each other’ (Lang 2009, p.317).

Now that the distinction between brute luck and option luck has been clarified, one can express the luck egalitarian basic intuition in the following alternative way: *it is unfair for individuals to have less than others when this is due to brute luck.*

A final clarificatory remark: like most luck egalitarians, I will assume in what follows a ‘whole lives egalitarianism’, according to which we are concerned with inequalities in advantages between whole lives not between specific time-slices (Daniels 1996, p. 259-264, Nagel 1991, p.69).\(^\text{15}\)

\textbf{1.2. Two Interpretations of the Basic Intuition}

Recall the Basic Intuition: It is unfair for some to be worse off than others through no fault or choice of their own. This luck egalitarian motto, however, suffers from an important ambiguity.\(^\text{16}\)


\(^{16}\) Others authors have pointed out other ways in which this motto is ambiguous. For a claim that the luck egalitarian motto is ambiguous, see Arneson R., ‘Justice is not Equality’, *Ratio* 21 (4), 2008, p. 381. For a more extended criticism of luck egalitarianism’s ambiguity with respect to whether or not it is committed to equality of outcomes, see Hurley S., ‘Luck and Equality’, *Proceedings of the Aristotelian Society Supplement Volume LXXV*, 2001.
There are two possible interpretations of this Basic Intuition. The first interpretation takes it to exhaust claims of unfairness. It would amount to claim that a distribution is unfair if and only if X has less than Y through factors due to (differential) brute luck. However, this is counter-intuitive, as the aim would then be to eliminate only unequal distributions that are the result of differential brute luck. But, if one believes that it is wrong when a certain agent has less than another for factors that are not in her control, it is implausible to believe that, when there is no such inequality, but an agent is responsible for the outcome while another isn’t, there is no injustice. This interpretation would fail to take the conservative objection seriously, as it would not be sufficiently responsibility-sensitive. This interpretation seems to me implausible and many luck egalitarians therefore rightly reject this view (with the exception of Shlomi Segall 2011).  

The second interpretation of the Basic Intuition claims that it doesn’t exhaust claims about unfairness. On this interpretation, it is unfair if any (equal or unequal) distribution between X and Y is the result of differential brute luck. What matters to determine unfairness in this case is the difference between the impact of brute luck on each individual’s level of advantages. If brute luck has the same impact on X and Y level of advantages, then the distribution is just. Many luck egalitarians actually endorse this second interpretation, which amounts to a form of

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17 With the exception of Shlomi Segall. See his ‘Why Egalitarians should not care about Equality’, Ethical Theory and Moral Practice, 2011. For a discussion of the problems with this view, see Albertsen A. and Midtgaard S.F., ‘Unjust Inequalities’, Ethical Theory and Moral Practice, 2014. Note also that Casper Lippert Rasmussen has endorsed a view that has some resemblance to this view (Lippert Rasmussen C., ‘Egalitarianism, Option Luck and Responsibility’, Ethics, 2001. In that article, he claims that he ranks as fairer responsibility-reflecting equalities over responsibility-reflecting inequalities.

18 I use the expression “distribution of advantages” instead of the more common formulation “difference in advantages” to allow for the possibility that an equal distribution of advantages might be unfair on this latter interpretation. However, the word distribution should be understood to mean only “actual repartition of goods” without necessarily presuming an intentional attribution of goods by a third party. Moreover, when I refer to any distribution that is the result of differential brute luck, I mean to refer to a distribution that is not only subsequent to, but still reflects the impact of differential brute luck. In other words, I mean to refer to a distribution that hasn’t yet been corrected by any redistributive scheme.
equality of opportunity (Cohen 1989, p. 920, Arneson 1989). They claim that it is unfair both if X has less than Y through factors due to brute luck and if X has the same as Y through factors due to brute luck.

This interpretation takes the value of responsibility seriously and thereby offers a better answer to the conservative objection. From now on, when I refer to luck egalitarians, I will have in mind those who defend the second interpretation of the Basic Intuition. I will focus on the second interpretation because it is a more plausible understanding of luck egalitarianism, and because, although Temkin’s slogan is still often asserted, this seems to be the view that almost all current luck egalitarians actually endorse.

Most importantly for our purposes, the location of unfairness identified by this second more plausible interpretation is still in the distribution of advantages between a set of individuals, when this distribution is the result of differential brute luck. As Cohen writes, “What currently strikes me as the right reading of egalitarianism, namely, that its purpose is to eliminate involuntary disadvantage, by which I (stipulatively) mean disadvantage for which the sufferer cannot be held responsible…” (Cohen 1989, p.916). This formulation identifies disadvantages as the location of unfairness. It implies that the elimination of disadvantages that result from differential brute luck (through compensation) would be sufficient for eliminating unfairness.

Although the second interpretation is already an important clarification of the luck egalitarian view, it is thus still problematic.

1.3. The Luck Egalitarian Aim and Remedy

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Building on the issue I have just pointed out, I will now outline briefly what I take to be three indications that there is a problematic focus on compensation in luck egalitarian thought. First, many crucial luck egalitarian formulations imply that redistribution would be sufficient in eliminating unfairness. Second, some definitions of luck egalitarianism invoke directly compensation. Third, most of the luck egalitarian discussion is focused on compensation without mention of other alternative remedies.

As we saw, there is now a strong consensus among luck egalitarians that the aim of luck egalitarianism is to eliminate those distributions of advantages that are due to differential brute luck. I have argued above that this formulation of the aim of luck egalitarianism implies that redistribution would be sufficient to eliminate unfairness. And, if that is the case, alternate remedies via institutional change or personal enhancement can’t be needed, let alone deemed superior in eliminating unfairness.

My criticism applies thus to those luck egalitarians who have defined luck egalitarianism as aiming to eliminate the effects of brute luck on distribution (as distribution can be modified by re-distribution, without the need to ensure that equality of opportunity is protected at the level of institutions or via personal enhancements). I mentioned above one formulation of Jerry Cohen (Cohen G.A., 1989, p. 916) which implied that by re-distributing, we would eradicate unfairness and that compensation was thus sufficient for justice to be done. But many other formulations of luck egalitarianism have the same implication.20

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20 The formulation of Larry Temkin (described above as the Basic Intuition) that, according to luck egalitarianism, ‘it is bad — unjust unfair — for some to be worse off than others through no fault or choice of their own’ has unfortunately the same implication. Temkin L., ‘Inequality’, *Philosophy and Public Affairs*, 15.2, 1986, p.101. Similarly, Seligman’s claim that “[i]nequalities or parts thereof, are just if and only if they are traceable to choice rather than chance” has the same implication (Seligman, 2007, p.268). Seligman M., ‘Luck, Leverage and Equality: a bargaining problem for luck egalitarians’, *Philosophy and Public Affairs*, 2007, p. 268. This formulation of luck egalitarianism is also endorsed by Tomlin. Tomlin P., Choices Chance and Change: Luck Egalitarianism Over Time, *Ethical Theory and...*
Other contemporary luck egalitarians establish a direct connection between luck egalitarianism and compensation. For instance, Kristin Voigt describes luck egalitarianism as the view that “distributions should, as a matter of justice, reflect the choices that it is reasonable to hold agents responsible for, while the effects of brute luck must be compensated for” (Voigt, 2008, p. 389-390).21

But my criticism also applies to the bulk of the literature, which still focuses exclusively on compensation as the main mechanism by which the luck egalitarian aim is to be achieved, without pointing out that compensation is a second-best policy.22 Although institutional changes are sometimes also discussed as a possible remedy to unfairness, luck egalitarians often write as if these two possible remedies are interchangeable.23 Many authors (from inside and outside the luck egalitarian camp) have pointed out that this exclusive focus on compensation was regrettable.24

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22 Note that some luck egalitarians also discuss non-cash based compensatory mechanisms, such as job provisions. Knight C., Luck Egalitarianism, p. 134. As I argue later, this doesn’t fully address the point I am making (see section 4).

23 For instance, Lazenby discusses the forbidding of gifts and the compensation for gifts as two alternatives that would be considered in order to prevent differences in distribution of advantages to arise. He treats these remedies as equivalent. See Lazenby H., One Kiss too many, The Journal of Political Philosophy, p.277.

A great deal of attention has been paid to the currency of justice. But much less attention has been given to the question of how to realise a particular equalisandum. This, however, is where the reformulation of the appropriate location of unfairness makes an important difference. For given the standard identification of the location of unfairness, luck egalitarians seem committed to the claim that correcting relative deprivations through redistribution of advantages is sufficient to restore fairness. The problem with the idea that the unfairness lies in the relative deprivation of some individuals through no fault of their own is that it suggests that unfairness can be entirely eliminated through compensation.

It might be objected to this that luck egalitarians are not necessarily focused on compensation: some luck egalitarians, for instance, are concerned uniquely with welfare. In response, I will say that even those who aim at equalising welfare do so via transfer of resources. As Ronald Dworkin sharply puts it:

‘equality of welfare… holds that a distributional scheme treats people as equals when it distributes or transfers resources among them until no further transfer would leave them more equal in welfare.’ (Dworkin 1981, p. 186)25

As this quote makes clear, even those egalitarians that reject equality of resources nevertheless use resources to equalize the currency they favor, be it welfare or capabilities. This is what I will label ‘the remedy’ recommended by a theory of justice (or the “how” of equality). And even those egalitarians that take welfare to be the equalisandum assume that welfare ought to be equalised using redistributions of resources. In other words, even proponents of equality of welfare assume that the how question is typically answered by something like financial compensation. This results from the fact that, money being fungible, giving money is presumably

the best we can do in order to increase welfare, as this money could be transformed into say anti-depressant for the depressed, pain-killers for the person suffering from neuralgia or champagne for Louis, the individual with expensive taste in the famous example discussed by Ronald Dworkin (Dworkin 2003).26

As we shall see, the problem with this standard luck egalitarian remedy is that it fails to achieve equality, let alone justice. In section 3.2, I will develop a general argument against the claim that correcting relative deprivations (in whatever currency) is sufficient to fully restore equality of opportunity. I will argue that compensating mechanisms should be used only as second-best mechanisms for the realisation of social equality. Although some luck egalitarians may intend this as their view, the standard formulation of the luck egalitarian aim obscures this point.27

2.1. The Same Destination, Different Routes Argument

As the aim of luck egalitarians is to eliminate (equal or unequal) distributions of advantages that result from differential brute luck, the ideal luck egalitarian society is a society where no distribution of advantages is due to differential brute luck. But there are two distinct ways to approximate this ideal. One way is to redistribute advantages so as to arrive at a responsibility-sensitive distribution of advantages. The other way to approximate the luck egalitarian ideal is to implement change at the level of the social structure in order to minimise the differential impact of brute luck.

Stated schematically, the claim is that:

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26 Dworkin R., Sovereign Virtue, chapter 2.
27 Note that, however, Jonathan Wolff (who is not a luck egalitarian) has looked at strategies of a non-compensatory sort. Wolff J., ‘Disability, status enhancement, personal enhancement and resource allocation’, Economics and Philosophy 25 (1), 2009, p. 49-68.
(1) The sole luck egalitarian ideal is a society where no distribution of advantages is due to differential brute luck. 28

Promoting the ideal described in (1) could be achieved by

(2) The redistribution of advantages

or/and

(3) The elimination of the differential impact of brute luck on opportunities for advantages.

The first claim gives a description of the ideal luck egalitarian society, given a commitment to the Basic Intuition, properly interpreted. The second claim describes the strategy that luck egalitarians mostly discuss, which focuses on compensation. The third claim suggests an alternative strategy that would prevent the occurrence of what luck egalitarians themselves identify as unjust. I leave open for now the question of how the elimination of the differential impact of brute luck on opportunities for advantages might be realised. Now both (2) and (3) are ways of approaching the ideal society described in (1), so that is why luck egalitarians rarely explicitly reject (and sometimes appear to positively recognize) (3) as a possible mean to their

28 Let me clarify three features of this formulation: first, on this formulation, only brute luck that has an impact on the distribution of advantages counts. The focus is on the distribution of advantages which is due to differential brute luck. The brute luck that has no impact on advantages, such as a difference in talents when both talents are rewarded equally well is not the focus here. Second, this formulation only takes into account the impact of differential brute luck on advantages, so it doesn’t include the brute luck that we all share. For instance, the advantage of others is always a matter of brute luck for an individual. Susan Hurley calls this “the boring problem”. See Hurley S., Justice, Luck and Knowledge, Harvard University Press, 2005, p.162. Third, this formulation is directly derived from standard formulation of luck egalitarianism, such as G. A. Cohen claim that it purpose [of egalitarianism] is to eliminate involuntary disadvantage, by which I (stipulatively) mean disadvantage for which the sufferer cannot be held responsible…” Cohen G.A., ‘On the Currency of Egalitarian Justice’, Ethics, July 1989, p. 916. See also Voigt K., The Harshness Objection: Is Luck Egalitarianism too Harsh on the Victims of Option Luck, Ethical Theory and Moral Practice, 2007, p. 389-390.
aim. So far so good for luck egalitarians. Thus, despite the tendency in the literature to focus on compensation, luck egalitarians could clearly also endorse (3).

However, surely something could also be said in favour of preferring (3) to (2). To begin with, this seems to be a more efficient mean to achieve the luck egalitarian ideal aim. All other things being equal, reducing the differential impact of luck on opportunities for advantages would result in a lesser need for redistribution, as it would reduce the number of inequalities individuals are not responsible for. And this should reduce the considerable administrative costs associated with redistribution. There might thus be some instrumental grounds to prefer (3) to (2), ceteris paribus. But the greater efficiency of (3) should not distract us from the main claim I intend to make here. In what follows, I will argue that, even if (2) and (3) were equally efficient, there are intrinsic reasons for preferring (3) over (2). Since choosing (3) more thoroughly eliminates injustice, this should be an indication that we ought to change the aim itself.29

2.2. Towards a New Location of Unfairness

I will now argue that luck egalitarians ought to give normative priority to (3) but that their standard formulation of the location of unfairness obscures this point. Here is a sketch of the argument. Consider again (1):

(1) The sole luck egalitarian ideal is a society where no distribution of advantages (equal or unequal) is due to differential brute luck.

Recall that we can promote this luck egalitarian ideal in two ways:

29 Given a certain aim, one might judge a mean to be superior to another without this leading us to change the aim. This would be so, if there were external reasons for choosing one mean over the other. In this case however, I will argue that there are reasons of justice for preferring one mean over the other and this seems to suggest that one ought to revise the aim itself, as the aim is supposed to capture an ideally just society.
(2) By redistributing advantage.

And/Or

(3) By eliminating the differential impact of brute luck on opportunities for advantages.

However,

(4) Eliminating the differential impact of luck on opportunities for advantages, if successful, prevents the occurrence of unfairness.

(5) Preventing the occurrence of unfairness is morally superior to compensating for it.\(^{30}\)

Therefore

(6) Ceteris paribus, eliminating the differential impact of luck on opportunities for advantages has normative priority over the redistribution of advantages.

The society described in (1) is ideal from a luck egalitarian perspective, because there is no distribution of advantages due to differential brute luck. The conclusion of this argument, as stated in (6) above, is that eliminating the impact of differential brute luck on opportunities for advantages (3) ought to be given normative priority, so as to prevent the occurrence of unfairness. Of course, I mention here the elimination of the impact of differential brute luck, as

\(^{30}\) To avoid misunderstanding, let me emphasize that prevention here is not meant in a “temporal” sense. To begin with, prevention is not used here in the sense of preventing something to happen at a specific time instead of another. I assume “whole lives” egalitarianism; the point is thus to prevent unfairness from occurring within whole lives not at a specific point in time (as opposed to another). Moreover, the distinction between the prevention of unfairness and the compensation of unfairness is not primarily temporal; preventing unfairness doesn’t necessarily precede compensation. If it is foreseen that an injustice might arise, compensation might be provided before the unfairness itself arises and before any preventive intervention is attempted. I return to this issue in section 3.1, where I give an illustration.
this is what would be needed to fully prevent unfairness and read the ideal luck egalitarian state mentioned in 1). Note, however, that in most cases, we might only be able to minimise the impact of differential brute luck on opportunities. This minimisation, however, should still have priority over mere compensation.

The conclusion is a ceteris paribus claim, because it might still be justified to prefer redistribution over elimination (or at least minimisation) of the differential impact of luck in cases in which it is more efficient to do so. Say that by redistributing, all individuals concerned get 100 units of advantages, whereas by minimising the impact of brute luck on opportunities for advantages, individuals would only get 2 units of advantage. I concede that, in this case, one might legitimately give preference to redistribution.

However, when efficiency is the same (or when there is only a small difference in efficiency in favour of redistribution), then minimizing the differential impact of luck has normative priority over the redistribution of advantages. Premises (4) and (5) explain why (3) ought to be given normative priority.

The key premise of this argument is (5). It states that, given that unfairness is disvaluable, if unfairness doesn’t occur at all, it would lead to a better state of affairs than if it occurs but is then remedied. Premise (5) stands as a general claim about the disvalue of unfairness. Let us take the example of a girl who is taking a maths course. We can identify two possible scenarios. According to the first scenario, the girl is given the same instruction as the one received by her peers. This scenario illustrates what I mean by (4) the elimination of the differential impact of brute luck on opportunities. According to the second scenario, the girl is not provided the same

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31 Notice that the premise (5) states a general claim about the disvalue of unfairness. The conclusion (6) is the application of this general principle to luck egalitarianism.

32 Of course, in many cases, one can’t eliminate the differential impact of brute luck on opportunities but merely minimize it.
quality of instruction as her peers. Because she is a girl, her teacher systematically fails to give her useful feedback or advice, because say, the teacher assumes that the girl is less likely to use this knowledge as her peers. However, her bad results at maths in her primary school years and the ensuing effects of her deficient math skills on her subsequent life are compensated retrospectively.\footnote{Notice that this isn’t just a point about temporal order. Compensation is often retrospective, but it needn’t be. You might for instance imagine that the compensation is given prospectively, for instance, at the time the slightly worse book is handed in to the child. For further discussion, see fn. 25 above and section 3.1.} My claim here is that, according to (5), the first scenario is better than the second. One way of explaining this would be to point to the intrinsic disvalue of unfairness.\footnote{Another explanation that I don’t consider here is that some missed opportunities cannot be fully compensated for because of the nature of their value which is incommensurable with advantages of any type (welfare, resources or capabilities).} There is some disvalue in differential opportunities from the point of view of justice that is not corrected by the increase in advantages.\footnote{It might be objected that in some contexts, certain forms of compensation could increase access to options. However, I don’t think that this would be a problem for the argument presented in this paper. Even if certain forms of compensation could boost access to options, these side-effects of compensation would not amount to the equalization of opportunities.}

Giving normative priority to (3) (the elimination of the differential impact of brute luck on opportunities for advantages) is justified because it would prevent injustice from arising, as opposed to correcting existing unjust situations. If a certain state of affairs is identified as unjust, it is surely better to prevent its occurrence than to compensate individuals for it. It thus follows that luck egalitarians should give normative priority to preventing situations they themselves take to be unfair. Given that luck egalitarians take distribution of advantages for which individuals are not responsible to be unfair, they ought to be committed to preventing these unfair situations from occurring.

The problem is that this normative distinction cannot be captured by the standard formulation of the luck egalitarian aim as stated in:
The sole luck egalitarian ideal is a society where no distribution of advantages (equal or unequal) is due to differential brute luck.

If (1) is the aim of luck egalitarians, no normative priority needs to be given to (3) (the elimination of the differential impact of brute luck on opportunities for advantages) as, from the point of view of (1), there is no difference between the child in our example being compensated for lost opportunities due to her deficient math instruction and her having had the same instruction as her peers and not having had to suffer any lost opportunity. This is so because (1) stipulates that the aim is the absence of distribution of advantages due to brute luck. This is an implication of the luck egalitarian location of unfairness that I find counter-intuitive, as it implies the rejection of (5).

If this is correct, then luck egalitarians need to change their location of unfairness and, subsequently, their aim. If one ought to give priority to the elimination (or at least minimisation) of the impact of brute luck on opportunities for advantages, this is because such a reduction in luck eliminates unfairness more thoroughly. If it allows us to more directly target unfairness, it might be an indication to us that this is where unfairness lies.

What my suggestion amounts to is the endorsement of a different location of unfairness: unfairness is located in the differential impact of brute luck on an individual’s opportunities for advantages. In other words, if we identify unfairness as the differential impact of brute luck on our opportunities for advantages, then we ought to give priority to the elimination of this impact, because only this would fully achieve fairness. If some individuals are disadvantaged through no fault of their own, the primary unfairness here is not merely that they have to bear these negative consequences, but rather that they were not responsible for (or in control of) the factors that caused these consequences in the first place (such as their talents, their parents’ income, etc.).
When I say ‘primary’, I mean ‘fundamental’ in the explanatory sense of what explains the disvalue of a certain state of affairs. If the location of unfairness is in the impact of brute luck itself, then the aim of luck egalitarians should be to minimise this impact. The appropriate remedy would also need to be changed to prevent such impact to the extent possible.

2.3 Clarifications and a Qualification

Let me however deal straightaway with some legitimate questions about the claims made so far. First, given that I focus on whole lives, why doesn’t adequate compensation eliminate any differential (whole life) impact? In order to answer this question, let me draw attention to the distinction between the “impact of brute luck on advantages” and the “impact of brute luck on opportunities for advantages” as such. Although the latter includes the former, it also encompasses any effect on the structure of opportunities itself. I am assuming that there is a disvalue to having a smaller or weaker set of opportunities that is not fully reducible to the impact that this has on one’s level of advantage.36

This disvalue could be explained in different ways. But this question is beyond the scope of the present paper, as, for my purposes, I only need to point to the strong intuitive normative difference between preventing differential opportunities for advantages and compensating for them. But let me sketch nevertheless three possible ways of accounting for this disvalue. The first possibility would be to invoke the impersonal value of equality of opportunity. Martin O’Neill has argued that we might prefer a more egalitarian distribution over a less egalitarian one for impersonal reasons (O’Neill 2008).37 In particular, he identified a variety of ways in which distributive inequality could be impersonally disvaluable (in addition to its disvalue for

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36 And I believe that this thought forms part of the core commitments of luck egalitarians despite the fact that their current formulation of their location of unfairness obscures this.
individuals): by stigmatising differences in status, by leading to unacceptable forms of power and domination and by weakening self-respect (O’Neill 2008, p. 146, Scanlon 2003, p.202-218). A very similar argument could be made in favour of the claim that equality of opportunity is impersonally valuable. But note that these are non-fairness related reasons.

So, in order to point to the intrinsic disvalue of having unfairness occurs, one possibility would be to consider the following thought experiment. If we compare two parallel worlds, one in which we could eradicate unfairness and one in which we could merely remedy it retrospectively, which one would be better, from the point of view of justice? It seems to me that it is quite intuitive to say that we would prefer the world where unfairness is eradicated to the world where it is merely remedied retrospectively.

Another possibility would be to call upon the value of responsibility, and the importance of having the power to shape one’s own life through one’s agency, as opposed to being a passive recipient of advantage. This could be explained by the fact that, because having had opportunities allows for responsibility, not having had opportunities prevents an individual from being (comparatively) responsible—it means that she has less control over how her life goes. And this is a fairness-based reason, because luck egalitarians take a distribution to be fair only if individuals are comparatively responsible for their differential level of advantages. Take two individuals, X and Y. Whereas X has had good educational opportunities and became a successful lawyer, Y has had fewer educational opportunities and therefore has a far less satisfying career. In this case, I would insist that it is better to eliminate the differential impact of brute luck on opportunities for advantages (the fact that y had less educational opportunities) than to merely compensate for luck’s impact on advantages. X is (comparatively) responsible for

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her successful career but Y isn’t. Although adequate compensation might eliminate the impact on advantage, it can’t change anything as to the lost opportunities themselves. These lost opportunities matter not only because they give access to advantages, but also because they allow individuals to be (comparatively) responsible for their outcomes and it allows them to have control over their own lives.

Moreover, receiving compensation is merely a matter of brute luck, that is the brute luck that the individual lives in a luck egalitarian state. Therefore, if luck egalitarians are concerned with respecting differential responsibility for advantages, they can’t overlook the difference between compensation and minimising the differential impact of brute luck on opportunities for advantages. They need to revise some of the formulations of their basic commitments, including their location of unfairness.

This being said, as I recognised it earlier, the normative priority owed to eliminating or, at least, minimising the differential impact of brute luck on opportunities might be defeated by efficiency considerations. At least, the claim that we ought to give priority to minimising the impact of brute luck on opportunities holds when 1) doing so would be as efficient in reducing the level of differential advantage as redistribution and 2) minimising the impact of brute luck on opportunities is equally (or less) costly as redistribution. But I believe that, if we take the value of respecting responsibility seriously, normative priority should be given in many more cases, even when this is at a slight cost to efficiency. In order to assess that, we would need to proceed on a case-by-case basis considering the importance of the opportunities in question, the costs of the respective interventions (redistribution vs minimisation of the impact of brute luck) and the impact each has on the level of advantages of the individual.
2.4. Testing the Relocation of Unfairness

In order to test the impact of this re-location of unfairness, let us check if its implications are intuitive. Take the example of an individual who chooses her profession in a set of circumstances in which she has far fewer opportunities than others—she was born unlucky in such a way that limited her options in life. The unfairness is not only in her having a lower income than other people, or even in her having a lower probability of achieving a certain level of income, but it is also in her not having (or not having had) certain opportunities that others could enjoy in the first place. When it pertains to the opportunities that are available to individuals, it seems to me quite intuitive that unfairness doesn’t occur only when an individual has less advantage than another. I might end up enjoying the same level of advantages as you do, but if it were the case that my set of opportunities was narrower or qualitatively worse than yours, this is still unfair.

Some might object that this is just what luck egalitarian proponents of equality of opportunity are really calling for. But most luck egalitarian proponents of equality of opportunity have not explicitly stated that one ought to give priority to minimizing the differential impact of brute luck on opportunities for advantages. Moreover, and in a way that has misled defenders and critics alike (as I argued in 2.1.), their formulation of the luck egalitarian aim actually prevents them from drawing a principled normative distinction between remedies.

I am of course not suggesting that it would be possible to entirely pre-empt all such unfairness from occurring. But the claim that it is not feasible to prevent every unfairness from

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39 I discuss this objection in more detail in section 4.
occurring doesn’t undermine the point I am making here, which is that reducing the extent to which unfairness occurs should be given normative priority over redistribution.⁴⁰

On what I take to be a more plausible version of the luck egalitarian view, compensation should therefore have only a subsidiary role. This is not to say that it would not be widely used. Even though it is only a second-best remedy, there are nevertheless plenty of cases where compensation is the only available remedy. Take, for example, genetic disadvantages: we are not (yet) able to reduce the extent to which genetic luck will have an impact on individual lives. In order to correct for the unfairness resulting from genetic disadvantages, we would need to compensate individuals, as some of these injustices won’t be entirely eliminated by designing an appropriate social structure. This being said, from the point of view of fairness, if we could prevent someone from suffering from genetic disadvantages by genetic intervention, this should be given priority, other things being equal. And this point should be explicitly reflected in the formulation of the luck egalitarian location of unfairness.

On my proposed relocation of unfairness, redistribution is not a sufficient condition for equality of opportunity to be realized. This stands in contrast with what has been implied by the current focus of the literature on luck egalitarianism (Scheffler 2003, p.31, Freeman 2009).⁴¹

Moreover, in ideal conditions, if my proposed relocation of unfairness is endorsed, then redistribution might not even be a necessary condition for equality of opportunity.⁴² Samuel

⁴⁰ Note that the claim that the prevention of unfairness is normatively superior to mere compensation is valid only to the extent that, like luck egalitarians, you endorse a version of equality of opportunity for advantages (they could endorse either equality of opportunity for resources, or equality of opportunity for welfare, or equality of opportunities for capabilities). If you believe that equality of resources is the currency of choice, then there would indeed be no difference between preventing unfairness and compensating for it. However, luck egalitarians are endorsing equality of opportunity for advantages (as this is the only way for them to account for differential responsibility).

⁴¹ S., ibid., p.31. Freeman S., ibid.

⁴² This is assuming that equality of opportunity is fully satisfied by blocking any influence of individual circumstances on the opportunities of individuals.
Freeman has recently argued that luck egalitarianism is a truncated conception of justice, which only provides a principle of redress (Freeman 2009). To that extent, my argument here is entirely consonant with Freeman’s view. However, unlike Freeman, I don’t take the luck egalitarian redistributive principle to provide “a necessary condition that any principle of distributive justice must meet, or one that should be weighed in advance with other equally pressing concerns.” (Freeman 2009, p.133). It should be clear by now that redistribution is merely a second-best policy: it is not strictly speaking a necessary condition for the realisation of equality of opportunity, to the extent that, at least in ideal circumstances, one can conceive of a society structured in a way that no amount of brute luck would be differentially damaging for individuals’ opportunities for advantages.

In this section, I argued that the pre-emption of unfairness is morally superior to attempts to alleviate its impact. In brief, giving priority to the reduction of the differential impact of brute luck on opportunities for advantages is simply what justice requires. This point is overlooked by standard formulations of luck egalitarianism.

2.5. New Remedies: Institutional Changes and Personal Enhancements

So far I have claimed that luck egalitarians should endorse the elimination of the differential impact of brute luck on opportunities for advantages as their new aim. This new aim calls for new remedies: the elimination of the differential impact of brute luck is best achieved through intervention at the structural level of institutions and through personal enhancements.43

43 I am not suggesting that other kinds of interventions are not possible or even required so as to minimise the impact of brute luck on individual opportunities for advantages. It is undeniable that, for instance, the ethos of a society affects many opportunities for advantages. However, there are many questions about the legitimacy of interventions at the level of the ethos of a society which are beyond the scope of this paper. For more discussion on egalitarian ethos, see Cohen G.A., “Where the Action is: On the Site of Distributive Justice”, Philosophy & Public Affairs, 1997. G. A. Cohen, “Incentives, Inequality, and
The luck egalitarian focus on redistribution has already raised some worries (Freeman 2009, p. 134, Scheffler 2003, p.27). And other authors have described alternative remedies to be considered beyond compensation. First, Jonathan Wolff, has discussed three alternative remedies to be considered beyond compensation: personal enhancement, targeted resources enhancement and status enhancement and argued in favour of status enhancement (which is a form of institutional adaptation to counteract disadvantages) (Wolff 2002 2009). Second, both Iris Marion Young and Elizabeth Anderson have also pressed for a change of direction towards more focus on structural change (Young 1990, Anderson 1999). Young argues for the abandonment of what she calls ‘the distributive paradigm’ of justice, in favour of a conception of justice that would be more focused on structure and institutions (Young 1990, p.15-22). Some of the specific institutional features she addresses are related to decision-making (by which citizens can truly contribute to political decision-making) and the social division of labour (by which tasks are defined as belonging to a specific job), both features that are taken for granted by many luck egalitarians. More importantly for our purposes, Young has also expressed concern about the impact of cultural and social norms on individuals’ opportunities, which many luck egalitarians seem not to consider as lying within the scope of justice.


Freeman, ibid. p. 134. See also Scheffler, ibid., p.27.


Young has thus argued that opportunity should be conceived as an enablement. As she writes, “evaluating social justice must involve evaluating not a distributive outcome but the social structures that enable or constrain the individuals in relevant situations.” This enablement has many aspects, and we cannot conceive of opportunities just in terms of the material resources that a person has, even though it is an important determinant of the opportunities one has. Young I.M., ibid., p. 26-41.
Third, Anderson is similarly committed to the claim that there is more to fairness than redistribution. She points to the importance of providing what Rawls has called the social basis of self-respect and urges egalitarians to focus on structural issues. In other words, both Iris Marion Young and Elizabeth Anderson have already argued that it is necessary to focus on institutional change over redistribution. And within the luck egalitarian tradition, Kok Chor-Tan has recently claimed that luck egalitarianism should be institutional in focus (Tan, 2008). In order to account for some of our intuitions about what states of affairs better approximate ideal justice, I argued that luck egalitarians ought to revise their location of unfairness, and that intervening either at the level of the social and institutional structure or via personal enhancement constitute better remedies from the point of view of social justice.

The novelty of my argument lies in its claim that these conclusions can actually be supported by the basic commitments of luck egalitarians, if these are properly understood, that is, if the luck egalitarian aim is revised in the way suggested.

Let me now turn to briefly consider two objections to my argument.

3.1. Not About Timing

The first objection interprets my argument as merely a claim about the timing of luck egalitarian intervention. The objector could then ask: Is my problem with luck egalitarians only that they act too late? Could luck egalitarians respond to my argument by specifying that redistribution should proceed before the injustice occurs? But this is not what I have been

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47 Anderson E., ibid., p.288.
48 Some might object here that the social basis of self-respect could be an object of redistribution in a Rawlsian perspective. But this would be missing the non-distributive nature of an intervention that would focus on establishing the so-called social basis of self-respect.
arguing for here, because compensation (however early) is not tantamount to reducing the impact of brute luck. Timing is thus not really the issue.

To see this, consider the following illustration. Suppose that a child suffers from a delayed onset disability. The child is currently one year old. We know that when he will be five years old, he will suffer from the first symptoms of the disease. Now consider two scenarios:

*Scenario one:* the child is given an injection at the age of five that would prevent the disability from appearing at all.

*Scenario two:* the child is provided with some compensation ahead of the first appearance of the symptoms of his disability.\(^{50}\)

On the view I defend, scenario 1 is more desirable than scenario 2. However, the reason for the superiority of scenario 1 has nothing to do with how early the treatment is given. In the example above, the injection is given after the proposed compensation of scenario 2. Compensating ahead is thus not an adequate response to my argument. Scenario 1 is superior to Scenario 2 because it eliminates the unfairness whereas scenario 2 only alleviates it. I take this superiority of scenario 1 to have strong intuitive force.

### 3.2. Do Luck Egalitarians Really Deny the Priority of Prevention?

Some luck egalitarians might finally respond that, even if they didn’t make it explicit, they implied all along that normative priority should be given to the reduction of the differential impact of brute luck.\(^{51}\) In response to this possible complaint, my answer is, first, as I argued

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\(^{50}\) For the sake of argument, I will assume here that we can coherently talk of “compensating ahead”, that is of some form of pre-emptive compensation.

\(^{51}\) Some luck egalitarians even sometimes formulate the aim of luck egalitarianism as the elimination of luck, which sounds a bit like what I am advocating in this paper. But this is not a widely accepted formulation and it is used to describe views that are fairly different from the view I am advocating here.
earlier, that the formulations of luck egalitarianism that currently dominate the literature don’t support a principled normative distinction between redistributive compensation, on the one hand, and institutional change, on the other hand. At the very least, this distinction and its normative significance is obscured by the way that luck egalitarianism is currently formulated and defended. My main aim in this paper is to clarify the core commitments of luck egalitarianism. If some luck egalitarians already implicitly accept the claims I defend here, this is not a problem, but an advantage.

In any event, I believe that this omission is only part of a more general problem for luck egalitarianism, as it is usually currently discussed. Contrary to the actual tendency to discuss luck egalitarianism independently from a more general theory of justice, luck egalitarianism should only be seen as a component of a full-blown conception of justice (Freeman 2009, Scheffler 2003). Early luck egalitarians, such as G.A. Cohen, were very much aware that they are only offering one component of a full theory of justice (Cohen 1989, p.908). If, as I have argued here, normative priority should be given to interventions at the level of institutions, this implies that it might not be helpful to discuss the luck egalitarian redistributive principle independently from a broader conception of justice, as only such a conception of justice could specify the basic principles that institutions should follow. Rawls had already pointed out that “we cannot take the difference principle seriously so long as we think of it by itself apart from its settings within prior distributive principles.” (Rawls 2001, fnnte 46) Similarly, my argument suggests that the value of responsibility—which was the initial motivation for focusing on equality of opportunity

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52 Freeman S., ‘Rawls and Luck Egalitarianism’. Scheffler S., ‘What is Egalitarianism?’
54 If one might not reproach to recent luck egalitarian writers not to have offered a broader theory of justice, one might still reproach them the lack of reference to such broader theories of justice, as such broader theory could give priority to preserving equality of opportunity over compensation.
in the first place—might not be adequately respected if we fail to consider how the luck egalitarian distributive principle interacts with the social structure in which it operates.

This point further suggests that the principle of equality of opportunity for advantages is subject to the prior satisfaction of the principle of fair equality of opportunity. Because the principle of fair equality of opportunity is mainly concerned with ensuring that individuals have *equal access* to various opportunities, it would be a way of dividing the labour between the two principles. Given that the principle of fair equality of opportunity does give priority to institutional changes, this would allow luck egalitarians to keep their focus on compensation.

But before I conclude, let me briefly sketch a way in which the argument puts forward so far might have implications that could possibly afflict the usefulness of the principle of equality of opportunity for advantages, insofar as this principle is defined as the equality of opportunity sets for advantages.

### 4. The Re-location of Unfairness and the Principle of Equality of Opportunity for Advantages

I have argued that our *opportunities* for advantages can not be adequately protected by mere compensation. This is so because opportunities themselves have independent value. Equality of opportunity for advantages matters because we value having (or having had) equal opportunities. Opportunities matter because they give us *real possibilities* to access advantages *through our own choices*. This is why equality of opportunity was invoked to protect responsibility, as it allows individuals to retain the advantages that result from their own choices.

However, in its most recent formulations, the principle of equality of opportunity for advantages seems to overlook (or at least obscure) the difference between me having the same
probability of getting the good and me having the same opportunity to get the good. The concept of probability is not concerned with the way one can get access to the advantages in question, whereas the concept of opportunity is fundamentally connected with the idea of choice. If I have an opportunity, I can choose to take up this opportunity or refuse it, but merely having a probability doesn’t say much about my having control over taking this opportunity or not. This is why using the notion of opportunity to mean either is misleading in the context of a theory which attempts to give importance to being responsible for one’s level of advantages.  

Let us take an example to illustrate the difference between the probability of getting some advantage, and the opportunity to get it. Let us assume, for the purposes of the example, that equality of opportunity for welfare is our currency of choice. According to the luck egalitarian response under consideration, if we knew that a seriously disabled child would be born, one could compensate her for her relative deprivation of opportunities for welfare (assuming that the increase in welfare caused by the compensation exactly offsets the relative welfare loss caused by her disability). This, on the standard luck egalitarian view, should be sufficient to equalise opportunities for welfare. I believe, however, it would not be enough (or even equally good) to compensate the disabled child so as to offset her relative lack of opportunities for welfare compared to others—even if that really brought her up to the same level of equality of opportunity for welfare as others. What matters is to ensure that her opportunities to gain welfare through her own actions and choices are not affected by her disability. But the way this should be done is surely by ensuring that she has possibilities to reach a certain level of welfare through her own choices, not by offering her easily convertible tokens of welfare. Being given help in

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56 Gopal Sreenivasan has pointed out recently that there was an ambiguity between two different conceptions of opportunity, the conception used in the case of formal equality of opportunity and in the case of luck egalitarian equality of opportunity. What I am pointing to is what I take to be a further ambiguity in the notion of opportunity. Sreenivasan G., *Equality, Opportunity, Ambiguity*, Politics, Philosophy & Economics, 2013.
attaining an advantage so as to offset her disadvantaged position is not the same as her actually having, and making use of, certain opportunities to get that advantage.

Here an objector could respond that, if I hold this view, I am merely moving to another currency of justice, namely capabilities. But this is not the case. One way to show that would be to consider the following: If my point was about currency, it would be enough to give an individual with lesser opportunities a job as a form of compensation instead of cash so that she enjoys the same level of capabilities as others do (Knight 2009, p.134). But, on my view, this would not be enough to the extent that this individual is still not responsible for her level of advantages.

I am rather claiming that the notion of agency is implicit in the concept of opportunity. Opportunity implies having a chance that one can take, as it were, something that is up to us, as opposed to a mere probability. A probability is merely the chance that I will get a certain good. The notion of probability obscures the distinction between factors that are under my control and factors that are not under my control. On my view, the help provided to the disabled child should ideally be to ensure that the brute luck to which she is exposed doesn’t have an impact on her opportunities to get the same level of welfare as everybody else. In other words, by providing the disabled child with additional resources, I am not protecting her opportunity to achieve welfare but merely giving off ‘tokens’ for welfare. However, it is true that, by giving her these tokens of welfare, the probability that she will obtain a certain level of welfare will be greatly increased. And this is what I am criticizing: given the current formulation of the luck egalitarian aim, this would be enough to ensure that their aim is reached.

What I wish to propose is that if we want to take the notion of opportunity seriously, we must take it to mean that we should aim to give an individual the ability to act in a way that

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would give her access to the advantage in question by her own choices and actions. After all, recall that the initial motivation behind introducing the distinction between choice and luck and behind luck egalitarianism itself was to respect the value of responsibility and thereby respond to the conservative objection. The crux of my argument, however, is that we can be said to possess true equality of opportunity only if our ability to obtain various advantages through our own choices is preserved. If that is the case, then the common practice of using the notions of opportunity and probability interchangeably is highly problematic.

To illustrate, take the following example: Leo and Lea have the same probability of succeeding in their driving test. Both are equally incompetent at driving and the whole system is anyway rigged: the examiner isn’t going to test their driving ability but merely flip a coin to decide whether or not to grant the driving license. They clearly have the same probability to get the license, but do they have any opportunity to get the license? My answer would be that they don’t, as it is not up to them if they get the license or not. Now let us modify this example and consider the driving licence examination of Claire and Francis. Claire knows fairly well how to drive but she has trouble with parallel parking. Francis’s examiner is incompetent and will flip a coin so it is not even relevant whether he knows how to drive or not. The probability that Claire’s examiner will test her ability to do parallel parking is 50%. Let us assume that, if Claire is tested on parallel parking, she will fail, but she will succeed if she is not tested on parallel parking. The probability that Francis will succeed is simply 50%. Both have the same probability to get the driving license. But do they have the same opportunity? I would say that, although Claire has some opportunity to get her driving license, Francis doesn’t have any opportunity to get his. One of the upshot of the argument developed here is that, if we are really concerned with the value of responsibility, then we should be careful to distinguish opportunity from mere
probability because the notion of opportunity implies that it is up to me whether I take this opportunity or not, whereas the notion of probability doesn’t. I might have a high probability to get some good without it being really up to me whether or not I get it.

Let me underscore one final thing before concluding: my proposal is really that luck egalitarians should return to the early luck egalitarian formulations, such as G.A. Cohen’s ‘equality of access to advantages’. In Cohen’s ‘On the Currency of Egalitarian Justice’, he argued in favour of equality of access because the notion of opportunity failed to capture what he thought luck egalitarians should be interested in, namely opportunity coupled with capacity. On Cohen’s view, access to advantages was a better currency than opportunity because it better captured the luck egalitarian concern for responsibility. What I am suggesting here is in the same spirit to the extent that I believe that the current conflation of the notions of opportunity and probability fails to capture the luck egalitarian concern for responsibility.

5. Conclusion

In this paper, I have argued that luck egalitarians should give normative priority to preventing the occurrence of an unfair state of affairs over remedying it via compensation. For that reason, luck egalitarians ought to revise the standard formulation of their view, and adopt the reduction of the differential impact of brute luck on opportunities for advantages as their main aim. And luck egalitarians should explicitly give priority to alternative remedies (such as institutional changes and personal enhancements) to the extent that, unlike compensation, they could prevent injustices from arising. Finally, I argued that similar considerations apply to the principle of equality of opportunity for advantages itself.
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