The Structure of Socialist Equality of Opportunity

G. A. COHEN’S SOCIALISM: A DEFENCE
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Introduction
Egalitarian thought divides broadly into two different accounts. The luck egalitarian conception of distributive justice sets egalitarian theorizing the ultimate aim of eradicating the influence of brute luck on the distribution of divisible goods. Equality on this view is the upshot of distributive schemes that are sensitive to peoples’ readily available choices, in such a way that they can reasonably be held responsible for the resulting outcomes, while results retraceable to morally arbitrary factors are reprehensible. On the other hand, a strand of relational egalitarians argues that the distributive conception of redressing the influences of brute luck misses its mark. Egalitarianism properly construed aims 1) negatively to eradicate socially imposed oppression, and 2) positively to create a society of equals free from social hierarchies of status, domination and exploitation. G. A. Cohen have instantiated a luck egalitarian account that turns on the claim that unequal distributions of assets are unjust, because they contain a propensity to induce socially constrained relationships conditional upon how social arrangements are constructed to cope with distributions of natural assets. Thus, on Cohen’s account initial distributions takes on a causally fundamental role that carries a disposition to create circumstances of unfreedom and thus inherits its injustice from the feature of normative fundamentality, that is, social relations of constraint. I shall argue that the interplay between Cohen’s theory of freedom and the conception of injustice outlined above inspires a substantially relational interpretation of his position. Thus, the task of this essay is to defend the substantial content of the luck egalitarian principle of socialist equality of opportunity. My aim is to meet three constraints a relational theory of justice must meet outlined by Elizabeth Anderson. These Constraints runs as follows: 1) some agent must suffer an injury, 2) Claims of injustice must be directed at agents, and 3) an agent’s claim against injustice must be legitimate in virtue of a claim against actual disadvantage. I shall argue that Cohen’s account of justice satisfies all three of the above constraints. The paper opens with a review of the reasons for objecting to inequality argued for prominently by Thomas Scanlon. After follows an outlining of the two competing positions, and an interwoven exposure of the main points of disagreement. A major objection surfaces in Anderson’s scheme and I then turn to my attempted defense of the luck egalitarian paradigm.

The main claim of the essay runs as follows: the luck egalitarian principle of socialist equality of opportunity can, if properly fleshed out, accommodate a substantially relational account of equality. Socialist luck egalitarians oppose the initiating force of prying nature into a socialized framework of unfreedom; creating relations of domination and subjugation that induces stigmatizing differences of social status.
Scanlon on the Diversity of Objections to Inequality
In the essay ‘The Diversity of Objections to Inequality’ Thomas Scanlon proposes the view that inequality does not in and of itself constitute a case that deserves egalitarian attention; but does so in virtue of prompting distinct but interconnected considerations that have bearing on how people perceive of themselves and of others in relation to the social environment within which they engage. (Scanlon, 1996, p. 1). The underlining notion of a society of equals here is reactive to Scanlon’s remark that “[o]pponents of equality seem most convincing when they can portray equality as a peculiarly abstract goal – conformity to a certain pattern – to which special moral value is attached.” (Scanlon, 1996, pp. 1-2). By appealing, instead, to a set of values that themselves find wide support and together is constitutive of conscientious relations we can discern a conception of equality that displays larger conformity to our intuitions. The idea that people ought to be equal in some relevant respect carries weight, then, insofar as this is conducite to the abolishment of features that: a) creates stigmatizing differences of social status, were some people are treated, or perceived (by themselves and/or others) as inferior on account of the life’s they lead that extends into patterns of deference and privilege; undermining freedom and self-respect. A second reason b) for objecting to inequality is that as a consequence, some will be in a position of power over others. Economic advantage e.g. gives some the power of control over major parts of civil and political life. Through production-control they gain power both in terms of what gets produced and the means to determine the relations of production. In the political arena the rich can lobby for their own interests and have thus an effective influence on policy-decisions unparalleled by those of less wealth. Inequality can also c) undermine procedural fairness, since particular equalities serves as preconditions for preserving fair terms by which individuals then engage. Although strongly connected, the

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1 This suggest that Scanlon have indeed generated the conception that Martin O’Neill have termed ‘non-intrinsic egalitarianism’, which characterize the foundations of a strongly egalitarian account through a set of reasons that strikes a balance between Telic (i.e. the intrinsic worth of state of affairs) and Deontic (i.e. justice or fairness based) considerations drawing on variants of both in a context of what we owe to each other as equals, building on relations that themselves assert the intrinsic worth of equality. Scanlon himself never drew any definitive conclusions of how, in the present polemic dividing egalitarians, we should understand his own position, since his work is mainly exegetical. What can be said is that relational views such as those of Scheffler, Anderson and Fourie et al. display resemblance with that of Scanlon and O’Neill, in that they all consider ‘social relations significant for the application of egalitarian considerations’ and the fact that the reasons to be rehearsed below seem misplaced unless attached to actual relations. See: (O’Neill, 2008, esp. pp. 128-30, 137-38). For an interesting response to O’Neill’s non-intrinsic egalitarianism, introducing further non-intrinsic-telic reasons for objecting to inequality, much of which will be discussed in this paper, comprises a) theft of property or coercive threats, b) failure to keep promises or honor contracts, c) brute luck, d) unfair discrimination, e) exploitation and f) failure to discharge a duty to promote equality see: (Brown, 2014, 455-56). This suggest that the bare fact that Scanlon’s view is ‘non-intrinsic’ is not conclusive regarding the location in which his conception resides.

2 Scanlon also lists an inequality-induced reason for alleviating suffering, however he regards this, not as a primarily egalitarian, but rather a humanitarian concern.
last two objections ought to be kept separate, since the unfairness of certain processes must not result in power relations. Instead this third reason highlights the importance of equality of opportunity. Procedural fairness can be undermined e.g. when different regions are unable to provide the same standard of education and consequently leave people on different terms to take advantage of their civil- and political liberties in competition or in the political forum etc. even if the two arenas are otherwise free from problematic forms of power-asymmetries. (Scanlon, 1996, pp. 2-4). The last and fourth objection d) to inequality is perhaps, given present purposes, the most controversial. This is so because it underlines the core notion of luck-egalitarianism that distributions ought to be sensitive to peoples’ choices but not their unchosen circumstances. In a later paper Scanlon explicates the objection as such:

If each member of a group has the same claim that some individual or institutional agent, provide it with a certain benefit, and if that agent is obligated to respond to all of these claims, then that agent must, absent special justification, provide each member of the group with the same level of benefit. (Scanlon, 2013, p. 13).

This reason is, as Jonathan Wolff have noted, broadly stated and given how the first clause of the cited paragraph is formulated and what type of justification for departure from equality is opted for, various distributive principles can be subsumed under it. (Wolff, 2013, p. 411). So there needn’t be tension between the reasons for objecting to inequality as developed by Scanlon, but this depends on how they are construed for a more determinate scheme. If, as on

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3 In their canonical formulations Scanlon and John Rawls (establishing the account of fair equality of opportunity, that much of what is considered by relational egalitarians in terms of opportunity bears upon) appeals to the opportunity to achieve offices and positions open to all under fair competition. However, if this is to be considered beyond mere formal opportunity they must invoke, to some degree, considerations of a fourth type i.e. benefits that accrue to agents in virtue of similar claims to advantage. This is indeed what Rawls means when he claims that all should have a fair chance to attain the offices and positions in question. One obvious such benefit that readily assert itself is that of education. This leads us, then, to a second, more broadly construed account of opportunity to be understood as a median between two extreme forms of equality of opportunity: libertarian equality of opportunity i.e. an account that erases socially conditioned barriers of status, based on e.g. race or gender, and socialist equality of opportunity that aims in addition to the libertarian account to eradicate barriers of both natural (endowment) and social contingencies leaving (some) tastes and choices as the only indicators of acceptable differences in outcome. The liberal equality of opportunity amounts to a position that aims to erase social contingencies from affecting peoples starting-points in social cooperation; and mitigate differences of natural endowment by conditioning market-seeking with a qualification that agents train and use their endowments in such a way that it benefits those that lag behind. And, so Scanlon adds, in congruence with Rawls’s inclusion of ‘the social bases of self-respect’ into his favored metric of well-being, to avoid stigmatizing differences in status. I return to the concept of equality of opportunity through the discussion of procedural fairness, and the tension between relational views and liberal understandings of fairness below. For relevant discussion see: (Cohen, 2009, pp. 14-18), (Rawls, 2001, pp. 42-44), (Scanlon, 1996, pp. 4-9, 2013, pp. 20-28).

4 See footnote 3 above for the divergence of relational and socialist (= luck-egalitarian) equality of opportunity and according to the latter: equality of outcome. If there is present a justified claim to eliminate the differential results of both types of contingencies there seems to be an at least prima facie obligation for an equalizing distribution that is sensitive to choice only.
the relational view, benefits accrue to persons in virtue of their equal standing within their civil, political and cooperative arrangements, agents have an obligation to respond to claimants’ interests, not against the influence of brute luck, but rather on pain of creating unfair disadvantage that undermines equal relations between people. The conceptual tilt, for Scanlon, towards a more relational-oriented approach turns on a view of the recipients as participants in a cooperative endeavor rather than as passive beneficiaries in a distributive scheme. (Scanlon, 1996, pp. 5-6). This parts with the luck-egalitarians (explicit) accounts of how benefits accrue to persons. Here production and distribution are somewhat divorced, principled vindications of distributive patterns turns on whether or not luck is brute, where this is so, there is a decisive case for compensation. However, one should be careful to draw conclusions about the value of the luck-egalitarian conception on this account for two reasons: 1) luck-egalitarians ought not to be considered as outlining a united scheme, but rather as participants in an intricate debate about distributive justice. (Wolff, 2010, p. 346). Accordingly, and 2) the nature of the discussion is by some conducted on the assumption that it is only part of a more comprehensive conception of both political and economic equality. (Dworkin, 1981, p. 283). 5 Nevertheless, much of the polemic between relational egalitarians and luck egalitarians rests on the tension considered above. And in any case, a tentative distinction can rightly be made since the willingness to delimit the scope in such a way signals a differential perception of the subject matter.

Delineating the Disagreements: What is the Point of Equality?
The conceptual framework provided by Scanlon serves as a clarifying template within which much egalitarian debate have been conducted. A strand of relational egalitarians have emerged here as a response to the luck egalitarian claim embodied by the fourth reason above. The position as argued for, prominently by Ronald Dworkin and G. A. Cohen identify the central point of interest in egalitarian thought with a distributive paradigm that seeks to be sensitive to peoples’ choices6 and the circumstances such choices produce, but insensitive to morally arbitrary factors for which people cannot properly be held responsible. (Dworkin, 1981, p. 311). The choice/circumstance distinction draws on a second explanatory distinction: that of brute and option luck. (Bad) option luck is the result of deliberate gambles, the sufferers of which

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5 Cohen is the most apparent contrast to the participant-approach on distributive matters since he rejects the desert-based conception of allocation, on his view distribution ought to be conducted out of need, not contribution. This is seen from e.g. his rejection of David Millers approach to socialist justice. See: (Cohen, 1995, pp. 258-59). It follows from this that Scanlon seems to part with Cohen’s luck egalitarianism on this score since implicit in the conceptualization of participatory distribution is an appeal to contribution and merit.

6 Dworkin did not, at first, invoke the distinction between choice and circumstance but instead denoted features belonging to the person and not his circumstances. However, Samuel Scheffler clarifies that he accepted the new distinction prompted by Cohen. See: (Cohen, 1989, pp. 927-31) (Scheffler, 2005, p. 6).
have no claim for compensation in the name of justice since “the possibility of loss was part of the life they chose – it […] was the fair price of the possibility of gain.” (Dworkin, 1981, p. 294). Cohen’s disavowal of compensation due to bad option luck focuses rather on actual need stating that “when other people pay for [others’] readily avoidable wastefulness, there is, pro tanto, an exploitative distribution of burden which egalitarians should condemn.” (Cohen, 1989, p. 911). Brute luck, on the other hand, is the result of pure accident. Here choice plays no pertinent role, and hence, the sufferers of bad brute luck cannot reasonably be held responsible for the loss induced. (Dworkin, 1981, p. 296). We can say, then, that an individual or institutional agent have an obligation to respond equally to brute-luck-sufferers’ legitimate claims for benefit and thus neutralize the effects of brute luck on distributions and in turn, that these claims are vindicated by the fact that they cannot reasonably be held responsible for the pure accidents they’ve suffered. The same does not, however, hold for the option-luck-sufferers. Cohen thus characterize the position accordingly: “I take for granted that there is something which justice requires people to have equal amounts of”. (Cohen, 1989, p. 906). The egalitarian impulse, he claims, is to eliminate the effects of brute luck and exploitation from affecting distributive outcomes and, thus, he further claims that “[b]rute luck is an enemy of just equality, and, since effects of genuine choice contrast with brute luck, genuine choice excuses otherwise unacceptable inequalities.” (Cohen, 1989, p. 931). As we can now see, both Cohen and Dworkin appeals to the fourth reason for objecting to inequality. However, a different strand of egalitarians have forcefully argued that this conception is faulty for three prime reasons.

According to the relational egalitarians luck egalitarianism runs astray because 1) it places too much and ultimately misguided confidence in what it is theoretically possible to achieve with an enlightened distributive formulae. Equality is a notoriously complex notion and a distributive principle, even if resting on valid premises, will do poorly on its own to explain what we take to be the essence of equality. (Scheffler, 2015, p.22). It tends to portray equality, as we saw Scanlon discourage above and here enforced by Martin O’Neill, as an abstract goal that “floats free of any specific connection with the experiential character of interpersonal relationships of interaction, mutual justification, or reason-giving” except, O’Neill continues, in a trivial sense that experiences in general connects to deficits in terms of whatever metric one professes to use for absolute measures of well-being. “Moreover, [on the luck-egalitarian view] there is something morally objectionable about inequalities, even when they obtain between individuals.

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7 This is somewhat assuming that agents act merely or primarily for rational reasons with some sort of goal that implies gain, which is often true, but the underlining intuition here is that people should pay the prices for the lives they choose, whether wise or unwise.
who are physically or temporally inaccessible to one another.” (O’Neill, 2013, p. 433). If this framing of the luck-egalitarian position is correct, it takes on a certain consequentialist character as it conceptualizes equality as a painstakingly valuable state of affairs, which we are then assigned the common aim of realizing in policy. It manifests itself in a third-person perspective where claimants and responding agents alike are anonymous in the pending justification. A plausible conception of equality, on the contrary, so says the relational egalitarian, turns on the claim “that inequality is unjust when it disadvantages people: when it reflects, embodies, or causes inequality of authority, status, or standing.” (Anderson, 2013, p. 2). As opposed to the putative luck egalitarian idea of justification the relational standpoint embodies a second-person route to justification where claims are set in an interpersonal context and expressed as demands and responding obligations to uphold principles of justice free and equal persons would contract for to regulate policy. (Anderson, 2013, pp. 2-3).

The second point of disagreement is that 2) by asserting the choice/circumstance distinction the luck egalitarian presses an inapt conception of responsibility and thus demonstrates a misconceived ambition to justify the egalitarian position against right-wing objections. In order to defend an equalizing distribution they incorporate a version of the principle of responsibility that takes voluntary choice as its basis for justifying distributive consequences. This principle, that people should bear the costs of their chosen, but not unchosen circumstances does not, however, have the justificatory force that luck egalitarians assign to it. To be sure, relational egalitarians affirm the notion in that, a reasonable conception of distributive justice ought to generate space for responsibility where justification for the conception of justice lies in the status of relationships and does not flow from the notion as such. This does not, however, tie them to the general claim that all things considered people should be held responsible for the upshot of all their voluntary choices. Poor financial planning resulting in a difficulty to provide health insurance for oneself or close ones should be considered problematic on grounds of egalitarian justice no matter what the choices conducive to the circumstance. A conception that discourages compensation here tend towards a rigid individualistic and unforgiving account of how benefits and burdens should be distributed. Luck egalitarians, it is thought, thus wrongly take themselves to derive a conception of equality that finds widespread support across different political and moral doctrines. To wit, by appealing to a progressive role for the principle of responsibility as the defining indication of just- and unjust distributions they commit to a principle that lacks justificatory appeal because of its tendencies to make sweeping
generalizations of peoples circumstances and in their crude form, risks the abandonment of sufferers of bad choices. (Scheffler, 2005, pp. 8-10, 16-17).

Here it is important to note two things: firstly, we should be clear on the differences between various luck egalitarian accounts, and thus how particular arguments strike across variations of these. It might not be the case that an objection against excessive use of responsibility impugns luck egalitarianism as such but that, “at most, it demonstrates that we should reject variants of egalitarianism specifying what it is for people’s relative positions to reflect their relative exercise of responsibility in such a way as to imply that harsh outcomes […] are just.” (Lippert-Rasmussen, 2012, p. 124). Secondly, as I shall argue throughout this paper in favor of Cohen’s luck egalitarian principle of socialist equality of opportunity, it is possible for luck egalitarian accounts to take on a substantially relational role. The relational project, according to one of its most prodigious advocates; Elizabeth Anderson, is 1) to disintegrate the socially constructed oppression of social relationships “by which some people dominate, exploit, marginalize, demean, and inflict violence upon others.” (Anderson, 1999, p. 313). And 2) to establish relationships on a footing of equality whereby agents share and seek to uphold a democratic community. Democracy thus understood is conceived as the collective deliberation of autonomous agents’ that, in virtue of their equal standing, pursues open discussions on terms of reciprocal acceptance. (Anderson, 1999, p. 313). The positive account of her favored conception of equality as Democratic equality is thus an ideal where people enjoy equal standing with each other. The means supporting equal agency is to be secured by an ample threshold of capabilities (i.e. the freedoms attained through the accommodation of social and material conditions whereby people can properly function which is the actualization of practice) to institute their civil and political agency on terms of reciprocity and respect. (Anderson, 1999, pp. 316-17). “Democratic equality guarantees all law-abiding citizens effective access to the social conditions of their freedom at all times. It justifies the distributions required to secure this guarantee by appealing to the obligations of citizens in a democratic state.” (Anderson, 1999, p. 289). However, democratic equality does not aspire to provide comprehensive equality in the sphere of functioning. Firstly and primarily explanatory, innate capabilities are not transferable, accommodation through social and material reconstruction have limited reach, particularly in the sphere of creating social advantage; everyone have an interest in the distribution of talent into positions which confer benefits throughout society. Instead equality demands that social orders are construed in a way that does not confer superior status on such an arbitrary basis. (Anderson, 1999, p. 317). Secondly, functionings does not accrue
Democratic equality can make access to certain functionings—those requiring an income—conditional upon working for them, provided that citizens have effective access to those conditions—they are physically capable of performing the work, doing so is consistent with their other duties, they can find a job, and so forth. Effective access to a level of functioning means that people can achieve that functioning by deploying means already at their disposal, not that the functioning is unconditionally guaranteed without any effort on their own part. (Anderson, 1999, p. 318).

Conditional benefits as one finds them in the quoted passage serves two purposes: first, it creates material incentives for active involvement in cooperative endeavors, everyone is guaranteed threshold-access to functionings as human beings, as participants in social cooperation, and in virtue of their democratic citizenship. That a social order, however, is open to talent secure access to means for agents to conduct their mutual affairs as democratic citizens in social cooperation, it makes sure that positions are being filled according to merit and appropriateness, and rewards in accordance to contribution ensures the effective use of endowment necessary to sustain a modern economy. The inequalities that inevitably ensues in such a system of production is thus necessary to accommodate the guaranteed fundamental capabilities that are needed for access to basic functionings. (Anderson, 1999, pp. 317-19).

Insofar the access to basic functionings are in force, inequalities beyond that point are acceptable provided the social order is amply secured against stratification of social status. (Anderson, 1999, p. 327). Second, conditional benefits within the democratic egalitarian conception effectively incorporates responsibility without, as is feared on at least some luck egalitarian conceptions, resorting to harsh judgments of justice that risks abandoning imprudent, risky or lazy people to their fate. (Anderson, 1999, pp. 327-29). 8

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8 There is arguably a difference in outlook between Anderson and luck egalitarians, however, Kasper Lippert-Rasmussen is not completely contempt with the distinction between the two accounts in light of responsibility. Paraphrasing Anderson’s claim on the conditionality of benefits he argues that one can readily assimilate the views in question: “there is no injustice in a person not enjoying the relevant level of functioning when this reflects the person’s refusal to make any effort to do so.” (Lippert-Rasmussen, 2012, p. 130). This, he claims underwrites the luck egalitarian position. Moreover, he claims even if an idea of a guaranteed threshold have failed to surface clearly on the luck egalitarian reading this does not seem to be a problem inherent in the account. (Lippert-Rasmussen, 2012, p. 130). It is, however, not clear that this is straightforwardly so. It seems that perhaps luck egalitarians have to rely on external mitigations to remedy the distributive implications of their own favored principles. See: (Anderson, 2007, pp. 258-59). This does not necessarily make the account
Now, the claim forthcoming in this essay – that Cohen’s luck egalitarian principle of socialist equality of opportunity mirrors the core relational points rehearsed above is unarguably controversial. This is so for two interconnected reasons. 1) His adherence to the luck egalitarian distinction between choice and circumstance suggest a possible complication in that the account implies harsh judgments of justice. (Cohen, 2009, pp. 24-26). One could legitimately say that Cohen affirms the view that an agent that actively chooses to forfeit a benefit or risks it on a “reasonable” gamble cannot be said, straightforwardly, to have a pro tanto genuine need to be compensated for the loss of advantage she chose to forgo. As we saw above, the feature scrutinized on his account is the exploitative relationship between people that arises with idle workers or gamblers: when social costs could have been readily avoided by entertaining a different choice, claimants of compensation cannot be said to have a genuine need that grounds a demand of justice. The second reason for doubting whether Cohen can be interpreted as a relational egalitarian turns on the case of expensive tastes, and in particular what the case confers in terms of an individualistic view of peoples circumstances. The case of expensive tastes is supposed to elucidate two forms of disadvantage. The claims are supposed to shed light on the fact that some requires more costly services or goods to achieve the same level of welfare as that of others; a vindication of such high-cost accommodation rests on whether or not those subject to expensive tastes “can reasonably be held responsible for the fact that their tastes are expensive.” (Cohen, 2004, p. 8). Some tastes are such that the agents “could not have helped forming and/or could not now unform without violating their own judgment”. (Cohen, 2004, p. 8). The first case of involuntary expensive taste is the one where market-pricing are such that some valued good X is more expensive than Y, an agent that values X does not regret that she values X but the brute fact that market mechanisms arranges prices so that X is expensive. Hence, an agent who lacks equal levels of welfare with others who enjoy their tastes for the cheaper Y due to the fact that her taste is for something that happens to be expensive should be compensated. (Cohen, 2004, p. 11). The second case is illustrated in the concept of disability. People with disabilities on this view lacks the internal resources to achieve the same level of attractive, but rather, possibly incoherent. In any case, I think, with Anderson, that the luck egalitarian conception suffers on account that they have been remarkably inexplicit about how they conceive of the form and consistency between distributions and the values they propound to secure in their proposals. For a discussion on the topic see: (Anderson, 2007, esp. pp. 260-61). See also (Markovits, 2007) for an account that seeks to derive luck egalitarian distributive principles from a conception of political solidarity. I shall not pursue these questions further, since my project is that of interpreting Cohen’s socialism as a substantially relational account. I say pro tanto here because Cohen admits that idle workers and gamblers have claims for compensation on grounds of equality, although in the exogenous sense criticized by Anderson in the above footnote. Too much inequality will inevitably compromise community, to ensure that the luck egalitarian distributive implications, sensitive to idleness and gambling, does not contradict community they need to be counterbalanced by an external principle. (Cohen, 2009, pp. 35-38).
welfare as others without the use of a more ample set of external resources to compensate for their inherent lacking.

I shall not say much about these two issues at this juncture, but two comments are in order. Firstly, the way in which Cohen uses ‘compensation’ is seriously misleading. This is apparent in the first case (although not as apparent in the second). Cohen does not place much faith in the prospects of taming the market by compensating in its aftermath, rather he considers it “at best a brute luck machine” (Cohen, 2004, p. 17) and furthermore, that markets would only be able to secure just distributions “in the Pickwickian sense that they do so when in some unattainable possible world they are so comprehensively rigged that they induce a distribution that qualifies as just for reasons that have nothing to do with how market prices form.” (Cohen, 2004, p. 18). This strongly suggest that ‘compensation’ is no viable option for a just social order, but rather, such an order would require a comprehensive rearrangement of social and institutional structures. Secondly, and admittedly more troubling, is the case of disability on the view outlined above. The concept of disability is somewhat under-analyzed by Cohen, and where the issue surfaces in the debate on expensive tastes it comes with a connotation he seems that compensation for the inherent lack in peoples’ internal resources is the proper way of conceptualizing and redressing for disability. However, throughout this paper my aim is to outline an interpretation that manifestly contradict this contention, in light of his comprehensive account we will see that Cohen passionately disapproved of the individualistic conception embodied in what have been termed the medical model for making crude, demeaning and invasive judgments of peoples’ predicaments. (Cohen, 2004, p. 17).

A third point of doubt about the luck egalitarian position, stemming from the second is that, 3) the account yields counter-intuitive suggestions for how and on what grounds people should be afforded compensation when a distribution turns out unjust. There is a sense that compensating solely on the basis of brute luck implies a certain inferiority imposed upon the compensated agent, luck egalitarians redress out of pity rather than equal standing. (Anderson, 1999, pp. 287-89, 303-7). Consider also the phenomena Jonathan Wolff have termed “shameful revelations”. Incorporating a responsibility-catering qualification for welfare-benefit-applicants to pass, in trying for compensation they are required to specify the sources of their loss in well-being. This may prove, in many cases, demeaning since they will (to prove the legitimacy of their claim)

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10 As it turns out it is not clear that the pity-objection sticks when applied to socialist luck egalitarianism, this depends on how on frames the idea of ‘compensation’. When fully spelled out, I believe this objection to be rebutted.
have to reveal that they are lacking in some relevant respect that have made them e.g. unattractive on a labor-market. Revealing this to a welfare-officer may induce further feelings of inferiority and consequent loss of self-respect compounding on those already experienced by being aware of the apparent lack in talent or trait. (Wolff, 2010, pp. 343). It is thus clear that fairness and (self-) respect can in some circumstances stand opposed, and that it is indeed possible that this contradiction in values is fueled within the luck-egalitarian conception since it seems that advocates of the account place fairness and responsibility in the foreground of the analysis.

Social Relations Egalitarianism
However these objections strike across different egalitarianisms, the relational egalitarian contention is that choice is not always constitutive of just inequalities, we sometimes feel that disadvantage ought to be compensated regardless of the role played by choice. Whether or not choice plays some role in the relational egalitarian scheme, it is clear that it is not the make or break justificatory foundation as they find it within the luck egalitarian conception. If inequalities turn out just or unjust is here viewed as external to distribution as such and has its foundations rather in how they affect relations between people. Hence, choice cannot as it seems, always characterize unjust inequalities, limited inequalities in wealth is often regarded acceptable as long as equal standing between people remains unaffected. To overlook the complexities of the demands of equality disregards the nuances of peoples’ circumstances and the disadvantages they face. A proper egalitarian account is responsive to peoples’ disadvantages as such and seeks remedies based on a conception of peoples’ equal standing against a background of an institutional structure securing equality of opportunity and liberty, rather than focusing narrowly on the singular causal mechanisms that lead to disadvantage for particular agents. (Anderson, 2013, p. 2). It seems then that voluntary choice amounting to responsibility cannot be the pivotal norm anchoring our distributive concerns and it consequently does not exhaust our conception of social equality. The egalitarian norm should instead be based on a broader social ideal that encompasses a set of different relational values that have bearing on how individuals ultimately relate to each other. Endemic to this account of equality is that we ought not to strive actively at a particular distributive outcome (apart, that is, from a limited range of benefits required for e.g. equal opportunity), rather by adjusting relationships according to a social ideal we can expect a strongly egalitarian distribution as a result. In revising agents dispositions towards others interests this is likely to drive outcomes in the direction of a more egalitarian distribution of benefits. That is, “If, in deciding how to
allocate their resources, the participants treat the comparably important interests of each of them as having comparable significance, then a natural default assumption is that they will end up devoting roughly equal resources to satisfying the comparably important interests of each.” (Scheffler, 2015, p. 34). Comparative judgments between individuals’ relative positions, as far as they are interesting, is then conducted, not by a singular paradigm such as material holdings, but more importantly via non-material features of social life drawing upon the diversity of reasons outlined in Scanlon’s framework. This have thus led Samuel Scheffler to explicate the tentative idea accordingly

Insofar as equality is understood as a substantive social value, which is distinct, for example, from the formal principle that one should treat like cases alike and from the axiological judgment that all people are of equal worth, the basic reason it matters to us is because we believe that there is something valuable about human relationships that are, in certain crucial respects at least, unstructured by differences of rank, power, or status. (Scheffler, 2005, p. 17).

Given that the prospects of eradicating all forms of differentiations are thin, the chief task is to distinguish those forms of rankings, authority and status inequalities that are acceptable from an egalitarian point of view as opposed to those that are damaging to the very conception of a society of equals. But how are we to arrive at such a distinction? Anderson holds the view that justice-concerns ought to be fundamentally couched in second-person perspective: a claim for advantage or a charge against disadvantage takes the form of an appraisal directed at the conduct of another agent (institutional or otherwise). It follows on this account “that a judgment of justice is essentially expressible as a claim or demand, made by or on behalf of someone, on another agent's conduct, directing that agent to serve, or not injure or neglect, the interests of the person on whose behalf the claim is made.” (Anderson, 2013, p. 4). So a charge against injustice is legitimate only insofar as the conduct of an agent have had a negative impact on another agents interests, the terms of which is reached in deliberation by free and equal agents in relation to one another as participants of a cooperative endeavor. It follows on this reading that “[t]here is no other route to defining a just state of affairs except through the concept of agents’ compliance with reasonable claims people may make on each other.” (Anderson, 2013, p. 5). The core feature of the relational account is then that agents are viewed as genuine sources of claims, conditioned so as to be able to make demands on others conduct to pay adequate respect to their comparably important interests. Insofar as this is actualized, the relational criterion for equality have been met.
Democratic Equality vs. Luck Egalitarianism: a Fundamental Objection

A recent argument launched from within this conception of justice have been delivered by Anderson in her ‘The Fundamental Disagreement between Luck Egalitarians and Relational Egalitarians’. The objection turns on the claim outlined above that luck egalitarianism presents a free-floating distributive formula foreign to any substantive connection with social relationships. Anderson attributes to G. A. Cohen, the view that accidental inequalities are ipso facto unjust. A conception of justice serves the purpose of tracking inequalities due to morally arbitrary factors such as birth or endowment and that the ultimate goal is to nullify these differential distributions – even if everyone are readily advantaged by current rules of regulation harnessing benefits from these factors. Luck egalitarian justice is presented as the proper arithmetic distribution of goods that are sensitive to choice but not to any forms of social or natural contingencies. (Anderson, 2013, pp. 2-3, 7). She claims that the normative force of the conception of justice embraced by Cohen is fundamentally couched in a third-person perspective and can therefore not be justified as a claim of justice since it lacks an interpersonal rationale. It fails to incorporate a second-person perspective because it cannot fulfill three core constraints a conception of justice must match. (Anderson, 2013, p. 3). These constraints runs as follows: for there to be injustice there must 1) be an injury to someone’s interests 2) such a complaint must take some other agent (institutional or otherwise) as addressee. And 3) the complaint must be legitimate i.e. it must have its source in an agent entitled to make a complaint against disadvantage. (Anderson, 2013, p. 5). By failing to embody these three constraints the luck egalitarian eo ipso encroach in its charge against a fourth constraint pursued by relational egalitarians that 4) justice is served insofar as “all agents continuously and successfully comply with all the demands that everyone can reasonably make of them.” (Anderson, 2013, p. 5). Cohen’s charge that a system of rewards that incorporates inequalities based on arbitrary factors is unduly discriminating towards fortunate people does not find ground once viewed through the lens of the three constraints, his objections does not qualify as interpersonally legitimate.

Cohen’s project begins by probing the suggestion that a system of rewards that allows incentive payments towards those of already fortunate position in the endowment distribution is necessary for a modern economy, it is required to make the worst off group in society as well of as possible. Call this the factual premise. (Cohen, 2008, pp. 29-34). Now, depending on what it is that makes this premise true determines, on Cohen’s account, whether or not a policy issuing a certain distribution of goods and benefits is legitimate. Is it the case that inequalities are “necessary tout court, that is, independently of human will, so that, with all the will in the
world, removal of inequality would make everyone worst off?” Or is it the case that inequality is necessary “only insofar as the talented would decide to produce less […] or to not take up posts where they are in special demand, if inequality were removed”? (Cohen, 2008, p. 122 emphasis in original). The argument, riding on the quoted passages, against incentive-derived inequalities propounded by Cohen contains two horns. 1) Inequalities within a system of cooperation that reflects, in the relevant sense, peoples choices to work hard provided they get un-equalizing pay, represents a policy of unequal distributions that nourishes, rather than condemn, the choices made by fortunate positioned people who exploit their initial advantage and is therefore unjust. It tracks causes for inequality to factors arbitrary from a moral point of view, and readily discriminate towards those who already enjoy advantage. (Cohen, 2008, pp. 154-55). The second horn of the argument is concerned with the relation between inequality-inducing choices and community. The vindication of a policy requires that arguments presented in its favor passes a test of interpersonal justification. If, when voicing the argument, an agent displays an intentional unwillingness, rather than inability as to why the factual premise is true, she cannot vindicate, consistent with being a member of a shared community, the imposition of inequalities for correcting the motivational deficit that the inequality is supposed to achieve. (Cohen, 2008, pp. 42, 46-47,

The talented rich cannot justify the fact that the minor [i.e. factual] premise of the (naked) incentives argument is true. If they cannot justify the truth of its minor premise, then they cannot use the argument as a justification of inequality. If they cannot use it as a justification of inequality, then it cannot be used as a justification within community. If it cannot be used as a justification within community, then anyone who uses it (in effect) represents society as at variance with community when he does so. (Cohen, 2008, pp. 47-48).

The incentives argument for inequality represents the fortunately positioned as if they were alienated from community, the worst off group is dependent on the advantages that the talented brings and thus, when this is held against them, those who voices the arguments display a lack of fraternity that threatens to damage the self-respect of less talented individuals. (Cohen, 2008, pp. 62, 64-67).

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11 I say in the ‘relevant sense’ here because one must acknowledge the force of structural influences on peoples choices, which is not to say, however, that one should not scrutinized those choices. (Cohen, 2008, pp. 141-42)

12 ‘Naked’ as in mooted without reference to entitlement or desert. (Cohen, 1991, p. 286 my note).
The bare claim that there is injustice inherent in the distributions of native talents is, according to Anderson, a false one. It sets itself against a supposed ‘cosmic’ injustice and thus misses the mark that egalitarians should be concerned with. Rather than pressing an inapt objection against brute luck the proper aim of egalitarianism is to ‘end oppression’. (Anderson, 1999, pp. 288-89). Moreover, Anderson treats Cohen’s appeal to community as a case of immanent objection, that is, the argument finds its premises solely within the conception that he sets himself against.  

However, in so doing, Cohen presupposes that his luck egalitarian principle contains an interpersonal rationale. This presupposition is what the following arguments rehearsed here are supposed to debunk. Charges against accidental deprivation due to birth or endowment, then, does not qualify as interpersonally justified claims and hence, do not find their locus within the site of justice since a claim to redress such ailments would be to mitigate effects of the natural order rather than socially constructed disadvantage. Thus, Anderson objects that “the bare fact of accidental relative deprivation is no injury.” (Anderson, 2013, p. 11). In considering relative lack of endowment as an injury, agents resort to envy and “[e]nvoy is malicious, for the envious stake their sense of well-being on another's deprivation.” (Anderson, 2013, p. 8). Such a claim thus fails the first constraint; no one have a standing complaint since envy does not fall within the purview of justice. The claim against accidental deprivation also fails the second constraint, because how is one to find the culprit of such a harm? Anderson rhetorically airs the suggestion that one might hold god accountable for the distribution of talent and circumstances of birth; but if god does not exist, the luck egalitarian must concede to nature and thus lose ground since nature cannot produce injustice. Nor can they wield claims of unfairness – in the sense that socially sustained arrangements are unjust – since fairness regards only the agential design of procedures. Where the proper aim to account for each other’s legitimate interests have been established and unless rules have been unfairly rigged or where they have been broken, fair procedures are conducive to just outcomes, there are thus no grievance of injustice  

Claims of unfairness therefore apply only to the practices of agents. In the absence of an implied reference to God, who is imagined to rig the game of life unfairly by

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13 For a discussion on Cohen’s affirmation of community see: (Vrousalis, 2012, esp. pp.152-55). Cohen was notoriously ambiguous about the status between justice and community, and states that he does not know if the two presupposes, or, contradict one another. (Cohen, 2009, p. 37). Nicholas Vrousalis is skeptical towards the consistency between the two accounts of luck egalitarian justice and community and claims that it is question begging that Cohen’s own account of justice can withstand the scrutiny he amounts on the Rawlsian theory of justice. (Vrousalis, 2012, p. 154) It seems that there is a risk that inequalities due to choices can be equally problematic as when they stem from incentives. However, when fully spelled out I hope to show, at least tentatively, that Cohen’s egalitarianism can reconcile the two accounts.
supplying competitors with unequal equipment from the start, to charge unfairness in the unequal distribution of natural endowments is to make a category mistake. Luck egalitarians who complain of unfairness or injustice in the bare fact of brute luck inequality appeal to intuitions that make no sense once the background theological context is stripped away. (Anderson, 2013, p. 10).

A system where agents effectively use their assets to produce goods and advantages for themselves and others and are consequently rewarded thereafter yields no legitimate complaint of injustice. (Anderson, 2013, pp. 11-12, 16). She concedes to the claim that “to award more goods to people for having "good genes,"” contrary to award their effective cooperation “is to set an unfair barrier against those who, despite "bad genes," work as productively as the genetically lucky.” (Anderson, 2013, p.11). But the luck egalitarian objection collapses when it surpasses objurgating such ‘naked brute luck inequalities’ and claim that a distribution is unjust whenever it permits brute luck to influence the allocation of benefits. To press for the unfairness of a social order that awards positions according to talent, and thus design the system of rewards to match contribution, the luck egalitarian claim invites the objection that we ought, in the name of justice, to distribute careers and positions solely by means of affirmative action. The idea that we should afford jobs independently of skill, merit or appropriateness is implausible, no one can legitimately claim to be disadvantaged where the most appropriate candidates are awarded with jobs, quite the contrary, benefits would be lost in the adverse scheme. However, under any such system, accidental inequalities will inevitably determine which positions that are to be filled by whom. “To lodge a valid complaint of injustice against this, the less talented must claim that it is more reasonable to ask those who, say, undergo heart surgery at their hands, to bear the risk of a botched job, than it is to ask them to accept a system in which they don't get to be surgeons.” (Anderson, 2013, p. 11). A policy commanding a scheme that effectively levels everyone down in this fashion can surely not be considered legitimate.

The luck egalitarian conception of justice thus fails to fulfil the third constraint and, in effect, the fourth constraint is salvaged for the relational egalitarian. When all agents share a disposition to arrange their conduct by rules acceptable to all, there are no grievances of injustice. Justice falls within the scope of the morally right, the right, in turn directs our moral obligations towards what we owe to each other. (Anderson, 2013, p. 19). But to be able to serve in accordance with the right, agents must be enabled to know what the right is and principles of justice must be construed so as to enable agents to achieve them, thus
Contractualism imposes distinctive constraints on principles of justice. It adheres to the maxim that “ought” implies “can”: principles of justice must be feasible such that agents are able to follow them. It requires that principles be publicly articulable such that people can share an understanding of what they demand and whether they are generally followed. It seeks principles that are stable such that people can be motivated by their sense of justice to follow these principles over time. It requires that principles satisfy a Pareto improvement condition: that they not forbid actions or block events that advance some people's interests to no one else's disadvantage. (Anderson, 2013, p. 17).

Hence, relational egalitarians such as Anderson can indeed accommodate a robust conception of social obligations. However, insofar as talented agents are allowed to pursue their own interests (supposing that these are interests of ‘selfishness’) it will be to everyone’s advantage, and thus mutually acceptable, to reward them with more pay than the average wage-earner. (Anderson, 2013, p. 16).

Luck Egalitarianism: a Defense
Anderson’s rebuttal of the luck egalitarian paradigm rests, I claim, on an equivocation between what Cohen considers to be the causally- and normatively fundamental features of (in)justice. Nature-induced injustices are conspicuously unfair because of their standing propensity to subsume people according to hierarchical positions conducive to socially constrained practices, where some are forced to choose to accept and to enter into different forms of social relations. They enter them, not at will or by preference, but for the wrong reasons (i.e. socially induced coercion). (Cohen, 1995, 199). My aim here is to flesh out the grounds for considering these features, in interplay with Cohen’s theory of objective and subjective freedom, to provide a template for viewing his luck egalitarian position as substantially relational.

A relational account of justice such as Anderson’s, considers functional variations to be fundamentally dependent on how, and at what range society caters to the full set of agents commanding space within the social structure. What people have the unmanipulated ability to do and who they can be is therefore fundamentally conditioned on the totality of the social and material arrangements that constitutes the personal, public, productive, reproductive and social life. How we arrange these structures is therefore the overarching determinant of how we will function and, importantly, how we conceive of our “innate” functions, in a comprehensive sense. This affects a multitude of values and features essential to life: love, care, social relations,
family relations, distant relations, productive relations, reproductive relations, attitudes and dispositions etc. An overwhelming part of our social and material world is a direct product of human accommodation and construction, it “is an artifact of ideas about inclusion.” (Nussbaum, 2006, p. 117). The idea is that agents are, in the pertinent sense, essentially impaired by nature, in that, we are fundamentally conditioned on the structuring of our social and material world. Hence, the feature that determine how we ultimately function, is the way in which we ‘rig the game’, i.e. how we arrange civil and political life and the material conditions we depend on for an adequate standard of living. (Nussbaum, 2006, pp. 116-17). Moreover, and relatedly, our conception of ourselves depends on how we procure advantage and design our system of rewards, and thus, how and on what basis we determine what kinds of functionings is socially useful, and thus esteemed. On this view there is no need for god as a reference point because even if she doesn’t exist and we would have to concede that nature is the causal mechanism that produces impairments (on all of us), nature is only partly to blame. (Cohen, 2008, p. 317). This is because all nature does is to present us with choices by which we can choose to react to and act upon in different ways and if we choose to enable some agents by arranging our social architectonic “by supplying [those agents] with unequal equipment from the start” (Anderson, 2013, p. 10) and reward them on this peculiar basis, this is certainly a partial fault in the practices of agents.

By way of illustration consider disability theory. The concept of disability divides broadly into two different strands. On a medical view disability is something inherent in the person, there is a lack of endowment induced by nature. Conceptualization and redress on this account is done by way of discerning and mitigating the effects of this lack on the person as such, rather than viewing more comprehensively the multiple effects that social and material structures have on people and on the way they function. (Wasserman, et. al, 2013). This is the objection of the social model, current social arrangement is the discriminatory manifest of regarding some people as normal and others as deviations from the average form of functionings. (Nussbaum, 2006, 113-14). Now, many adherents of the social model that views disability as socially constructed disadvantage – as a phenomenon not that signifies a lack of something, but rather as something that situates people differently, conditioned by the social order of things – concedes to the fact that the feasibility of implementing policy based on the ontological premises of the model is impossible. This is, according to the relational model, unfair. The concession speaks to the medical view, not because of its desirability – to implement the medical model is deeply intrusive in its essence since it signifies lack of normal functioning
and labels people socially and medically; thus the implementation of a policy to redress disability in such a way can itself be seen to express pity rather than inclusion. This view of conceiving of nature is not the view of a society of equals.

Marxism and Materialism

One initial feature underwrites the socialist luck-egalitarian position. It emanates from the claim of Marxist materialism stating that “[t]he mode of production of material life conditions the process of social, political and intellectual life. It is not the consciousness of men that determines their existence, but their social existence that determines their consciousness.” (Marx, 1994, p. 211). This statement carries with it a certain phenomenological rigidness that stifles normative thought. Because residing within it one finds what should now be considered a somewhat dogmatic belief in the dialectical development of history; whereby social formations withers away through its own progress and fulfillment, as if by way of natural tendency, and induces the transformation into new social and productive relations and thus the consequent downfall of itself. (Cohen, 2000, p. 46, 75-6). It is, however, an observation that have exercised, particularly Marxian socialists, nonetheless. And rightly so, I believe. Socialists of all stripes must rid themselves of the dogmatic chains of materialism, but incorporate the critique of the perhaps equally problematic tenets of liberalism to cling onto the limits of current states of the world to guide normative thought. Now, the materialist observation rehearsed above can be understood to contain two prongs that can, for explanatory purposes be held distinct. One charges the intellectual endeavor pursued by academics. It states that in analyzing social orders, we resort to an adaptive perspective constrained by present sociological facts. This can be interpreted in a somewhat methodologically neutral manner stating that, we become overly cautious in establishing principles of justice that ultimately betrays the truth of ideal social existence, confiding in current state of affairs to embark, not on the realization of a wide-ranging vision, but on the legitimization of given inequalities. (Baker, 2015, p. 66).

There is a tendency among liberally minded egalitarians to encapsulate features of institutions and practices remnant from (that is, remnant from the point of view of a utopian socialist perspective) pre-egalitarian social conditions. Samuel Scheffler argues that agents of an egalitarian community will oppose “being subject to comprehensive regulatory scrutiny from the perspective of an anonymous collectivity that lacks individualized knowledge of its members’ needs, preferences, circumstances and values.” And thus gives special salience to

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14 Marx speaks of ‘men’ throughout the cited passages in an outmoded sense while referring, as I take it, to collectives.
“strategies of externalizing decisions – treating them as falling outside the context of a given relationship” (Scheffler, 2015, p. 37). Anderson considers the fact that people should be accorded space from making choices in contradiction to their own inner preferences to be tantamount to disequalizing incentives, or at any rate, she reaches, in a rather straightforward way, the decisive conclusion that insofar as the talented are considered “morally and legally free to give some weight to their actual preferences, everyone will find it advantageous to pay them more for their work.” (Anderson, 2013, p. 10) But an unwillingness to adapt more comprehensively to the interests of an anonymous collectivity is, I believe, tainted by circumstances that are possible of change. A possible feature of social transformation that in turn would render incentive payments to be considered less given in a modern social order. There is something inherently troublesome in restraining theory in such a way since “unless we can be free to imagine the desirable independently of its apparent feasibility, we are likely to err on the side of caution and to be hidebound by what currently passes as common sense.” (Baker, 2015, p. 75).

Giving special salience to either incentives or unregulated conduct of agents (or both) dismisses, as either unduly intrusive or unfeasible (or both), the account of ‘voluntary equality’ pursued by socialists; whereby people with the motivational structure inherent in a belief in egalitarian justice are prone to resolve conflicts of interests, as they arise, in favor of equality. (Cohen, 1995, pp. 127-28). Socialists embrace, as just, the notion of a justificatory community where ‘there prevails a norm’ of voluntary comprehensive justification, wherein which people share a willingness to vindicate their everyday choices to others. (Cohen, 2008, p. 43). Consequently,

15 To be sure, one must not inaugurate, on the basis of justificatory community, the slavery of the talented. However, there is not necessarily a contradiction of values within the conception of comprehensive justification. An ethos of egalitarianism applied universally to all agents regardless of talent can e.g. incorporate a prerogative in terms of freedom of occupation, people should not be coerced, either by social structures, expectations or their own sense of duty to apply for an occupation that deprives them of a secure sense of self-worth, a conception of the good or other social and relational values. Since the ethos is applied to everyone, there should be a united consensus regarding the status and importance of these values. What justificatory community could imply is rather that, in choosing among occupations within a reasonable reach, suitable to the needs of an agent X, then X ought to choose an occupation with an eye towards the choice that would be conducive to the highest social benefit. For great discussion on the matter see: (Casal, 2013, esp. 10-15). As we will be clear below, Casal’s objection to a comprehensive ethos of justice is reminiscent of a claim against unfreedom found in Cohen’s own philosophy; if presented only by choices of good and evil, her argument goes, there is not much of a choice in the first place. (Casal, 2013, pp. 10). Limiting the scope of the ethos, however, to include only those choices where genuine alternatives are available seems reasonable to me. We must keep in mind that what is required by justificatory community is that agents are able to voice an argument for their choices without embarrassing fraternity, that agent X nevertheless chooses an occupation, suboptimal from a social point of view, while having genuinely contemplated the most socially useful choice, qualify, I believe, as an argument from within community. The proposal, however, is likely to fall either under the category of vague claims, or, as is objected by Casal that expanding a prerogative to allow a wider set of choices will only induce inefficiency, and furthermore, it does not ensure that a wide range of occupations actually applies. (Casal, 2013, p. 12). I lean towards vague, because what I believe it to express is a shared willingness and preference among agents to
socialists suggests a promulgation of an egalitarian ethos to guide and inform our everyday choices, the absence of which would result in the preservation of inequalities detrimental to the position of the worst off group in society. (Cohen, 2008, p. 123). The ethos manifest itself as a “structure of response lodged in the motivations that regulate everyday life” such a motivational structure is needed “not only because it is impossible to design rules of egalitarian economic choice conformity with which can always be checked, but also because it would severely compromise liberty if people were required forever to consult such rules” (Cohen, 2008, p. 123) assuming, then, that such rules can even be successfully implemented. The contrasting view, as pursued by Anderson and Scheffler, invites the objection that restraining theory according to present social formations and claims of feasibility, does not aspire to actualize peoples’ full agency, but rather, it asserts the confinements of such realizations. “It lets every man find in other men not the realization but rather the limitation of his own freedom.” (Marx, 1994, pp. 16-17).

The second prong is, in its form, more true to the orthodox Marxist contention and engages more directly with social life as such and the structural implications of different material relations. This states that the general consciousness of a community is conditioned by the level of development that pertains in the productive relations. One cannot, prior to a transformation of material relations, judge ones putatively just conduct and evaluate the demands of others as one finds them in the world, because our self-awareness is intimately connected to the social environment in which we currently engage. Our very conception of the claims and obligations before us will be fundamentally biased in favor of the constrained social and material relations prescribed in liberal schemes. “Just as one does not judge an individual by what he thinks of himself, so one cannot judge […] a period of transformation by its consciousness”. (Marx, 1994, p. 211). Accordingly, the idea that we can extract justice from our conceptions of demands and obligations as we evaluate them in relation to ourselves is flawed, such an endeavor will be restrained by a natural tendency towards static conclusions, because not only are we ‘likely to err on the side of caution’ but we are, in all relevant respects, determined to do so if we are readily influenced by occurring social structures.

Moreover, and relatedly, to assume that we can end socially constructed oppression within a social order that (typically) harness efficiency of the fear and greed inherent in market-
structured relations of production and transfer is a category mistake. Rather, equal social relations are prejudiced by such a system of production and reward. Economically because it differentiates between winners and losers, and communally since exchange is not conducted on a footing of reciprocal need, but rather, on maximizing the cash-reward practicably feasible. (Cohen, 2009, pp. 39-40, 69). A concoction of these features, regularly present on the market does not derive and nourish attitudes and dispositions of an anti-oppression type.

On either interpretation a major implication of this observation is the socialist insistence on a theoretical priority to modes of production and distribution, and the corresponding significance of unmanipulated choice (as will be clearer below: freedom). Choice, or more correctly, patterns of choice, is foregrounded here because just as the profundness of individual choices affects our social and material circumstances, so too does it seem to affect our conscious existence. As consciousness is conditioned by present social formations and thus also by the transformation between different modes of production it seems that to fully comprehend the process itself we must be routinely involved in the active development of new productive relations. This surpasses the process of mere analysis and deliberation in the outset of cooperation and focuses on the conduct of agents in congruence with the transformation itself, because our reflections and conceptions is the product of, or ‘language of, actual life’; deeply intertwined with our productive and social activity. “Men are the producers of their conceptions, ideas etc., but these are real, active men, as they are conditioned by a definite development of the productive forces and the relationships corresponding to these up to their highest forms. Consciousness can never be anything else except conscious existence, and the existence of men is their actual life-process.” (Marx, 1994, p. 111). So it seems, on this reading, that actual conduct is the vehicle of our conceptions of ourselves and social life in general. We can as it seems, or at any rate, it is not fully excluded by neither account that we can understand social processes through analysis, the adverse claim would be misguided. Rather than pressing a strictly deterministic conception, we can extract a claim that elucidates the idea that to fully develop our reasoning, dispositions and emotions we must adapt the ways in which we engage with the material world. This flows from the idea that, “[a]s individuals express their life, so they are. What they are, therefore, coincides with what they produce, with what they produce and how they produce.” (Marx, 1994, p. 107-108).

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16 I refer here, somewhat loosely, to the charge against the claim that social institutions should have special salience in our conceptions of justice, since they have such profound effects on our overall situations. See: (Cohen, 2008, pp. 136-38) (Rawls, 2001, pp. 55-57).
What is said about choice in the above paragraph can be divided into two horns that signify how choice and the lack of it affects social life. One is the ethos-affecting virtues choices have to refine and alter social behavior. Individual choices can enable changes of social behavior through the expectations people gain and maintain, given that a sufficient amount of individuals pursue similar routes. However, it is important to keep in mind the relation between social behavior and the profound effect of social and institutional structures. This pairs with the idea that our choices are conditioned by present social formations and that we must appreciate the fact that people are, to a certain degree, under the influence of such formations. Hence, Cohen claims “it is essential to apply principles of justice to dominant patterns in social behavior – that, as it were, is where the action is” (Cohen, 2008, p. 142) but, he continues, one must not resort to either claim 1) that people ought to be held fully accountable for their unjust behavior, nor 2) should one accept practices of injustice “since people do have choices: it is, indeed, only their choices that reproduce social practices” (Cohen, 2008, 141). Cohen thus says that a comprehensive conception of social justice must look at four features of social life: the legal and coercive structures, social and material structures, the pertaining ethos, and individual choices. Evaluation of prevailing choices, then, have to include the significant influences of the other features. (Cohen, 2008, pp. 141-42). The second horn is the lack of genuine choice particularly of those on the downside of the distributions of natural assets (in endowment or resources alike). This signifies the profound unfreedom of expressing one’s life in a way inconsistent with one’s own genuine preferences and agency. The latter of the two is what will mainly occupy me in the remainder of this essay.

The upcoming section is devoted to the exegetical claim that the core of Cohen’s conception of justice, and indeed his entire normative political philosophy, depends on and urges for a comprehensive rearrangement of current social and material structures to relinquish the alienating features of social life that are conducive to the manipulation of preferences through socially constrained relationships. The significance placed on this preferentialist outlook is elicited, I take it, out of the imperative that our agency and indeed who we are, should coincide with what we willingly choose to do, not what we are, by circumstance and brute luck, forced to choose to accept. The theoretical salience on choice (and equivalently: freedom), looms large in the critique of the way we cope with differential distributions in natural assets (endowment

17 ‘Particularly’ because there seems to be a case for saying that well-off people in market-structured societies have their preferences manipulated as well, to be sure not in the downgrading and demeaning way as for the least well-off, but through the currently socially accepted practice of luring people into making choices based on material incentives rather than genuine interest. (Cohen, 2008, p. 210).
and resources) and the commodification of labor within market structured societies. I will try to show that through the lens of Cohen’s theory of freedom we can discern, or so I claim, that the brute luck socialist luck egalitarians condemn is the product of an arrangement unable to harness advantages for people in a way congruent with peoples’ unmanipulated preferences and agency. This enable us to resolve and emphasize how Cohen incorporates the intimate connection that Marxian socialists projects on the relations of production and modes of distribution into his conception of justice and equality. (Wolff, 2010, p. 339).

Socialism: Justice, Freedom and Exploitation

The Socialist exclamation of justice and equality gets off the ground by observing two interconnected forms of freedom that falls within the immediate scope of this essay.18 A first one, which contains features similar to the familiar forms of negative and positive freedoms found within a liberal outlook, says that people are (negatively) free absent liability to intervention and (positively) free when they have access to capability for action. Pivotal on the socialist conception is that the (un)freedom of an agent reflects his or her objective circumstances, institutionally, socially or materially imposed. The idea is that I am unfree to X whenever someone or something interferes with my X-ing whether or not I am within my rights to X. That is, the interveners might be (lawfully or morally) right to restrict my freedom to X, but when that is so, that does not somehow make me not unfree, my freedom is still restricted in the pertinent sense. So, for example, if I aim to board a train without any money a guard will stop me and so effectively restrict my freedom to board the train. Importantly this signifies the socialist divorce with the liberal understanding of positive and negative freedom. Because money (or the lack of it) is, on the socialist view, seen as a form of (un)freedom that ties the two conceptions together. I am unfree in the positive sense to board the train only because the unfreedom is executed by a negative intervention due to my lack of money to buy a ticket. (Cohen, 1995, pp. 57-59). The left-wing slogan that the poor are free only to starve is, then, out of place since the poor are not free-with-lack-of-means for action, they are simply unfree since lack of money converts inevitably into interventions with freedom. “To have money is to have freedom, and the assimilation of money to mental and bodily resources is a piece of unthinking

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18 Collective freedom constitutes a third form which I will only mention here in passing since it seems to fall beyond the scope of this paper. The (very) rough idea is that people within a collective can be individually free in terms of opportunity for freedom, but the realization of effective access to freedom is so fractional that only a minor part of the collective can attain it, and if some do it will severely damage the opportunity for others to do the same.
fetishism, in the good old Marxist sense that it misrepresents social relations of constraint as things that people lack. In a word: money is no object.” (Cohen, 1995, 58-59).

A second form of freedom is subjective freedom. On this score I am free when I am able to do something for acceptable reasons, and on the contrary, I am unfree when I am forced to do something for reasons that are reasonable to reject. Important to note is that the subjective freedoms enjoyed by agents readily supervenes on their contextual circumstances i.e. their objective freedoms. If my contextual circumstances are severely restrained, I am in the relevant sense forced to choose to act on what is then the wrong reasons because any alternatives (available) are not worth considering. (Cohen, 1983, p. 4). So for example if a robber approaches me on the street and tells me at gunpoint that she will shoot me unless I hand over my belongings, I am then forced in the pertinent sense to enter into what is a forced unreciprocated transaction i.e. I am coerced into giving my belongings to the robber, because the alternative (getting shot) is simply not a reasonable one.

This captures an additional feature of Cohen’s conception, one that explains the relation between social and material conditions and the experience of desirable states. (Cohen, 1990, 368-69, 380-81). If agents are afflicted by socially imposed constraints, which induces in them, lack of self-confidence or feelings of subjugation this is indeed conducive to subjective unfreedom in terms of what can be conceived as lack of desirable states. (Cohen, 1983, pp. 5, 26-7). The wrong-making feature of a coerced unreciprocated transaction or procedure is not the mere fact that choices, as it were, are manipulated; that people are forced to choose to do, or agree to something for what they perceive to be the wrong reasons compound on the bare fact that it was forced. Furthermore, being “handled”, even in cases where it is to one’s advantage, is problematic since this carries a certain liability to severe feelings of regret of one’s situation, a view focused primarily on advantage might readily fail to account for the legitimate claims on genuine agency. It would thus be an instance of subjective unfreedom to be forced to choose to comply with rules of regulation by which you feel discriminated against, even though you on that score lack advantage in terms of feelings of inferiority or subjugation and lacking self-confidence, rather than any deficit, and indeed despite gained, affirmative capability. Equality underpinned by the conception of freedom as outlined in the above paragraphs accords well with the relational egalitarian outlook. Consider Anderson’s promulgation of equality as substantial freedom in view of democratic equality:

[T]he social condition of living a free life is that one stand in relations of equality with others. Equals are not subject to arbitrary violence or physical coercion by
others. Choice unconstrained by arbitrary physical coercion is one of the fundamental conditions of freedom. Equals are not marginalized by others. They are therefore free to participate in politics and the major institutions of civil society. Equals are not dominated by others; they do not live at the mercy of others’ wills. This means that they govern their lives by their own wills, which is freedom. (Anderson, 1999, p. 315).

The penultimate clause takes, as we have begun to see, centre stage in Cohen’s charge against social inequalities, contextually constrained relationships that renders peoples genuine preferences unattainable forces people to choose to submit to the wills of others, on pain of losing out on the advantage that such relations brings. This conception of equality as substantially interpreted through the concept of freedom follows through an intermediate rehearsal of the Marxist conception of exploitation that illuminate the content of the socialist critique of injustice, to which I now turn.

Capitalist exploitation follows, on the Marxist account, a three step sequence. 1) Workers under capitalism suffers from an unequal distribution of means of production, 2) they are forced to labor at the hands of others, meaning; others tell them what, with what and how to produce, and 3) those others (the capitalists) retain surplus-value of that which was produced. Although the complete set of features carries with them ‘a redolence of injustice’, the normatively significant instance of capitalistic injustice is that of coercive transfers of surplus-value. (Cohen, 1995, 195-6). As in the case of robbers who strong-arm people into giving them their money, the injustice of a coercive transaction between worker and capitalist is inherent in the socially constrained relation between the parties and not some other circumstance. A forced unreciprocated transaction of surplus is wrong independently of any contextual circumstances, it is wrong because made for the wrong reason. However, that does not mean that it is the only explanation of how and why unjust transfers occur unjustly. The underlining causal explanation of how capitalist acts becomes unjust lies in the fact that they are readily enabled by a differential distribution of means of production. Although unjust, an initial distribution of assets is not of fundamental normative importance because, in contrast to the unjust transfers, it inherits the injustice from what it enables i.e. the coercive transfers of surplus which is, in itself, of fundamental normative importance

A transfer of product is unjust if and only if it occurs for the wrong reason. If an unreciprocated product transfer reflects nothing but different (unmanipulated) preferences in a straightforward way, the transfer is not unjust. But it is unjust when
and because it is caused by an unequal asset endowment, an unequal asset endowment which is unjust because it induces a wrongful, because forced, and not, for example, preference-based, flow. (Cohen, 1995, p. 199).

So there is a sharp distinction between those features of capitalist exploitation that are normatively fundamental and correspond to a primary injustice, which is forced unreciprocated flow of surplus-value, and on the other hand, those causally fundamental features corresponding to a secondary injustice, that is, unequal distributions of means of production. Importantly, despite its derivative nature the unequal asset distribution nevertheless have intrinsic (negative) value. This is so because it have the intrinsic property of a standing propensity to produce forced unreciprocated flow, regardless of “what it has caused, is causing or will cause” (Cohen, 1995, p. 202). However, the intrinsic properties are not unconditional. They have the properties of intrinsic wrongness dependently on “how other things stand, and, in particular, on whether other things so stand that the means of production distribution enables an unjust appropriation of surplus product.” (Cohen, 1995, p. 203). A batch of TNT has the intrinsic property of exploding, whether or not it actually explodes, but this property cannot be inaugurated while placed on a planet that lacks oxygen, even though it still do contain the property of a propensity to explode. (Cohen, 1995, p. 202).

Similarly to the conditionality case above, disability does not contain an unconditional intrinsic injustice, because people with disabilities does not perceive disability as a lack of something. It is an injustice ‘because of how things stand’ and ‘things do so stand’ so as to “enable” the injustice they are situated in. The fact that the injustice is conditional in this way seems to rebut the objection that brute luck on Cohens view generates redress out of pity rather than dignity or equal standing. Because the brute luck is not naturally induced per se if it is fundamentally dependent on how things stand. Brute luck is, in the pertinent sense, socially imposed. It is e.g. not the case then, as Anderson contends, that on the luck egalitarian view we have to conceptualize disability as internal defects. (Anderson, 1999, p. 302, 334-35). The normatively relevant kind of brute luck in play is perforce induced by social relations of constraint. This strongly suggest that we are indeed able to interpret the socialist luck egalitarian account of Cohen as aspiring to establish a full bloodied capability approach to justice, and not a mere “mixed bag of internal capabilities, opportunities for welfare, and resources”. (Anderson, 1999, p. 293).

Cohen discerns that a case structurally analogous to the exploitation case rehearsed above is the unequal distributions in natural assets, which enables some to produce more efficiently, achieve
desirable positions and careers, and to influence their income/leisure ratios to a higher extent than others. Those of fortunate endowment have thus the ability and the privilege to be in a position to e.g. bargain more effectively regarding the ultimate distribution of benefits that accrue to agents in virtue of their shared cooperation. They are, as it were, in a position to determine whether or not to “produce more than they otherwise would if, and only if, they are paid more than an ordinary wage” (Cohen, 2008, p. 119) this is indeed a “choice enjoyed by well-placed people who command a high salary in a market economy: they can choose to work more or less hard, and also to work at this occupation rather than that one, and for this employer rather than that one, in accordance with how well they are remunerated”. (Cohen, 2008, pp. 119-20). It is important to notice that for Cohen the core feature is not the fact that they are talented that might induce a problematic form of relationship, but rather “all that needs to be true of them [the well-placed people] is that they are so positioned that, happily, for them, they do command a high salary and they can vary their productivity according to exactly how high it is.” (Cohen, 2008, p. 120). This strongly indicate that what Cohen perceives of as the normatively fundamental feature is that some people are in a position of power over others, to decide with a weightier vote, how benefits and burdens will be distributed throughout society.

Importantly, if X is in a fortunate position relative to Y in determining the surplus-flow of their shared cooperative experience and X aims to maximize his own bundle of benefits, but, we assume, on the condition that he also furthers Y’s position as far as possible, this does not mean that X is exploiting Y in any straightforward sense. This is so because the Marxist contention is fleshed out accordingly: “since labour produces the product and private owners of capital appropriate part of it, private capital is illegitimate and workers are exploited”. (Cohen, 1995, p. 206). It would be misguided to say that Y is forced to work for X and that Y thus yields surplus to X for what Y has produced. Rather, it seems that X and Y have generated surplus mutually (indifferent) through a system of cooperation. Nevertheless, it seems that Y is somewhat constrained by his objective circumstances, because dependent – given his position as things stand in the endowment distribution – on the fear and greed instigated to harness advantage on any form of market-structured society. (Cohen, 2009, 39-40). So, one can discern a strikingly similar feature of Y:s position in relation to that of the worker under capitalist exploitation without reference to the work for/yield surplus clause, but rather to the attainment (and the lack) of freedom. So the overarching claim is that differential “flow is unjust because it reflects an unjust division of resources which is unjust because it tends to produce precisely such a flow.” (Cohen, 1995, p. 199, emphasis in original) Much rides here on how we interpret
‘flow’ in the circumstance of a non-exploitation case. One crucial truth, on the socialist reading, is that a policy embodying the account driving X and Y reflects a distributive principle that manifestly urges the “giving to those who have” (Cohen, 2008, p. 86). A wider conception suggest that flow can be interpreted as a state of affairs – with the pivotal normative premise that a state of affairs such as this is constitutive of socially constrained relations, since the principle cannot be said straightforwardly to bare upon unmanipulated preferences, rather, it inherits the vices (and merits) of markets

The market […] is a casino from which it is difficult to escape, and the inequalities that it produces are tainted with injustice for that reason. Whatever else is true, it is certainly safe to say that the yawning gulf between rich and poor in capitalist countries is not largely due to luck and the lack of it in optional gambling, but is rather a result of unavoidable gambling and straightforward brute luck. (Cohen 2009, p. 33-34)

The cited passage is riddled with references to the objective and oppressive circumstances of market structured societies and it is precisely the unavoidableness of exiting relations which lead some into positions where they are not enabled to enter into relations by sheer will or preference, but instead by the fact that they are subject to an unequal distribution of assets; socially imposed brute luck. The causally significant feature of injustice is therefore unequal distributions of (natural) assets, but it is unjust only because it contain the property of a standing disposition as things stand to generate circumstances which forces people to choose to accept the rules of regulations; they depend on the advantage that those rules brings. Markets contain the questionable feature of manipulating peoples’ wills to enhance the product derived through the productive forces in play, although it conveys nothing of the manner, as such, in which people treat others “the market does require people to handle people, to manage them, in a particular sense.” (Cohen, 2000, p. 181).

A significant feature of the market, inherent in this observation is the way in which markets handle those permanently outside its sway. Because it is, arguably, one of the biggest denominators of who we conceive ourselves to be, in the socially pertinent sense, since it tells us what we should produce, with what we should produce and how we should produce; it determines our social use-value. Thus it also determines the use-value of those that cannot or to the extent that others do – produce. While some have to be advantaged by sheer need, since they do not fit in as things do stand, others are advantaged for their contribution i.e. their social use-value; of which e.g. (some) disabled people have none as far as markets are concerned. The
luck egalitarian socialist avoids this stigmatization by effectively divorcing contribution from reward, in the good old Marxist sense, of supplying goods according the needs of everyone as a unit, to the extent that are enabled to submit ones labor. Markets thus have a rather problematic tendency to restrict our conceptions of what it is important to value in social life by driving the hard bargain for efficiency and growth.\textsuperscript{19} The normatively fundamental feature of a socialist critique of market-structured societies will always press its locus on the dubiously reciprocal relations that pertains within them. The divide between the normatively fundamental and causally fundamental conceptions of justice recurs in Cohen’s treatment of the Rawlsian liberalism that concerned him for the later part of his life. His concern lies with the upshot of the ways in which we cope with the causally fundamental features of social life, these upshots are a function of the social and material structures of society in interplay with individual choices.

My own fundamental concern is neither the basic structure of society, in any sense, nor people’s individual choices, but the pattern of benefits and burdens in society: that is neither a structure in which choice occurs nor a set of choices, but the upshot of structure and choices alike. […] My root belief is that there is injustice in distribution when 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. Such differences of advantage are a function of the structure and of people’s choices within it, so I am concerned, secondarily, with both of those. (Cohen, 2008, p. 126).

My claim is that ‘advantage’ here falls and is analyzable within the intersection of objective and subjective freedom – it embodies the contextual circumstances that ensure freedom from acting on and complying with rules and circumstances that constrain reasonable interests. Access to advantage is manifested in a state of affairs where agents are enabled to guide and be guided by their unmanipulated preferences, they do not live at the mercy of others wills. Now consider the ‘patterns of benefits and burdens’-clause: on this interpretation we are free to move beyond ‘patterns’ in a mere distributional sense (needless to say, ‘distributions’ in the ordinary sense is not abandoned, they simply do not exhaust ‘patterns’) our reading includes patterns of domination and subjugation, of superiority and inferiority, of privilege and marginalization etc.

\textsuperscript{19} Needless to say, these are important values, to dismiss them would be both overly zealous and parochial, but a social transformation to accommodate these values in a way consistent with an anti-hierarchical social order ought not to be left aside.
The focal point of the analysis are the *social bases* of freedom and the *upshot* of those bases. Again, it seems that we can appeal to the example of disability. Disability is not in and of itself unjust – because on the social model we do not view disability as a lack of something inherent in the person, but rather, disability situates people in different types of positions depending on the social arrangements. The injustice is induced when we arrange and maintain a social order that single out disabled people as deviants from the average, and serve their interests in a way inconsistent with their equal standing in society. This, I think it fair to claim, is the socialist luck egalitarian charge against injustice embodied in Cohen’s account. It opposes the initiating force of converting nature into a socialized framework of unfreedom; a framework that effectively induces relations of domination and subjugation and creates stigmatizing differences of social status. The point of equality is to redress this initial misconstruction; to tailor social arrangements suitable to the unmanipulated needs of all and not solely on the basis of a privileged ‘elite’ that, as things do stand, has it going for them. The point of equality is to realize access to advantage.

**Concluding Remarks**

My aim in this essay have been to outline the two competing accounts of egalitarian justice and equality. I have tried to meet the three relational constraints outlined by Elizabeth Anderson from a socialist luck egalitarian outlook, arguing that the core opposition from within this conception of equality is the socially imposed framework of unfreedom that results when initial distributions of assets are accommodated in a way inconsistent with the free agency of all. This meets the second constraint, that a claim of injustice must be directed at the conduct of agents. The propensity of unequal distributions to generate injustice is a function instantiated by social forces, when nature is converted into social and material structures in opposition to the free agency of some, relations of constraint is, on this reading, by necessity socially imposed. People who are deprived of their agency because social structures and relations are regulated in opposition to their needs thus have a standing claim of injustice, their genuine interests are compromised on account of their dependency on the mercy of others wills. The socialist luck egalitarian conception can accommodate this view. Thus, the first constraint that *someone* must have a standing complaint of disadvantage is met. The third constraint: that claims of justice must be legitimate, turns on the fact that it is thought that luck egalitarians must consider a division of labor inconsistent with their conception of justice. Justice cannot be served insofar as some enjoy positions others can’t, since this reflect accidents that are morally arbitrary. As we can now see this is not the focal point of socialist luck egalitarianism. Social relations of
constraint are inaugurated when some hold their talents against others, not when they use their talents to serve them. When there prevails a norm of voluntary equality, when people’s motivational structures are willfully guided by the egalitarian ethos to justify their conduct to others, they will take on occupations (partly) for that very reason. Hence, in her charge to disavow the socialist luck egalitarianism of Cohen Anderson wrongly attributes to him, the unthinking fetishism of ‘misrepresenting social relations of constraint as things that people lack’.

References


