CHAPTER I

Introduction

1.1 The Distributive Ideal of Justice

Suppose, realistically, that some people are starving, while others live a life of opulence. Absent special facts about how this situation arose – perhaps however it arose – it appears to involve an injustice, and that this injustice consists of a deficient distribution of goods. Examples such as these suggest:

> *The distributive ideal of justice*: A situation is just only if the distribution of goods it involves has a particular set of desirable features.

The distributive ideal of justice only states a necessary condition for a distribution being just. One reason this is so is that most acknowledge that there are other aspects of justice than the distributive aspect (Rawls, 1999: 8; Cohen, 2008: 6; cp. Dworkin, 2000: 12).[1] For instance, there is retributive justice, and in some cases deviations from the distribution favoured by distributive justice might be more just, all things considered, given the concern for, say, punishing criminals.

Friends of the distributive ideal of justice disagree over which goods the distributive ideal pertains to, and about which features a distribution must have in order for it to be desirable justice-wise. In light of the opening example, it is natural to say that the distributive ideal pertains to the distribution of resources, since, presumably, the injustice of that situation consists of the fact that the distribution of resources is undesirable in a certain way. However, the inclination to take this view might simply reflect that we assume that people's level of well-being is strongly correlated with their level of resources and, accordingly, that we assume that starving people have a very low level of well-being, while those who live in opulence have a very high one. However, once we pry apart resources and well-being, we see that what we really care about non-instrumentally is the distribution

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[1] Rawls focuses on distributive justice under strict compliance. Retributive justice concerns situations characterized by partial compliance.

of well-being. We can refer to the issue of which goods the distributive ideal of justice pertains to as the *distribuendum of distributive justice* issue.

Whatever is the correct distribuendum of the distributive ideal, friends of that ideal also disagree about the shape a distribution must have for it to be desirable from the point of view of distributive justice. Sufficientarians believe that a situation is distributively just only if the distribution of goods is such that everyone has enough (Axelsen & Nielsen, 2015; Casal, 2007; Crisp, 2003; Fourie & Rid, 2017: 1–120; Frankfurt, 1988: 134; Huseby, 2010; Shields, 2012).[2] Setting aside a number of complications, friends of the Rawlsian difference principle believe that a situation is just only if the distribution is such that the worst off are as well off as possible (Rawls, 1999: 266).[3] Prioritarians believe that a situation is just only if the distribution is such that the weighted moral value of people's well-being is maximized (Holtug, 2010; Parfit, 1998: 12). And, finally, egalitarians believe that a distribution is just only if everyone has the same amount of goods. Arguably, all four views described imply that the situation of poverty and opulence is unjust. We can refer to the issue of what pattern the distributive ideal of justice endorses as the *pattern of distributive justice* issue (Nozick, 1974: 153–5).[4]

For nearly the last fifty years of political philosophy, the issues of the distribuendum and pattern of distributive justice have had a central place in discussions of justice (Arneson, 1989; Cohen, 2011: 3–43; Dworkin, 2000: 11–119; Parfit, 1998; Sen, 1979; Temkin, 1993). In the next section, I explain why some think that this is unfortunate. But before I do so, I will introduce one more complication in relation to the distributive ideal, using the ideal of distributive equality as a stepping stone for making a point about distributive ideals in general. This complication concerns the role of responsibility.

As I formulated the distributive egalitarian ideal of justice two paragraphs above, it amounts to:

> *Distributive outcome egalitarianism*: A situation is just only if everyone has the same amount of goods.

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[2] Frankfurt's sufficientarianism concerns the distribution of 'economic assets' (Frankfurt, 1988: 134), but the structure of his sufficientarianism can be applied to other goods.

[3] Among the complications ignored here are: that Rawls' principles of justice apply to the basic structure of society; that the difference principle applies to groups; and that the principles of equal liberty and fair equality of opportunity are lexically prior to the difference principle.

[4] In Nozick's (1974: 155) terminology, all four of the principles mentioned here are 'end-state principles'. Nozick rejects all end-state principles of justice and canvasses a libertarian, historical entitlement theory instead.

Distributive outcome egalitarianism, however, seems to be refuted by the objection from irresponsibility (Cohen, 2011: 120–2).[5] In one of its forms, this objection asks us to assume that we start with an initial state of perfect equality such that everyone has the same of whatever is the distribuendum of egalitarian justice. Suppose that one person – call him Terry – voluntarily engages in imprudent behaviour and as a result ends up worse off than another person – call her Selma. Selma acts prudently and as a result ends up better off than she was initially. Now there is an unequal distribution in Selma's favour, which outcome egalitarianism condemns as unjust. However, says the objection from irresponsibility, there is nothing unjust about this inequality, since Terry is responsible for being worse off. Indeed, it would be unjust if someone redistributed Selma and Terry's holdings in order to restore outcome equality. Friends of the egalitarian distributive ideal who find this objection compelling often retain their egalitarian commitments in the face of this objection by endorsing:

> *Luck egalitarianism*: It is just only if everyone's distributive shares reflect nothing other than their comparative exercise of responsibility.[6]

Just a word on terminology: by 'luck' is meant something for which the relevant individual is not responsible.[7] Accordingly, luck egalitarianism contrasts with distributive outcome egalitarianism, because the latter view ascribes no significance to the distinction between what is a matter of luck so construed and what is not.

Many think that it was a great leap forward when Dworkin in 1981 defended a version of luck egalitarianism which appeared immune to the objection from irresponsibility (Cohen, 2011: 32). According to Dworkin, the state has a duty to show equal concern and respect for its citizens and, as he saw it, the state fails to do so if it forces some people to subsidize others

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[5] I write 'seems' for the following reason. Suppose the relevant good to be distributed equally is opportunities of some kind and you define opportunity in such a way that if, at some point in time, people have equally good opportunities and, at some point later in time, they no longer do, then the latter inequality is such that the worse-off person is responsible for being worse off (opportunity-wise) (cp. Arneson, 2000: 339). Suppose also that you specify opportunity outcome egalitarianism in such a way that if at some point in time two persons have equally good opportunities, then their having unequal opportunities at some later point in time need not be unjust. Given these two suppositions the objection of irresponsibility does not refute – indeed, does not even challenge – the opportunity-focused version of outcome egalitarianism. For present purposes, I can ignore this complication.

[6] Suppose there is more than one way in which people's distributive shares can reflect nothing but their comparative exercises of responsibility, e.g. because such a reflection depends on people's reasonable expectations and these can vary. If so, luck egalitarianism is a seriously incomplete theory of distributive justice (cp. Anderson, 2008b).

[7] There are other ways to conceptualize luck (Lippert-Rasmussen, 2014; 2015a: 59–62; Hurley, 2003: 106–12).

who voluntarily engage in risky behaviour and suffer from bad option luck.[8] Hence, sensitivity to the choices of citizens is internal to the duty of the state to express equal concern and respect for its citizens. While these were not the exact terms in which Dworkin described what for him was a crucial distinction, many saw him as promoting a crucial and luck-egalitarian distinction between disadvantages which reflected people's choices and disadvantages which did not (Kymlicka, 2002: 75–9).

The distinction between outcome- and luck-focused theories has only attracted serious attention in relation to egalitarian distributive ideals. However, a similar distinction applies to the other distributive ideals that I mentioned above (Lippert-Rasmussen, 2015a: 25–33). For instance, while almost all defenders of a sufficientarian distributive ideal have subscribed to an outcome-focused version of this ideal, there is no reason why one might not prefer a luckist version of the sufficientarian distributive ideal. Indeed, insofar as one finds the objection from irresponsibility against outcome egalitarianism persuasive, it is unclear why one should not similarly think that the most plausible version of the sufficientarian distributive ideal is luckist.

1.2   The Relational Ideal of Justice

It is time to shift focus away from the distributive ideal to the main topic of this book, the relational ideal of justice or, more specifically, relational egalitarianism. Consider:

> *The odd slave society*: In a forgotten Greek polis, the population was divided into two equally large groups, slaves and masters. The masters were firm egalitarian believers in the distributive ideal of justice, where the scope of their ideal extended not just to the citizens of the polis, but also to slaves owned by members of the polis. Accordingly, the slave-owning citizens of this extraordinary polis organized their society in such a way that everyone falling within the scope of their egalitarian distributive ideal was equally well off overall in terms of the relevant distribuendum of distributive justice.[9] However, none of this affected the nature of social relations between masters and slaves. Slaves had to obey the orders of their masters; they had to

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[8] Dworkin (2000: 1) omits 'respect' from the 'show equal concern and respect' part.

[9] Suppose the distribution of legally protected rights and liberties form the distribuendum of justice, or more plausibly, part of it. In that case, the odd slave society is not a scenario of the sort I stipulate it to be. I have considerable sympathy with this objection, which, for the moment, I ignore – but see Chapter 7.4. Often counterexamples to distributive ideals of justice that involve a description of an unjustly unequal situation purportedly nevertheless realizing distributive equality presuppose a particular and disputable idea about what constitutes the relevant distribuendum.

approach them in a servile manner; they had no rights under the law; their testimony was systematically discounted relative to that provided by free people; and they were held in contempt and considered incapable, by their masters as well as by themselves, of exercising self-control. (cp. Scheffler, 2003a: 37)

If the odd slave society was not an ideally just society, as I conjecture most readers think it was not, the distributive ideal does not exhaust the ideal of justice.[10] In a sense, we knew that already, since, as I noted when I introduced the distributive ideal, the ideal only states a necessary condition of a situation being just. However, the reason I gave for not including a sufficient condition was that there is such a thing as retributive justice in addition to distributive justice, and what is at stake here is not retributive justice. The present reason we might have for finding the egalitarian slave society unjust seems to operate on the same field, as it were, as the distributive ideal.[11]

What makes the odd slave society unjust? At this point one might appeal to:

> *The relational ideal of justice*: A situation is just only if social relations have certain specific, desirable features.[12]

The relational and the distributive ideals of justice ascribe different loci of justice – social relations and distributions.[13] Logically speaking, one could think that justice has both loci – call such a view the pluralistic view of justice (see Chapter 7.2; Gheaus, 2016).[14] Presently, this is not the dominant position in political philosophy, but, arguably, Rawls' theory of

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[10] 'The relationship between master and slave is often used as the standard example for an inegalitarian (and therefore unjust) relationship' (Schuppert, 2015: 112).

[11] Some would agree in that they think both situations that I have decribed involve social injustice. However, they might add that social justice has two dimensions – political and distributive justice – and that the odd slave society might involve social injustice only because it involves political injustice (cp. Tan, 2014: 6–7). Relational egalitarians think it involves more than that.

[12] On some views, relational equality is a social ideal distinct from justice – for an informative discussion, see Schemmel (2015: 146–66). In this book, I am primarily interested in relational equality as an ideal of justice, in part because this is how the ideal is commonly presented, in part because only on this assumption is it a potential competitor with distributive ideals of justice.

[13] By the 'locus of justice' I mean that to which principles of justice apply, e.g. distributions, actions, social institutions or social relations. The question about the site of justice is normally distinguished from the issue of the scope of justice, which is normally taken to mean how far principles of justice extend to whatever they apply. For instance, cosmopolitan and statist egalitarians are normally taken to disagree about the scope of justice – cosmopolitans think justice mandates global equality, whereas statists think it mandates equality within states – even if they agree about the site of justice – e.g. because they believe that justice applies to basic institutions (Tan, 2014: 1–2; cp. Chapter 5).

[14] 'Pluralistic' here signals that pluralists are open to there being even more than just the two loci of justice presently in focus. I return to this in Chapter 7.6.

justice involves both loci.[15] Most positions defended presently are probably monistic, locus-wise, in that they claim either that, fundamentally, the relevant part of justice is simply a matter of the distribution of goods, or simply a matter of social relations.

In defending a monistic relational ideal of justice, one might suggest that when we think of situations which are seemingly unjust because of the relevant distribution of goods, we assume these go hand in hand with objectionable social relations, e.g. exploitation, and that once we pry them apart, we realize that, fundamentally, what we really care about is that the social relations have a suitable (egalitarian) character. We are indifferent to distributions per se, once we isolate them and assess them on their own (cp. O'Neill, 2008; Scanlon, 2000: 202–18; see Brown, 2014).

When I introduced the distributive ideal I noted that its friends differed among themselves on two issues: which good(s) should be distributed and which distributive pattern is just. Two analogous differences arise in relation to specifying the relational ideal, although the fact that the distributive and the relational ideals are parallel in this respect tends to be ignored.

First, friends of the relational ideal must say something about what is the relevant distribuendum of the relational ideal – that is, which dimension(s) are relevant for assessment of social relations. Or, to introduce a term similar to distribuendum: *relationendum*. Just as we might say that, from the point of view of distributive equality, it is crucial to give an account of the sort of goods distributive equality pertains to, it is crucial from the point of view of relational justice to specify the dimension(s) in which people should relate as equals (Chapter 3). Unfortunately, relational egalitarians have not given this topic the attention it deserves. Perhaps they have not – mistakenly, in my view – even seen it as a topic that is quite similar to, say, the 'equality of what' issue that has occupied luck egalitarians a great deal.

Here are two such issues about the relevant relationendum. As noted, friends of distributive equality disagree about whether the relevant good to be distributed is outcomes or opportunities, e.g. should people have equal amounts of well-being or should they instead have equally good opportunities for well-being? A similar issue divides friends of relational justice, i.e. does justice require that people relate to one another in certain valuable

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[15] Rawls' difference principle is one way to flesh out the distributive ideal. Rawls' first principle of justice – 'Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all' (Rawls, 1999: 266) – is one way of fleshing out (one aspect of) the relational ideal.

ways or rather that they have (equally/sufficiently good etc.) opportunities for relating to one another in certain valuable ways? It might be true that, with some qualifications to be explained later, people who have actually defended relational justice have tended to endorse an outcome-focused version of relational egalitarianism:

> *Outcome relational egalitarianism*: A situation is just only if everyone relates to one another as equals.[16]

However, this is not a commitment which is inherent in the ideal of relational egalitarianism per se, let alone in the ideal of relational justice per se. Nothing prevents friends of relational egalitarianism from subscribing to:

> *Luck relational egalitarianism*: A situation is just only if no one relates to others as (superiors/) inferiors through no responsibility of their own.[17]

One important lesson to learn from this is that the often-drawn distinction between luck egalitarianism on the one hand and relational egalitarianism on the other hand is seriously misleading, because it confuses two distinctions: first, the distinction between distributive and relational ideals of justice and, second, the distinction between outcome-focused and luckist versions of justice.[18] Hence, the common distinction ignores outcome versions of the distributive ideal and luckist versions of the relational ideal of justice.

   Another question in relation to the relationendum of justice is whether the dimension on which people should relate as equals is expressive content

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[16]   Becase outcome relational egalitarianism is the only form of relational justice that I have seen anyone explicitly defend, in what follows I often refer to that position simply as 'relational egalitarianism'.

[17]   This view is ambiguous in relation to the content of its responsibility component, as are similar statements of the responsibility component in luck egalitarianism (Lippert-Rasmussen, 2011). Further, some might say that 'relating to others as (superiors/) inferiors' as a result of the involved parties' exercise of responsibility is compatible with relating as equals in the relevant and attractive sense. However, for the present purpose, which is not to defend luck relational egalitarianism, we can ignore these matters. My purpose here is simply to show that, in principle at least, a concern for the nature of social relations might be fleshed out differently in relation to the concern for responsibility. Some might think that holding one another responsible for our choices is crucial to our treating one another as equals, e.g. Dworkin thinks that taxing people to support voluntary gamblers who had bad option luck involves a failure to treat non-gambling citizens as equals. The point here is that people who endorse a social-relations-focused view of justice might differ among themselves as to whether they adopt a luckist or a non-luckist version of this view. The impression held by some that it is otherwise reflects the fact that relational egalitarian theorists have developed their views in opposition mainly to luck egalitarianism – not any inherent feature of the relational egalitarian ideal of justice.

[18]   Two paragraphs below I introduce some non-egalitarian forms of the relational ideal of justice. The distinction between outcome-focused and luckist theories applies to these forms as well.

(Nath, 2015: 189; Pogge, 2006; Pogge, 2008: 47–8; Schemmel, 2012a: 127–8, 143) or whether it is something else, e.g. social power or how citizens regard each other independently of how their views of one another are expressed in their actions etc.[19] Friends of relational justice often give examples of injustices that lend themselves to the view that what really is unjust about the relevant objectionable social relations is their objectionable expressive content. For instance, in most contexts a situation where men but not women have the right to vote would seem to express a certain objectionable, sexist view of men and women, and at least some prominent relational egalitarians have offered an expressivist account of wrongness in general (Anderson & Pildes, 2000).[20]

However, expressive content is not the only dimension on which friends of relational justice might assess social relations (or, for that matter, a dimension in terms of which friends of relational justice necessarily will assess social relations) (Voigt, forthcoming). Friends of the relational ideal might instead think that what is crucial is the way in which people regard one another, whether or not they express these views. Admittedly, how people subjectively regard others and what view of others they express in their actions are variously connected, but, analytically, they are different and when they come apart, friends of relational justice might differ significantly in their views as to what justice requires (Chapter 3). Moreover, there could be social relations that are objectionable independently of what they express or how people who are involved in them regard one another. For instance, Richard Norman thinks that domination and

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[19] Schemmel takes the site of expressive justice to be institutions, but he also notes that 'radical egalitarians' believe that justice requires that individuals, and not just institutions, express the right sort of attitudes 'in their private lives' (Schemmel, 2012a: 137). The disagreement between these radical expressive egalitarians and those who think that only attitudes expressed by institutions matter mirror the disagreement among friends of the distributive ideal about whether the difference principle pertains to the basic structure of society or whether it also pertains to people's actions in the course of their daily lives (cp. Chapter 5.4; Cohen, 2008: 116–50).

[20] Some of Dworkin's formulations suggest that he subscribes to an expressivist account of justice, since he believes that justice requires that the state show 'equal concern' for its citizens (Dworkin, 2000: 1). Nevertheless, Dworkin is normally seen as a friend of the distributive ideal, because he thinks that certain distributions manifest that the state fails to express 'equal concern and respect' (cp. Schemmel, 2012a: 146 n33; Chapter 8.5). Note that in one sense at least we might think that the equal distribution in the odd slave society expresses hierarchical social relations: to wit, it is the result of these hierarchical social relations and conforms to the intentions of the unjustly ruling minority. Hence, if we say that a distribution might be unjust because it expresses unjust social relations, we will have to say that the *equal* distribution in the odd slave society is unjust (cp. Anderson, 2008b: 261). If we say that '[d]istributions are objectionable from an egalitarian point of view to the extent that they are the . . . effect of inegalitarian social relations' (Anderson, 2008b: 263), the equal distribution in the odd slave society is as objectionable from an egalitarian point of view as an extremely unequal distribution in a normal slave society. This I take to be a *reductio*.

exploitation violate the relational ideal of justice (Norman, 1998: 44). However, the reason he thinks so is not grounded in some view about the expressive content of relations of domination or exploitation or on any assumptions about how, say, dominators regard dominatees, but simply in the view that if someone dominates and exploits another then they relate to one another in an objectionable, inegalitarian way.

Second, friends of the relational ideal must specify which shape social relations should take for them to be just. Interestingly, something similar to the range of views that are available to friends of the distributive ideal is available to friends of the relational view. For instance, one can subscribe to relational sufficientarianism. According to this view, a situation is just only if everyone relates to one another as – if I may coin a phrase parallel to 'equals' – sufficients, where a sufficient is one whose standing is sufficiently high. If we consider this view in its luckist form – it comes in a non-responsibility-sensitive form as well, which I suspect will be more attractive than its luckist cousin to many friends of the relational ideal of justice – we get:

> *Luck relational sufficientarianism*: It is just only if no one relates to others as non-sufficients through no responsibility of their own.

The most plausible versions of such a position condemn as unjust those social relations that are most objectionable from the point of view of relational egalitarians, e.g. the relations between slaves and masters in my odd slave society. However, relational sufficientarianism might be compatible with the unequal relations between a worshipping religious follower and a sufficiently respectful guru; a world-famous, but non-harrassing, well behaved, professor and a first-year student; or a boss with suitably circumscribed powers and an employee with alternative employment opportunities.[21]

Another possibility would be to model the relational ideal on the difference principle and say that justice requires that those who are worst off in terms of social relations should be as well off as possible in terms of social relations.[22] One might think that, on the one hand, if everyone would benefit from the introduction of certain kinds of non-egalitarian social relations and, in particular, if those who would be worst off relative

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[21] The ideal that we relate to one another as sufficients, aesthetically speaking, is implicit in Anderson's (1999: 335) idea that justice does not require that we adopt aesthetic norms such that we are all equally beautiful, only norms which are such that we are all deemed 'an acceptable presence in civil society' (cp. Chapter 3.2).

[22] Not all forms of relational egalitarianism can be articulated in this way, cp. Chapter 6.4.

to others under such a non-egalitarian scheme would be better off than under any other scheme, no one would have any complaint against people not relating as equals in the relevant ways and, thus, no injustice would arise from such inegalitarian social relations.[23]

Some might find the leximin version of the relational ideal implausible by virtue of the fact that it gives lexical priority to those who are worst off in terms of social relations and, thus, rejects social relations that would render them slightly worse off at the gain of making many more people better off.[24] In view of this concern, one can subscribe to relational prioritarianism. On this view, social relations should be such that the weighted valued of moral status (or social standing) is maximized. Some might say that the only way to do so is to have equality of moral status or social standing. However, in itself relational prioritarianism is silent on which distributive pattern maximizes the relevant weighted value of moral status, and at least some theorists have suggested that unequal social relations might actually benefit us all. The conservative thinker Edmund Burke believed that, in a certain way, social relations are not a zero-sum matter – hierarchy, instead of thoroughly egalitarian social relations, gives those who end up at the lower end of the hierarchy the chance of virtuous modesty and deference which might be better for them, social relations-wise, than some bland form of equality, which homogenizes and vulgarizes everything: 'the order of civil life establishes ['the true moral equality of mankind', i.e. natural hierarchy] as much for the benefit of those whom it must leave in a humble state, as those whom it is able to exalt to a condition more splendid' (Burke, 1987 [1790]: 124; cp. 170).[25]

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[23] This implies that Anderson's (2010a) attempt to tie the idea of relational egalitarianism to the idea of individual complaints understood in the indicated way fails (Chapter 7.3). If she is right about the former, justice does not – at a fundamental level – require that people relate as equals. Justice might require – at a fundamental level – that we relate to one another in such a way that those who are worst off, social relations-wise, are as well off as possible, and if the only way to make the worst off as well off as possible is by people relating as equals, then – at a non-fundamental level – this is what justice requires. But this would not turn friends of the complaint model into relational *egalitarians*, any more than the fact – assuming it to be one – that the worst off fare as well as possible only under an equal distribution turns friends of Rawls' difference principle into friends of distributive equality at the level of fundamental principles of justice.

[24] The leximin version of the relational ideal instructs us to maximize the social standing of those with the least social standing first. Having done that, we should then maximize the social standing of those who are second-most worst off social standing-wise, and so on and so forth (cp. Hirose, 2015: 25).

[25] Not all relational egalitarians think that egalitarian social relations are required by justice because of how they are good for people (Chapters 6.4 and 6.5). However, no one denies that social relations can benefit or harm people.