

Brute Luck Equality and Desert

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1. INTRODUCTION

In recent years, interest in desert-based theories of justice has increased, and this seems to represent a challenge to equality-based theories of justice.¹ The best distribution of outcome-advantage with respect to desert, after all, need not be the most equal distribution of outcome-advantage. Some individuals may deserve more than others. Outcome egalitarianism is, however, implausible, and so the conflict of outcome desert with outcome equality is of little significance.² Most contemporary versions of egalitarianism are concerned with neutralizing the differential effects of brute luck and not with equality of outcome. I shall argue that, in order to be plausible, a desert-based theory of justice can and must be compatible with this form of egalitarianism. There is, however, a stronger form of brute luck egalitarianism, which, as I shall explain, is concerned with equalizing the advantages from brute luck—and not merely with neutralizing the differential effects thereof. Under idealized conditions in which agents have perfect information about the outcomes that their choices generate, even this stronger form of egalitarianism, I shall show, is compatible with pure desert theory. Under conditions of incomplete information, however, strong brute luck egalitarianism is incompatible with a pure desert theory that appeals, as I shall explain, to moral, rather than prudential, desert.

The goal of this chapter is draw out the key differences between pure desert theory and brute luck egalitarianism. The assessment of the two theories in light of these differences must await another occasion.

2. BRUTE LUCK EGALITARIANISM

Outcome egalitarianism requires that outcome advantage be equalized on some relevant conception of advantage (welfare, resources, etc.). It is implausible because it leaves no room for agents being accountable for their choices. Of course, agents may not have the relevant free will to make such accountability appropriate. The problem with outcome egalitarianism is that it rules out accountability independently of whether agents have such free will. Contemporary egalitarians recognize this and typically endorse some kind of brute luck egalitarianism.³

Brute luck is luck in how things turn out that the agent could not have deliberately influenced at some earlier time (e.g., her initial genes and environment, unforeseeable lightning strikes, uninfluenceable actions by others). The complement is option luck, which concerns how deliberately influenceable things turn out (e.g., lottery winnings). (Option luck, somewhat misleadingly, will be understood to include cases where choices directly lead to results, with no luck involved.) The core of brute luck egalitarianism holds that the differential influence of brute luck on the distribution of advantage should be *neutralized*. Differences in brute luck are irrelevant for how outcome advantage should be distributed.

I shall argue that any plausible desert-based theory of justice is compatible with the neutralization of the differential influence of brute luck on the distribution of advantage. As we shall see below, there is a stronger form of brute luck egalitarianism, and it, I shall argue, is incompatible—under conditions of incomplete information—with pure desert theory.

3. DESERT

Desert can be understood in an institutional sense (i.e., based on institutional norms, current practices, or reasonable expectations) or in a non-institutional sense. Desert theories proper are based on non-institutional desert, and in what follows “desert” should be so understood. Non-

institutional desert can be understood in a justice-determined sense or a prejusticial (non-justice-determined) sense. On the former, desert facts just are facts about what individuals are owed as a matter of justice. So understood, desert facts are incapable of grounding principles of justice. They are the outcome of justice determination—not inputs. Because our focus is on the determination of what is just, I shall use “desert” in its prejusticial sense.⁴ As here understood, desert is non-institutional and prejusticial.

In what follows, I assume that the thing that is deserved is net benefit (i.e., benefits less burdens) on some suitable conception of benefit (where “benefit” and “advantage” are understood as synonyms). I leave open exactly what this might be, but I’ll assume that the outcome benefits relevant for desert theory are the same kinds of outcome benefit that are relevant for brute luck egalitarianism. I’ll also assume that all that matters is *global* desert and *global* benefit—so that there aren’t separate “spheres of desert”.⁵ Common sense suggests otherwise: a person who deserves to be paid more at work, but isn’t, doesn’t thereby deserve the benefit of a high grade in a night-course that she is taking. For simplicity, however, I shall for the most part ignore this complexity, since most of the issues that I will address arise even in single sphere. Finally, I’ll assume for simplicity that both desert levels and benefits levels permit interpersonally valid cardinal comparisons and have a natural zero.

As is well known, desert theories can take a non-comparative, comparative, or mixed form. *Non-comparative desert* is concerned with ensuring that each person gets what she deserves in an absolute sense—independently of what others deserve and are getting. Compared with giving no one a benefit, it judges it *better* to give a person a benefit that she deserves even if others are more deserving of that benefit. *Comparative desert*, by contrast, is concerned with ensuring that the benefits that each person gets are appropriate given what others deserve and get. It judges it *worse* to give a person (and no one else) a benefit than to withhold it when

someone else is at least as deserving of that benefit. Mixed views are possible as well. I shall leave open which of these forms a plausible desert theory will take.⁶

Desert can be assessed from at least two different normative perspectives. Moral desert is a matter of how deserving one is from the perspective of morality (e.g., the extent to which one has helped others). Prudential desert is a matter of how deserving one is from the perspective of prudence (e.g., how wisely one looked after one's own interests). My focus is primarily on moral desert theories, and unless otherwise noted reference to desert theories should be so understood. In the penultimate section, I will suggest that prudential desert theories are easier to reconcile with brute luck egalitarianism than moral desert theories are.

I shall focus below on *pure* desert theories of justice—with no other relevant factors (e.g., freedom or beneficence) for justice. Furthermore, because my concern is with theories of deontic justice (what is just) and not with axiological justice (what is more just than what), I shall focus on desert theories with a maximizing consequentialist structure: they judge a distribution just if and only if the distribution is maximally good from the perspective of desert. The core points (although not the exact details) apply to satisficing theories (or theories with agent options) as well.

4. BRUTE LUCK EGALITARIAN CONSTRAINTS ON DESERT

Brute luck egalitarianism requires the *neutralization* of the differential effects of brute luck on the distribution of benefits (net of burdens). This just means that the differential effects of brute luck have no effect on the final distribution of benefits. We need, however, to distinguish between a weak and a strong version of this thesis. *Weak brute luck egalitarianism* only requires such neutralization. I shall argue that this weak view is compatible with desert theory. I shall then argue that there is a stronger form of brute luck egalitarianism, which requires that the net

brute luck benefits be distributed equally. Under conditions of imperfect information, this stronger view is, I shall argue incompatible with pure desert theory.

Brute luck egalitarianism (weak and strong) requires that the differential influence of brute luck on the distribution of benefits be neutralized. Thus, if benefits are distributed on the basis of desert, brute luck egalitarianism requires that the desert base (that which determines how much one deserves) be something that is not differentially affected by one's brute luck. More specifically still, we can identify three constraints imposed by (weak and strong) brute luck egalitarianism on admissible conceptions of desert. Brute luck egalitarianism, of course, does not require that justice be based on desert or even that desert be a bona fide notion. The constraints should be understood as having a conditional form: If justice is based on desert, then the following conditions must hold.

Equal Initial Desert Level: Each agent has equal initial desert.

This rules out, for example, desert hierarchies in which certain individuals are held to be more deserving simply because of their birth status (e.g., caste or royal status). It reflects an egalitarianism about the baseline to which desert adjustments are made. Brute luck egalitarianism imposes this condition, since, if it were violated, the distribution of the benefits on the basis of desert would favor those who have higher initial desert levels, and that is simply a matter of brute luck. Some desert theories, of course, violate this condition, but such theories are implausible, since, prior to choice, no one is more deserving than anyone else.

A second condition is:

The Irrelevance of Later Brute Luck Events to Desert Levels: Brute luck events after one's

life begins do not directly alter one's desert level.

This just says that one's desert level is not directly changed by things that happen to one when one had no ability to deliberately influence them.⁷ A person who as a matter of brute luck trips and thereby stops a murder does not thereby become more deserving. This condition thus rules out desert based on total raw contribution, where contribution (to society, say) includes brute luck contributions. It does not rule out basing desert on contribution where the relevant contributions are restricted to those one deliberately brought about.

The above two conditions rule out the admissibility of brute luck events (initial or later) changing one's desert level independently of how one's will was exercised. Because desert is typically understood to be based solely on the exercise of one's will, these two conditions are relatively uncontroversial. They are not completely uncontroversial, however, since some authors believe that those who as a matter of brute luck have more virtuous characters are more deserving, independently of how they choose.⁸ I shall assume nonetheless that brute luck egalitarianism is right to require that desert not be based on brute luck factors in the above ways. The crucial question is whether brute luck events might alter one's *opportunities to earn desert*. A third condition rules this out:

Desert Impact of Choices: The magnitude of change in desert due to the exercise of one's will does not depend on one's brute luck.

This holds that the extent to which one's desert increases or decreases as a result of a choice does not depend on one's brute luck. Thus, for example, desert changes (increases or decreases) cannot be based on the unadjusted value of what one contributes, since this depends in

part on one's initial (brute luck) opportunities to contribute. Nor can desert be based on the unadjusted value of what effort one has made, if (as I'll assume) one's ability to make effort depends in part on one's initial (brute luck) capacity to make an effort.⁹

This condition does not rule out basing desert changes *in part* on contribution or effort. It requires, however, that if it is, then the contribution or effort must be suitably relativized to the brute luck opportunities of individuals for such contribution or effort.¹⁰ The change in desert for a given choice could be based, for example, on how the effort, or resulting contribution, compares with the best possible, worst possible, or expected value, given one's brute luck opportunities. If Able and Infirm, for example, each produce a contribution equal to 70% of the best he could produce, then each may have the same change in desert—even if Infirm's contribution (because of his more restricted capacities) is much smaller. Alternatively, desert adjustments could be based on where the effort, or resulting contribution, falls in the corresponding expected percentile distribution given one's brute luck opportunities. If Able and Infirm each make an effort at the 30th percentile given their respective opportunities to make efforts, then each may have the same change in desert—even if Infirm's effort is much smaller in absolute terms.¹¹

Brute luck egalitarianism requires this condition, since otherwise those who as a matter of brute luck have the favorable opportunities for the relevant desert base (e.g., effort or contribution) would typically, as a matter of brute luck, reap greater benefits from the exercise of those capacities than individuals with less favorable opportunities.

This condition is highly plausible. One's desert should be based solely on how responsibly one exercises one's choices. Brute luck opportunities should make no difference, since one deserves no credit for those or for their impact. This is not to say that, given that no one deserves her brute luck opportunities, no one deserves benefits for how one chooses to take

advantage of those opportunities. That's clearly a mistake. Two agents may start with the same opportunities, make different choices, and their different choices may give rise to differential desert. One does not need to deserve the opportunities in order for one's response thereto to generate claims of desert.¹² The above condition does insist, however, that the opportunities to generate desert should not be affected by brute luck. Desert, that is, is determined by how good a use one makes of one's opportunities and not on what opportunities one has as a matter of brute luck.¹³

Brute luck egalitarianism, then, imposes the above constraints on desert theories. These constraints may not be plausible to those who reject desert (e.g., entitlement theories), but they are highly plausible within the context of a desert theory. Desert is not affected by brute luck factors. This is not to claim that it is incoherent for desert to be so affected; it is only to claim that such a desert theory does not yield a plausible theory of justice.

Any plausible desert theory, then, will require that the differential effects of brute luck on advantage be neutralized. Any plausible desert theory, that is, must be a form of weak brute luck egalitarianism. In what follows, I shall therefore address only desert theories that neutralize differential brute luck. As we shall now see, there is a stronger version of brute luck egalitarianism, which is, under certain conditions, incompatible with pure desert theory.

5. BRUTE LUCK EGALITARIANISM: WEAK AND STRONG

Weak brute luck egalitarianism merely requires the neutralization of the differential effects of brute luck on the distribution of benefits. Strong brute luck egalitarianism requires that the benefits of brute luck be shared equally. To see the difference, consider the following example.

Assume that benefits are distributed on the basis of desert, and that desert levels are determined solely by how well, in expected and relative terms, agents make use of their brute

luck opportunities. This ensures that the differential effects of brute luck on desert, and thus on benefits, are neutralized. Two agents, Deserving and Undeserving, start with equal brute luck opportunities and equal initial desert of zero. Undeserving chooses to lie on the beach, produces no benefits, and generates no additional desert (he still deserves 0). As a matter of brute luck, however, a big fish worth 10 units of benefit washes up on the shore next to him. Deserving, on the other hand, chooses to go fishing for the evening meal in full knowledge that sometimes (although rarely) one comes back empty-handed. She is unlucky and catches nothing. This is a matter of option luck, given that she was fully aware of the possibilities and probabilities and was able to influence them (by choosing to go fishing or not). Because she chose wisely relative to her brute luck opportunities, she deserves, let's say, 10 units of benefit.

	<u>Benefits</u>			
	Brute Luck	Option Luck	Total	Desert
Deserving	0	0	0	10
Undeserving	10	0	10	0
Total	10	0	10	10

Example 1

The strong version of brute luck egalitarianism requires that brute luck benefits (i.e., benefits that are not deliberately generated by the agent receiving them) be shared equally. Because the only benefits in this example are brute luck benefits, this requires that Deserving and Undeserving each get 5 units. This is compatible with weak brute luck egalitarianism (differential brute luck neutralization) but is not required by it. Pure (differential brute luck neutralizing) desert theory also satisfies weak brute luck egalitarianism, but it requires that

Deserving get 10 and Undeserving get 0. Neutralizing the differential effects of brute luck on the distribution of benefits does not require equalizing the shares of brute luck benefits.

This example shows that we need to distinguish carefully between weak and strong brute luck egalitarianism. The weak form merely requires neutralization of brute luck factors on the distribution of benefits (i.e., that brute factors play no role in determining the distribution of benefits), whereas the strong form requires that the benefits from brute luck be shared equally. The strong form entails the weak form, but not vice-versa. The weak form—differential brute luck neutralization—is fully compatible with a pure desert theory. Indeed, as I have argued, in order to be plausible, a pure desert theory must satisfy differential brute luck neutralization. The strong form of brute luck egalitarianism (equality of brute luck benefits) is, however, incompatible with a pure desert theory under certain conditions (as shown by the above example).

To help highlight the difference between neutralizing the differential effects of something (whether it is brute luck, or anything else) and equalizing its effects, consider an example not dealing with brute luck. Suppose that pre-transfer financial income is divided into two kinds, gift-income and other-income, and that we seek to impose some transfers so as to neutralize the differential impact of gift-income on post-transfer total income. One way of doing this is to leave the other-income in place and to transfer the income from gift-income so that everyone gets an equal share. This, however, is not the only way of neutralizing differential gift-income. Another way is to divide up total income in proportion to other-income. Because it does not appeal to gift-income, it neutralizes the differential effect of pre-transfer gift-income on total (post-transfer) income: two individuals with the same pre-transfer other-income will get the same post-transfer total income, no matter what their pre-transfer gift income was. This approach does not, however, guarantee that everyone will share equally in gift-income: those who have larger shares

of other income (e.g., because their salary is higher) will get a larger share of the total gift-income. (Keep in mind that this is not an example of neutralizing the differential effects of brute luck. This is an example of neutralizing the differential effects of gift-income.)

Egalitarians have not in general been sufficiently careful to distinguish between the weak and strong forms of brute luck egalitarianism.¹⁴ Much of Ronald Dworkin's seminal article on brute luck egalitarianism reads as if it were concerned with the strong view, but he sometimes appeals to the weak view: "We want to develop a scheme of redistribution, so far as we are able, that will neutralize the effects of differential [brute luck] talents, ...".¹⁵ G. A. Cohen writes "On my understanding of egalitarianism, it does not enjoin redress of or compensation for disadvantage as such. It attends, rather, to 'involuntary' disadvantage, which is the sort that does not reflect the subject's choice.", which suggests the strong view. He also writes, however, that "the fundamental egalitarian aim is to extinguish the influence of brute luck on distribution", which is the weak view.¹⁶

Below I shall discuss in further detail the issues that separate weak brute luck egalitarianism from the strong form. The point to note here is simply that they are not equivalent. Pure desert theory can—and must, if it is to be plausible—be a form of weak brute luck egalitarianism, but it is, at least under certain conditions, incompatible with the strong form.

6. DESERT AND REASONABLE EXPECTATIONS

In the previous section, I argued that pure desert theories of justice are incompatible, under certain conditions, with strong brute luck egalitarianism. The example used to show this incompatibility, however, implicitly assumed that the transfers (e.g., taxes and subsidies) were imposed without any advance notice to the agents about how transfers were to be done (i.e., imposed retroactively). Under these conditions, the transfers are a matter of brute luck (since

agents could not deliberately have any effect on their imposition).

Things are different, however, when agents have perfect information about the outcomes of their choices. Perfect information is here to be understood as involving both the absence of any objective uncertainty or risk in the outcomes of their choices (their choices fully determine the outcome) and the absence of any ignorance on the part of the agent (he/she knows all facts). In the above example, the agents failed to have perfect information, because the transfer policy was retroactive and not publicly announced in advanced. If, however, agents have perfect information about the outcomes of their choices, then pure desert theory and strong brute luck egalitarianism are fully compatible. The announced policy simply needs to be one according to which (1) individuals are rewarded on the basis of the specified (brute luck neutralizing) conception of desert, and (2) individuals pay taxes (e.g., head taxes) that both equalize brute luck advantage and generate the pot needed for these desert rewards. Taxes, that is, are set so as to equalize brute luck advantage and set at a level (since there are many ways of equalizing brute luck advantage) that is sufficient to generate the pot needed to provide rewards on the basis of the announced desert policy. The rewards are provided on the basis of desert, where the desert basis is not affected by differential brute luck (it is based on how well one takes advantage of one's brute luck opportunities).

Consider again our original example, but now suppose that the policy of rewarding desert was announced in advance, and more generally that agents have perfect information about the outcomes of their choices. Deserving deserves 10, but has reaped 0 units of brute luck benefits (i.e., benefits that she did not deliberately generate) and 0 units of option luck benefits (i.e., benefits that she did deliberately generate). Undeserving deserves 0, but has reaped 10 units of brute luck benefits and 0 units of option luck benefits. As specified by the previously announced desert policy, Undeserving pays a brute luck head tax of 10 units and Deserving pays no such

tax. The 10 units are then distributed on the basis on desert, which in this case means that they all go to Deserving. The final result is that both experience 0 units of brute luck, Deserving experiences 10 units of option luck, which is exactly what she deserves, and Undeserving experiences 0 units of option luck, which is exactly what he deserves. Both strong brute luck egalitarianism and pure desert theory are satisfied. Unlike the original version of this example, in which the agents had no idea that there would be any transfers, the agents fully expect transfers to equalize brute luck advantage and to reward desert. The transfers are thus a matter of option luck—and not brute luck.

Where agents have perfect information about the outcomes of their choices (and of the transfer policy in particular), there is no incompatibility between strong brute luck egalitarianism and pure desert theory.¹⁷ In real life, however, agents do not have perfect information about the outcomes of their choices. Even if all agents are fully aware of the reward policy, they will almost always be some objective risk or uncertainty concerning the outcomes of their actions, or they will lack some empirical information about the pre-transfer implications of their choices. This means that there will typically be a difference between what they deserve and what they reasonably expect to receive as a reward from the announced desert policy. If agents are rewarded more, or less, than they reasonably expect, then this is a matter of brute luck (since such rewards, or lack thereof, were not anticipated in their deliberations). As in the original example (where there were no reasonable expectations of being rewarded on the basis of desert), this generates a conflict between the demands of a pure desert theory and strong brute luck egalitarianism. Let me explain.

As above, suppose that Deserving deserves 10 units of benefit and Undeserving 0 units. Prior to any transfers, there are 10 units of brute luck benefits and 0 units of option luck benefits. Both agents know that transfers will take place so as to reward desert as much as possible.

Suppose, however, that Deserving falsely (and as a matter of brute luck) believes that she will be rewarded 0 for her choice (rather than the 10 that she deserves). She believes this, for example, because she believes that desert administrators will underestimate her desert. Undeserving has no false beliefs and correctly expects to be rewarded 0 units. In this case, rewarding desert requires giving the 10 units to Deserving. This, however, is a matter of brute luck for Deserving, since she made her choice expecting only 0 units. Rewards beyond her reasonable expectation are, from her perspective, like manna from heaven. Hence, the net result is that Deserving has 10 units of brute luck and Undeserving has none, which violates strong brute luck egalitarianism.

Thus, although the incompatibility of pure desert theory and strong brute luck egalitarianism disappears under conditions of perfect information (about the public policy, about the outcomes of one's choices and those of others, etc.), in real life there is rarely (if ever) such perfect information. Hence, there is typically a divergence between the demands of pure desert theory and strong brute luck egalitarianism. As I shall explain below, this incompatibility holds as long as we restrict our attention, as we have so far, to pure outcome-based moral desert theories. The incompatibility, we shall see, does not hold for a certain kind of filtered outcome prudential desert theories.

7. FILTERED OUTCOME PRUDENTIAL DESERT

Pure desert theory is compatible with weak brute luck egalitarianism, which merely requires the neutralization of differential brute luck on the distribution of benefits. Indeed, to be plausible, a pure desert theory must be so compatible. Otherwise, it would make brute luck factors, which are irrelevant to desert, part of the desert basis. Under conditions of perfect information, desert theory is also compatible with strong brute luck egalitarianism, which requires that brute luck benefits be shared equally. Under realistic conditions (given the imperfect information that

agents have), however, pure desert theory is incompatible with strong brute luck egalitarianism—if, as we have been assuming, is based on moral desert for outcomes. In this section we shall see that this incompatibility disappears when we consider filtered outcome prudential desert theories.

The main difference between a differential brute luck neutralizing pure desert theory and strong brute luck egalitarianism concerns the following condition:

Qualified Respect for Reasonable Expectations (QRRE): The reasonably expected differentials in benefits to an agent of her choices should not be altered beyond the minimum necessary to remove any differential due to brute luck.

The crude idea of this condition is that agents should get the benefits that they reasonably expect to get. This crude idea, however, needs to be modified because reasonable expectations typically include expected benefits from differential brute luck. Hence, the condition requires respect only for that part of the expectations that is not due to differential brute luck. Suppose, for example, that there are four identical agents, two of them face a choice of 0 or a choice of 100, and the other two face a choice of 100 or 200. The condition requires that, for each agent, the second choice yield 100 units more than the first choice (since that is the differential expectation). It allows, however, that there be a lump sum transfer of 50 each from the second two agents to the first two agents so as to adjust for brute luck differences (and thus the second two agents will get less than they were reasonably expecting). The condition would not allow, however, the second two agents (or the first two agents)—with identical reasonable expectations—to be taxed differently. It does not allow, for example, the choice of 0 to bear no tax but the choice of 100 to bear a tax.

An exact statement of this condition would involve careful consideration of cases where the impact of brute luck on outcome benefits and that of choices are not separable—that is, cases where the impact of a choice depends on the brute luck opportunities available. Such failures of separability are quite typical. For example, smoking may have tremendous costs, if one, as a matter of brute luck, has a particular cancer gene, whereas it may have only trivial costs (and the same benefits) if one does not have the gene. For simplicity, I'll assume that the impact of brute luck and choice is separable, since all the issues I wish to address arise even on this restrictive assumption. On this assumption, the above condition requires that the reasonably expected *differential* benefits to the agent not be modified, since the impact of brute luck can be eliminated by (choice-independent) lump-sum transfers.¹⁸

Strong brute luck egalitarianism satisfies Qualified Respect for Reasonable Expectations (QRRE) because any modification of reasonable differential expectations is a matter of brute luck. Agents cannot deliberately influence that which they cannot reasonably foresee. If two agents have the same initial brute luck and the same reasonable differential expectations, then choice-sensitive transfers (which violate the differential expectations) will introduce unequal brute luck between those two agents.

Pure desert theories will satisfy QRRE, if all agents have perfect information concerning the outcomes of their actions (so that they reasonably expect to receive exactly what the pure desert theory requires). With imperfect information, however, an agent may deserve a differential benefit of 100 units between two choices but reasonably expect a differential of only 10 units (e.g., because she reasonably expects her desert to go unrecognized). Hence, there is a conflict between the demands of a pure desert theory and QRRE.

Strong brute luck egalitarianism's endorsement of Qualified Respect for Reasonable Expectations introduces two different conflicts with pure desert theory, and it will be instructive

to consider them now. In doing so, we must remind ourselves that desert theories can be based on moral desert (moral desirability of choices; based on a concern for all) or on prudential desert (prudential desirability of choices; based only on a concern for the agent). An agent who studies hard for an exam might, for example, prudentially deserve more than an agent with the same effective opportunities but who studies less hard—even if the latter was helping others (which is morally more desirable) instead of studying.¹⁹ By stipulation, we have so far been restricting our attention to moral desert theories. We must now widen our focus.

One important difference between the demands of a pure moral desert theory and QRRE has nothing to do with taking reasonable expectations seriously. It concerns rather the object of those expectations. A plausible pure moral desert theory will take reasonable expectations seriously and ascribe moral desert to individuals on the basis of the moral desirability of their actions relative to their reasonable expectations (and also relative to their brute luck opportunities). Such a pure moral desert theory will nonetheless violate QRRE, because it will demand that agents be rewarded for the reasonably expected benefits to themselves *and others*—and not merely on the basis of their reasonably expected benefits to themselves. Suppose that an agent reasonably expects to obtain 0 units of benefit from an action that is extremely good for others and 0 units of benefits from an action that is quite bad for others. A pure moral desert theory will demand that the first action be rewarded much more highly than the second, whereas QRRE—which focuses only on the benefits to the agent (and ignores the expected benefit to others)—would require that the actions receive equal rewards (since the agent expected equal rewards).

One difference, then, between strong brute luck egalitarianism (and QRRE in particular) and a pure moral desert theory concerns the object of the reasonable expectations. Moral desert theory appeals to reasonable expectations concerning the benefits to everyone, whereas strong

brute luck egalitarianism (via QRRE) appeals only to the reasonably expected benefits to the agent. This difference disappears if the desert theory in question is one of prudential, rather than moral, desert. One way, then, of reducing the conflict between strong brute luck egalitarianism and pure desert theories is to appeal to prudential rather than moral desert.²⁰

There is, however, still a remaining tension. Standard desert theories are outcome-based, and thus require that, to the extent possible, individuals get the outcomes that they deserve. Consider, for example, two identically situated agents (with equal brute luck opportunities) who each choose an investment with the reasonable expectation of a 50% chance of getting 100 units of benefit and a 50% chance of getting nothing. One is lucky and the other is not. An outcome-based prudential desert theory would require the same outcome benefit for each (e.g., 50 each). Luck—whether it be option luck or brute luck—is irrelevant for desert. Qualified Respect for Reasonable Expectations, however, requires that each have the same transfer (since each has the same brute luck and the same reasonable expectations). When this is combined with the neutralization of differential brute luck, it requires that there be no adjustment in the benefits that result. Given that each reasonably expected to get 100 if lucky and 0 if not, any adjustment would be a matter of brute luck. Given that by stipulation they started with equal brute luck advantage, any transfer from one to the other will upset this equality.

Thus, a second difference between strong brute luck egalitarianism (and QRRE in particular) and a standard kind of desert theory (whether moral or prudential) concerns the treatment of option outcome luck (i.e., luck in how choices turn out). The former holds agents accountable for and entitled to their option outcome luck (as defined by their reasonable expectations), whereas the latter does not. This difference, however, does not apply to all desert theories. For a desert theory could hold that the benefits that individuals deserve are—not outcome benefits, but rather—filtered outcome benefits, where these are to be understood as all

outcome benefits except those attributable to luck in how one's choices turn out. A desert theory could hold, that is, that an agent's filtered outcome benefits should match her deservingness. How deliberate chosen gambles turn out is not, on this view, a matter to which desert applies. Individuals are held accountable for their option outcome luck.²¹ In the above example, each agent was equally deserving, and each faced an equally valuable opportunity set (50% chance of 100 and 50% chance of nothing). A filtered outcome desert theory would deem it unjust to transfer from the lucky individual to the unlucky one. Doing so would not promote just deserts and it would fail to hold agents accountable for their option luck.²²

Even under conditions of imperfect information, then, a (differential brute luck neutralizing) pure desert theory can be compatible with strong brute luck egalitarianism, if it is based on prudential (rather than moral) deserts and takes the deserved benefits to be (option outcome luck) filtered outcome benefits rather outcome benefits. This is not, however, very significant, since pure prudential desert theories are not very plausible. They hold, for example, that the thief who chooses wisely (effectively promoting his own advantage) is more deserving than the do-gooder who sacrifices her benefits for those of others. Although prudential desert may well be relevant to justice, it is implausible to think that only it is relevant to justice. Moral considerations of some kind (e.g., rights or moral desert) must enter in somewhere. Thus, the reconciliation of strong brute luck egalitarianism and desert theory under conditions of imperfect information shows a mere theoretical possibility that has little normative plausibility.²³

8. CONCLUSION

Weak brute luck egalitarianism requires that the impact of differential brute luck on the distribution of benefits be neutralized. In order to be plausible, desert theories must satisfy this condition. Otherwise, desert would depend on factors that agents cannot deliberately influence.

Thus, pure moral desert theories can and should be compatible with weak brute luck egalitarianism.

Strong brute luck egalitarianism requires more than the neutralization of the differential effects of brute luck. It requires that the benefits flowing from brute luck be shared equally. Pure desert theories neutralize the effects of differential brute luck (by appealing solely to a brute-luck invariant conception of desert), but they do not in general ensure that the benefits of differential brute luck are shared equally. This is clear in the case where unforeseeable retroactive adjustments (which are matters of brute luck by definition) are made. This incompatibility disappears for proactively adopted policies of rewarding moral desert, if agents have perfect information the implications of their choices. In this case, Qualified Respect for Reasonable Expectations, prudential desert, and moral desert coincide. Each agent reasonably expects to be rewarded as required by moral desert and the opportunities that agents face will be opportunities to be rewarded as required by moral desert. Thus, at least under idealized conditions, pure moral desert theory and strong brute luck egalitarianism are compatible. In real life, however, there is always some imperfection in the knowledge of agents, and this opens the gap between what is deserved and what the agent reasonably expects (which defines in part the difference between brute luck and option luck). Hence, in real life, there is an incompatibility between pure outcome-based moral desert theory and strong brute luck egalitarianism.

In real life, with imperfect information, the only way for a pure desert theory to be compatible with strong brute luck egalitarianism is for it to be filtered outcome and based on prudential desert. Purely prudential desert theories, however, are implausible, and hence this reconciliation opens no live options. Thus, it appears that no plausible form of desert theory is compatible in real life with strong brute luck egalitarianism.

The point of this chapter has not been to defend brute luck egalitarianism, nor to criticize

desert theories. It has simply been to identify the issues that separate the two. This clarification is, of course, but a first step towards assessing the relative merits of these two theories of justice.²⁴

Notes

¹ See, for example, the papers in *What Do We Deserve?*, edited by Louis P. Pojman and Owen McLeod (Oxford, Oxford University Press, 1999)—especially Shelly Kagan, “Equality and Desert,” pp. 298-314.

² For further discussion of this point, see Serena Olsaretti, “Unmasking Equality: Kagan on Equality and Desert”, *Utilitas* (forthcoming 2002).

³ I have elsewhere argued that egalitarians should be concerned with neutralizing differential *initial* brute luck but not necessarily *later* differential brute luck. For the present purposes, however, I set this difference aside and focus on the neutralization of all brute luck, which is the much more common view. See Peter Vallentyne, “Brute Luck, Option Luck, and Equality of Initial Opportunities,” *Ethics* 112 (2002): 529-557. I there also clarify further the nature of brute luck.

⁴ For further discussion of the difference between institutional and non-institutional desert and between pre-justicial and justice-determined desert, see Samuel Scheffler, “Justice and Desert in Liberal Theory,” *California Law Review* 88 (2000): 965-90. Reprinted in Samuel Scheffler *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought* (Oxford: Oxford University Press, 2001).

⁵ The idea of spheres of desert parallels that of spheres of justice. For discussion of the latter, see Michael Walzer, *Spheres of Justice* (New York: Basic Books, 1983).

⁶ For further discussions of comparative vs. non-comparative desert, see, for example, the essays by Kagan, Hurka, Miller, and McLeod in this volume.

⁷ I assume throughout that desert levels (what a person deserves) are well defined. This is

compatible with a purely comparative view of desert, since the levels may be irrelevant for determining who should get what, except in so far they reflect comparative matters. If desert levels are not well defined and one can only assess comparative ordinal desert (e.g., Smith is more deserving than Jones), the various conditions would need to be reformulated (e.g., if the only change is a brute luck event, then no one's comparative desert changes).

⁸ See, for example, ch. 2 of George Sher, *Desert* (Princeton: Princeton University Press, 1987).

⁹ Whether individuals differ in their capacities to make an effort depends, of course, on how effort is understood. For further discussion, see ch. 2 of George Sher, *Desert* (Princeton: Princeton University Press, 1987). See also his essay in this volume, in which he argues that an individual's capacity to make an effort is not fully under her control.

¹⁰ Throughout, brute luck opportunities should be understood as including the probabilities of the various possible outcomes open to one. Thus, for example, if, as a matter of brute luck, two individuals each have the possibility of becoming a drug addict or the President, their brute luck opportunities are the same only if the probabilities of these outcomes are the same if they make the same choices.

¹¹ The only desert theorist I know of who explicitly relativizes the desert base to brute luck opportunities is John Roemer, and he does so on the basis of the percentile position of the agent's choice. See, John Roemer, "A Pragmatic Theory of Responsibility for the Egalitarian Planner," *Philosophy and Public Affairs* 22 (1993): 146-66; *Theories of Distributive Justice* (Cambridge, MA: Harvard University Press, 1996); *Equality of Opportunity* (Cambridge, MA: Harvard University Press, 1998). As should be obvious, I have been much influenced by his insights on how desert and brute luck egalitarianism can be combined.

¹² For further discussion of this issue, see pp. 224-227 of Robert Nozick, *Anarchy, State, and*

Utopia (New York: Basic Books, 1974); Alan Zaitchik, "On Deserving to Deserve," *Philosophy and Public Affairs* 6 (1977): 370-88; George Sher, "Effort, Ability, and Personal Desert," *Philosophy and Public Affairs* 8 (1979): 361-76; ch. 2 of George Sher, *Desert* (Princeton: Princeton University Press, 1987); and Samuel Scheffler, "Justice and Desert in Liberal Theory," *California Law Review* 88 (2000): 965-90 (reprinted in Samuel Scheffler *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought*, Oxford: Oxford University Press, 2001).

¹³ For an opposing view, see David Miller, *Principles of Social Justice* (Cambridge, Mass.: Harvard University Press, 1999), pp. 143-146. He there argues that desert can be based on the market value of one's contribution. For criticism of Miller, see Serena Olsaretti, "Desert and Luck", in *Forms of Justice*, edited by Daniel Bell and Avner de Shalit (New York: Rowman & Littlefield, 2002).

¹⁴ To the best of my knowledge, the only person who has explicitly recognized a clear difference between the strong and weak views is Susan Hurley. She there treats the weak view as the purported justification for the strong view, and rightly argues that the justification fails. This leaves open, of course, that there is some other justification for the strong view. I suggest below that part of the justification rests a qualified respect of reasonable expectations. See Susan Hurley, "Justice without Constitutive Luck," *Ethics*, Royal Institute of Philosophy Supplement 35, edited by A. Phillips Griffiths (Cambridge: Cambridge University Press, 1993), pp. 179-212; and Susan Hurley, "Luck and Equality," *Proceedings of the Aristotelian Society*, Supplement LXXV (2001): 51-72.

¹⁵ From pp. 312-313 of Ronald Dworkin, "What is Equality? Part 2: Equality of Resources," *Philosophy and Public Affairs* 10 (1981): 283-345.

¹⁶ From p. 920 and p. 931, respectively, of G.A. Cohen, “On the Currency of Egalitarian Justice,” *Ethics* 99 (1989): 906-44.

¹⁷ John Roemer (cited above) identifies a conflict between strong brute luck egalitarianism and desert theory, but this conflict only arises if efficiency is required. Given that efficiency can conflict with desert alone, it’s not surprising that it conflicts with desert combined with equality.

¹⁸ For more on the problems that arise when the impact on outcomes of brute luck is not separable from that of choices, see Marc Fleurbaey, “On Fair Compensation,” *Theory and Decision* 36 (1994): 277-307; and Marc Fleurbaey, “Equal Opportunity Egalitarianism or Equal Social Outcome,” *Economics and Philosophy* 11 (1995): 25-55. For a promising way of dealing with the separability problem, see Bertil Tungodden, “Responsibility and Reward,” *Social Choice and Welfare* (forthcoming).

¹⁹ For more discussion of the difference between prudential and moral views of responsibility, see Richard Arneson, “Luck and Equality,” *Proceedings of the Aristotelian Society*, Supplement LXXV (2001): 73-90.

²⁰ John Roemer (cited above) appeals to prudential rather than moral desert (although not explicitly). [Added after publication: In *Social Justice*, David Miller claims (p. 87) that “the kind of desert relevant to social justice is rarely *moral* desert” and in *Justice and the Human Good*, William Galston claims (p. 170) that desert-related facts “need not be moral characteristics”.]

²¹ I’m indebted to Daniel Nolan for pointing a confusion in an earlier version of this paragraph.

²² The only desert theorist I know of who appeals (although not explicitly) to filtered outcomes rather than outcomes is John Roemer (cited above). His whole theory is in opportunity space rather than outcome space.

²³ I’m indebted to Ishani Maitra for emphasizing this point to me.

²⁴ For useful comments and suggestions, I thank Dani Attas, Jeroen Knijff, Serena Olsaretti, Andrew Williams, and Jo Wolff.