

JUSTICE AS RECIPROCITY; QUONG'S METRIC IN NEW LIGHT

by

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(Under the Direction of Alexander Kaufman)

ABSTRACT

A recent theorist, Jonathan Quong, proposed a new contribution to left-libertarian literature that is inspired by Rawls' emphasis on social cooperation in his article "Left-Libertarianism: Rawlsian not Luck Egalitarianism." This paper seeks to generate more detailed insights from Quong's proposal in the context of left-libertarianism and metrics of egalitarian justice and provide an analytical comparison. The surprise of Quong's project is that his metric is an intervention into distributive justice, instead of egalitarian justice, which is an intriguing step for left-libertarian theories.

INDEX WORDS: egalitarianism; left-libertarianism; Rawls; Quong; justice; political theory

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DEDICATION

This is dedicated to Dr. Hank Edmondson and Dr. Jerry Herbel, both who have influenced my passion for political theory.

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CHAPTER 1

INTRODUCTION

Purpose

Aristotle notably described the cooperative tendencies of individuals in his statement that “man is by nature a political animal.” In a *Theory of Justice*, John Rawls stresses the importance of social cooperation in his theory of distributive justice. A recent theorist, Jonathan Quong, proposes a new contribution to left-libertarian literature that is inspired by Rawls’ emphasis on social cooperation. This paper seeks to generate more detailed insights from Quong’s proposal in the context of left-libertarianism and metrics of egalitarian justice and provide an analytical comparison.

Thesis

In Jonathan Quong’s article, “Left-Libertarianism: Rawlsian not Luck Egalitarianism,” he proposes a different metric to measure well being. Quong writes that “[t]his alternative conception of the *site* of egalitarian justice naturally has implications for the *metric* of egalitarian justice, as well as implications regarding its *scope*, and its *constituency*.” His proposed domain is restricted to “those things that are specifically produced via systems of social cooperation,” versus using a metric of the world’s natural resources, or “the more general metric of welfare which we derive only in part from our interactions with others.” Quong, while briefly addressing some objections regarding the metric, scope, and constituency, neglects to explore more specifically the impact of his proposed metric. This paper seeks to consider Quong’s metric seriously in the context of other egalitarian metrics. First, I will, examine the differences

between this metric and other metrics discussed in egalitarianism and left-libertarian literature. Second, I will examine the justification that Quong presents for the acceptance of this metric. Third, I will examine at the practical differences associated with the adoption of Quong's metric. Finally, I will assess the impact that the acceptance of Quong's proposed metric would have for current understandings of egalitarianism and left-libertarianism. Quong criticizes luck egalitarianism and these criticisms may have some traction against allocative conceptions of justice, but this will be further developed as I work through Quong's project. Quong also examines the intriguing question of 'exiting' from society, which he believes is permissible under the acceptance of the concept of self-ownership, which is central to libertarianism in general. This paper also seeks to explore these questions further and see whether or not this is theoretically and persuasively justified, as Quong believes.

Quong's Argument

In "Left-Libertarianism; Rawlsian not Luck Egalitarianism," Quong defends a new combination of the two categorized principles that are essential to a theory of liberalism, freedom and equality, which are also most important to left-libertarians and egalitarians. He argues that left-libertarians make a mistake by trying to reconcile their conception of liberty, self-ownership, with an specific conception of equality as defined by 'luck egalitarians,' since these approaches in egalitarian thought, he argues, can never be successfully reconciled because of contradictions in the assumptions underlying the two views. Instead, Quong proposes a new conception of equality for left-libertarians; one that is Rawlsian in inspiration and focuses on social cooperation. Quong states that "libertarians, both left and right, as well as many non-libertarian egalitarians, find Rawls' focus on social cooperation to be, at best, puzzling ... I also used to find this part of Rawls theory very puzzling. But reflecting on the challenge that left-libertarianism

faces – reconciling self-ownership and equality – has helped me to see that there is a potentially deep and powerful reason for a theory of distributive justice to focus on social cooperation in this way” (Quong 2010: 78-79). Quong emphasizes social cooperation in egalitarian theories of distributive justice and in his own theory of left-libertarianism. Social cooperation is essential to Quong’s new proposal of left-libertarianism because, though he argues for a Rawlsian-inspired conception of equality that regulates the benefits of social cooperation based on a pattern of distributive justice, his crucial point is that social cooperation is freely engaged in. While one must cooperate with others, if one does cooperate, on terms of fairness, one is in no way obligated to cooperate. The importance of this view for Quong is that a conception of equality is grounded in the notion of self-ownership and may provide the basis for a resolution between liberty and equality.

CHAPTER 2

EQUALITY OF WHAT

The Question of Equality in Liberalism

Egalitarian and libertarian theorists disagree regarding what constitutes equal treatment. In this section, I will sketch broadly some agreed upon considerations of equality, as well as the two differing theories of equality in theories of liberalism.

A general distinction can be drawn between two broad ideals of equality: one ideal that grounds Rawlsian theory, and one ideal that is the foundation of classical liberalism and libertarianism. In order to understand Quong's argument and for the purpose of this paper, it is necessary to understand the difference between these broad ideals and how they have subsequently shaped the disagreement among liberal theorists. In *Free Market Democracy*, John Tomasi presents a thorough discussion of this topic. Classical liberalism uses a conception of formal legal equality, where rules are not varied by status and the rules apply equally to all players. Supporters argue that, "under formal equality ... people can enjoy the benefits of social cooperation" (Tomasi 2010: 33). For modern liberal theorists, the principle of formal equality does not go far enough, since individuals enter the world possessing different natural abilities, family lives, stations, and money. Instead, they advocate a "substantive conception of equality" to address these concerns (Tomasi 2010: 34). Dworkin, who advocates 'luck egalitarianism,' examines different substantive conceptions of equality in his book *Sovereign Virtue*

While formal equality, which is the equal procedural treatment of individuals, is also an important component of egalitarian theory, liberal egalitarians move beyond this with added concern for other aspects of equality in people's lives. For egalitarians, justice "requires that we consider the actual availability of goods and opportunities to citizens" (Tomasi 2010: 34). The system of formal equality is where players may play the game under the same rules, but start with different amounts of money. This theoretical concern manifested itself in the early twentieth century during Roosevelt's presidency and the New Deal legislation. In 1944, Roosevelt proposed a second bill of rights, one that "requires that government ensure that citizens receive the support they need to make their freedoms and opportunities real" (Tomasi 2010: 41).

Egalitarian scholars have debated each other vigorously over the metrics of egalitarian justice. A brief overview of some main themes in the egalitarian literature will highlight the disagreements and the 'equality of what?' question.

Review of Egalitarianism

As stated previously, Quong proposes a metric that is restricted only to "things that are specifically produced via systems of social cooperation." In order to develop an account of the strength of Quong's proposed metric, I will contrast it with leading conceptions of egalitarian justice in the literature.

Two concerns are cited in the discussion of proposed metrics in the current literature; equality between whom and equality of what? The first question is more easily answered, at least for the purposes of this paper, as simply the equality between individual citizens, but the second question is much more complicated and contested. Ronald Dworkin identifies two arguments when considering the 'equality of what?' question; do we compare "the well-being

that citizens have achieved” or do we compare “the resources and opportunities they have available for achieving well-being” (Dworkin 2002: 108). While Ronald Dworkin argues for the latter (See his book *Sovereign Virtue: the theory and practice of equality*) other theorists, such as John Rawls, argue for the former. While both sides agree upon general considerations of equality, there are different approaches to the prevalent ‘equality of what?’ question. Three leading conceptions of equality in the current literature, Rawlsian democratic equality, composed of John Rawls and other advocates of his theory, ‘luck egalitarianism,’ and equality of capabilities offer varied responses to these questions.

Reviving the field of political philosophy in the late twentieth century, John Rawls proposed a new approach to justice and egalitarian concerns in his book *A Theory of Justice*, Rawls began by criticizing the utilitarian approach of maximizing welfare, because of its “aggregate character, its unconcern about the pattern of distribution of welfare, which meant that inequality in its distribution called for no justification” (Cohen 1990). He instead proposed primary goods as a metric of egalitarian justice, developing the veil of ignorance mechanism and the derived difference principle to evaluate different societal structures as just or unjust. Economic and society inequalities are only justified if the inequalities benefit the most disadvantaged members of society. Other theorists such as Elizabeth Anderson have argued for similar theories to Rawls-inspired democratic equality, embracing Rawls’ theory of correcting inequality while best preserving the freedom of the individual and achievement in society. Quong embraces a Rawlsian version of equality in his own article on left-libertarianism.

One of the strongest critiques of Rawlsian equality has come from communitarians, namely, Michael Sandel, who has written books and produced lectures on the topic. In *Liberalism and Limits of Justice*, one of Sandel’s strongest critiques is that Rawls’ hypothetical

veil of ignorance is not even possible, because it is impossible to divorce ourselves from our families and our values. Sandel proposes a less restrictive version of the veil that would be more viable. Other critiques have come from classical liberals, libertarians (Nozick 1974), and other egalitarian theorists. The proponents of luck egalitarianism came from an egalitarian criticism of Rawls' theory, since some argued that Rawls did not go far enough in his concern and correction of inequality.

Elizabeth Anderson notes in her article "What is the Point of Equality?" that the egalitarian literature is now dominated by the theoretical position of luck egalitarianism, since many prominent theorists now endorse it, such as Ronald Dworkin, Thomas Nagel, Eric Rakowski, and John Roemer (Anderson 1999: 290). Luck egalitarianism seeks to compensate people for 'bad luck,' misfortune beyond their control, by taking from other individuals' undeserved good fortune. Though some theorists disagree on the responsibility principle, theorists such as Dworkin do emphasize holding individuals responsible for their own decisions, but not circumstances beyond their control, such as race, sex, intelligence, social position, or disabilities.

Ronald Dworkin begins *Sovereign Virtue* by stating "[e]quality is a popular but mysterious political ideal. People can become equal (or at least more equal) in one way with the consequence that they become unequal (or more unequal) in others" (Dworkin 2002: 185). He states that the question of equality requires distinction of the various conceptions of equality, "in order to decide which ... states an attractive political ideal" (Dworkin 2002: 11). Dworkin examines the Rawlsian "distributional scheme that treats people as equals when it distributes or transfers resources among them until no further transfer would leave them more equal in welfare" and proposes another theory which "treats [people] as equals when it distributes or

transfers so that no further transfer would leave their **shares of the total resources** more equal” (Dworkin 2002: 12) [emphasis mine]. Dworkin intends that people should be compensated for ‘brute luck,’ which would be misfortunes that come from an individual’s genetics or other events out of their conscious control. This is distinguished from ‘option luck,’ where misfortune comes from things that were a conscious decision on the part of an individual. It is the outcome from brute luck that should be brought to the egalitarian’s attention and those outcomes, which should be compensated. Another egalitarian theorist, Richard Arneson, identifies four varieties of luck egalitarianism surrounding two major ideas; ‘luckism,’ as he names it, where people are compensated in order to bring them closer together in having the same condition, and prioritarianism, where one acts “so as to maximize the moral value of benefits to humans, the moral value of a benefit to a person being greater, the greater the benefit, and greater, the worse the person’s condition” (Arneson 1989: 2). Critics of the luck egalitarianism approach have objected because of ‘bad tastes’ argument, ‘expensive tastes’ argument, and also on grounds of democratic equality and equality of human relationships.

Continuing beyond Rawls and Dworkin, another round of theorists proposed ‘equality of capabilities’ instead of ‘equality of resources’ as the answer to the ‘equality of what’ metric question. The equality of capabilities approach addresses these two concerns by focusing on substantive freedom; what people are able to do or be in their lives (Sen 1999). Amartya Sen proposed a focus on capabilities, however, it was “not welfare, or not, at any rate, welfare alone, which Sen thought people should have the opportunity to achieve. Instead, he drew attention to the condition of a person (e.g. his level of nutrition) in a central sense captured neither by his stock of goods (e.g. his food supply) nor by his welfare level (e.g. the pleasure or desire satisfaction he obtains from consuming food)” (Cohen 1990). Sen takes into account the

institutional and environmental context in which the individual is operating, such as economic, social, and political factors, which determine what the individual can achieve given his natural endowments. Other theorists such as Martha Nussbaum and Roemer, including Sen, have attempted to develop lists of which capabilities matter for an individual and applications of how to assess these in a society.

Finally, Gerald Cohen and Richard Arneson found fault in the ‘equality of capabilities’ approach led by Sen, though they disagreed on a response. Arneson argues that the “idea of equal opportunity for welfare is the best interpretation of the ideal of distributive equality” (Arneson 1989: 77). He defines equal opportunity for welfare as existing when “among a number of persons, each must face an array of options that is equivalent to every other person's in terms of the prospects for preference satisfaction it offers” (Arneson 1989: #). This limits the compensation to preferences that have been ideally considered. Arneson also takes into account that one’s preferences may change over time by suggesting consideration ‘lifetime preference satisfaction.’ For example, Arneson suggests constructing “a decision tree that gives an individual's possible complete life-histories,” then adding up the preference satisfaction expectation for each possible life history (Arneson 1989:).

Cohen proposed his theory of ‘equality of access to advantage,’ where “individuals are to be held responsible for the consequences of preferences that they have not chosen freely only if the preferences are ‘so intrinsically connected with [the individual’s] commitments that their bearer would not choose to be without them (Cohen 1989: 937)’” (Kaufman 2005: 5). He states his proposal is influenced by Arneson, but argues that ‘advantage’ includes, but is wider than just welfare. While Cohen agrees with Dworkin that equality of welfare does not constitute the

“right reading of the egalitarian aim,” he also disagrees with Dworkin’s revised proposal of equality of resources as the solution.

While theorists argue for different egalitarian approaches, they are still bound by overall concern for achieving the most equality possible while still protecting the freedom of individuals, hallmarks of liberalism. A few leading themes emerge from the rich variety of egalitarian literature. One is that that democratic equality requires some correction of undeserved inequalities, and that just institutions must be in place to carry out these corrections. For some egalitarians, such as Arneson and Cohen, there may not be focused concern on institutions. Another theme is the compensation shouldn’t be taken unjustly, but from individual’s undeserved good fortune or endowments. A final concern is that we should also be concerned with what people are able to do or be in their lives, besides their simple welfare, though there are critiques of this position and a only a subset of egalitarians accept this claim. Overall, there are two general *types* of theories of justice in egalitarian literature; one, procedural theories of justice, and two, allocative theories of justice.

Overview of Left-Libertarianism

Left-libertarians argue that left-libertarianism has deep roots in the history of political thought. Early exponents of some form of self-ownership combined with some form of egalitarian ownership of natural resources include Hugo Grotius (1625), Samuel Pufendorf (1672), John Locke (1690), William Ogilvie (1781), Thomas Spence (1793), Thomas Paine (1795), Hippolyte de Colins (1835), François Huet (1853), Patrick E. Dove (1850, 1854), Herbert Spencer (1851) and Henry George. Recent theorists of left-libertarianism include Allan Gibbard (1976), Baruch Brody (1983), James Grunebaum (1987), Hillel Steiner (1994), Philippe Van Parijs (1995), and Michael Otsuka (1998) (Valentyne 2000: 1-2).

Most distinctively, as mentioned previously, Quong is working within the left-libertarian tradition and with his proposed Rawlsian metric, goes against previous left-libertarian literature, which he admits. Left-libertarians endorse a principle of egalitarian ownership of nature resources in a ‘state of nature,’ which yields significant egalitarian prescriptions, particularly with respect to the global distribution of natural resources. At the same time, left-libertarians endorse full self-ownership in conjunction with the egalitarian principle. Vallentyne defines full self-ownership as individuals owning “themselves in just the same way that they can fully own inanimate objects. This maximal private ownership includes (1) full *control rights* over (power to grant and deny permission for) the *use* of their persons (e.g., what things are done to them), (2) full *rights to transfer* the rights they have to others (by sale, rental, gift or loan), and (3) full *payment immunities* for the possession and exercise of these rights” (Vallentyne 2000: 3). This definition is important to understand since definitions of *partial* self-ownership typically do not argue for transfer rights (e.g. voluntary enslavement). A commitment to full self-ownership, however, does not imply commitment to exclusive property rights, as left-libertarians would argue that an individual “does not lead to unrestricted private ownership of worldly resources” (Smith 82), which is where the commitment to a principle of egalitarianism comes into the picture. This is also a distinction between right-libertarianism and left-libertarianism, as right-libertarians generally argue for self-ownership and exclusive property rights. Right-libertarians such as Murray Rothbard (1978, 1982) and Israel Kirzner (1978) would hold that one can appropriate any unappropriated resources without payment and one can take ownership of whatever unappropriated resources that can be found. This paper will not explore right-libertarianism arguments, but it is a difference worth noting for a better understanding of left-libertarianism.

Diverse views regarding left-libertarianism have grounded diverse conceptions of egalitarian ownership that address ownership of natural resources. One, a left-libertarian might propose that “natural resources might be *owned in common* in the sense that each person is free to use (but not appropriate) them as long as she is not violating the self-ownership right of others,” while a second possibility is that these natural resources may be jointly owned (Vallentyne, Steiner, & Otsuka 2005: 202). If natural resources were jointly owned, this would require authorization for one to use or appropriate the desired resources through some specified collective decision-making process (but this concept runs into difficulty with the objection this is implausible since it implies that even standing in one spot and breathing must require authorization from other society members). Left-libertarians more commonly approach an egalitarian principle of ownership of natural resources by advocating that one can acquire natural resources, but there are enforceable obligations upon doing so. Vallentyne, Steiner, and Otsuka’s article “Why Left-Libertarianism is not Incoherent, Indeterminate, or Irrelevant: A Reply to Fried,” assert that “[t]he distinctive left-libertarian focus also gives rise to substantive differences such as the following: the left-libertarian does not assume that strongly egalitarian principles of distributive justice are to be confined to a territorially closed society of social cooperators, unlike the Rawlsian” (Vallentyne, Steiner, & Otsuka 2005: 215).

Here we can see Quong making significant departures from left-libertarianism. First, Quong is arguing that the proper metric to embrace does not confine an egalitarian principle of distributive justice to social cooperators only, instead of assuming that they are not confined as previously stated. Second, Vallentyne, Steiner, and Otsuka also state any complete theory of justice must answer the question of what rights do individuals have to acquire property rights in previously unowned natural resources. Quong departs from this in that he uses the ‘state of

nature' concept as Rawls does in a heuristic manner. He doesn't address how individuals appropriate un-owned natural resources, since for Quong, the egalitarian requirement is only triggered by social cooperation.

Social Cooperation

Quong invokes the spirit of social cooperation from Rawls' *Theory of Justice* in his own proposal for left-libertarians. Social cooperation is the lynchpin upon which Quong's proposal revolves, and as Quong argues, also plays an important role in Rawls' argument, which justifies devoting some separate analysis to the concept. Quong defines that "a cooperative relationship exists whenever: (a) there is an organized attempt to ensure at least one person benefits from another person's actions (or inactions), (b) where these actions (or inactions) go beyond the mere respect of self-ownership rights, (c) where these actions (or inactions) are not simply gifts or similar one-off interactions, and (d) where a mutually beneficial set of arrangements is possible." (Quong 2010: 80) Rawls' theory is based on the idea of that society is a system of cooperation for mutual advantage between individuals and principles of justice should "define the appropriate distribution of the benefits and burdens of social cooperation" (Rawls 1971: 4). Quong argues that "equality might only regulate cooperative activity that persons have freely engaged in ... we don't force people to interact in order to realize an egalitarian distribution, rather we declare that *when* they interact, they must do so on egalitarian terms" (Quong 2010: 17).

Nozick raised an objection initially against the importance placed upon social cooperation. In *Anarchy, State, & Utopia*, Nozick argued against Rawls' point (and subsequently Quong's) that people should cooperate socially on egalitarian terms. Nozick asks why does social cooperation 'create the problem of distributive justice ... if we suppose, as Rawls seems to, that [non-cooperation] does *not* raise questions of distributive justice, then in

virtue of what facts about social cooperation does these questions emerge?" (Nozick 1974: 185). Nozick uses the example of 'ten Robinson Crusoes' working alone on separate islands making claims on each other in the name of justice, involving transfers of goods, seeking to make the point that there is nothing special about social cooperation that would cause changes in the end distribution.

In *Justice as Fairness*, Rawls responds to this, in addition other criticisms. Nozick's point about non-cooperation versus social cooperation fails since Rawls' theory is a theory of procedural justice, rather than allocative justice (as Nozick suggests with his example of Robinson Crusoes having a claim against one another for transfers of goods). Rawls states that "we reject the idea of allocative justice as incompatible with the fundamental idea by which justice as fairness is organized: the idea of society as a fair system of social cooperation over time. Citizens are seen as cooperating to produce the social resources on which their claims are made. The basic structure is arranged so that when everyone follows the publically recognized rules of cooperation, and honors the claims the rules specify, the particular distributions of goods that result are acceptable as just (or at least not unjust) whatever these distributions turn out to be" (Rawls 2001: 51). Nozick's argument generally fails since Nozick's criticisms apply only to theories of allocative justice, such as luck egalitarianism, which seeks to design a specific distribution of goods designed to compensate individuals for bad 'brute luck.' Since Rawls explicitly designs his theory to realize procedural, and not, allocative justice, Nozick's criticism are therefore not relevant to Rawls's theory. Two separate individuals in a non-cooperative situation would not have any obligation to each other, since neither is benefiting from the benefits of social cooperation under a Rawlsian theory of egalitarian justice.

While obligations of justice disappear for Rawls in a non-cooperative situation, possible moral obligations to one another remain. It is unclear if Quong would agree or not, but he seems to suggest that outside social cooperation the only rights one would have are generated by social ownership. In this particular article by Quong it is not clear if there are moral obligations outside of justice, but it is inconsequential to the main project.

Quong addresses the concept of ‘exiting society’ in his brief response to a potential objection against his proposal. From a libertarian perspective, Quong may be correct in arguing the right to leave society, but there are some issues with his explanation of why this is the case that warrants being briefly addressed. This is an aside from the main project of this paper, but it deserves a few words. The main issue is that Quong frames the Rawlsian project as a choice between the “general egoism of nature (though constrained by the rights of self-ownership) versus an egalitarian form of social cooperation for mutual benefit” (Quong 2010: 86). Quong may or may not believe in a state of nature characterized by egoism, but it is erroneous to describe Rawls’ project in that manner. He seems to suggest that Rawls is Hobbesian, in that Rawls used a concept of a ‘brutish and nasty’ state of nature in his theory, which is not truly the case. Rawls is instead heuristic in his use of a ‘state of nature.’ Rawls writes that the “original position is not, of course, thought of as an actual historical state of affairs, much less as a primitive condition of culture,” but “understood as a purely hypothetical situation” (Rawls 1971: 12). Quong’s reply fails somewhat because of his odd characterization of state of nature ‘egoism,’ and should be more strongly defended. I am not offering a defense of this here, besides that exiting society is plausible given Quong’s accepted commitments.

CHAPTER 3

QUONG'S METRIC; A PROPOSAL

Relevant Left-Libertarian Considerations

There are two different considerations that were raised by Steven Smith in his article “Left-libertarianism and the Search for Consistency and Plausibility,” that seem related to Quong’s project and that I will address. Since Quong embraces a Rawlsian influenced metric, it seems that these questions may merit some more analysis, and whether this causes a significant difference, as Smith argues. First, Smith points out the left-libertarian conceptions of selfhood with “respect of how ‘natural talents’ are viewed have a tendency to collapse into a Rawlsian ‘non-attachment’ assumption of talent-possession which compromises the commitment to ‘full self-ownership’” (Smith 2004: 81). Second, he argues there are areas of “strong normative overlap” between liberal egalitarianism and left-libertarianism and that “Rawlsian echoes are clearly audible” which, for him, casts doubt on the case that left-libertarianism is distinct from liberal egalitarianism (Smith 2004: 81).

Quong already preemptively addresses the objection Smith raises about the distinction between left-libertarianism and liberal egalitarianism. Quong states that it is the question of what *kind* of liberal egalitarians should we be, instead of left-libertarianism versus liberal egalitarianism, which seems to diffuse Smith’s second objection. This instead becomes a non-issue for Quong, which seems intuitively plausible. Considering that both left-libertarians and liberal egalitarians share similar commitments to the broad concepts of liberty and equality in a society, though disagreeing about what that means, there seems no reason why left-libertarianism

must stake out a claim as notably different than liberal egalitarianism. It seems trivial to quibble over this and arguments over whether or not one theory is differentiated enough from another seems to miss the overall point.

The first objection about talent is a little more complex. A commitment to full self-ownership does imply the one is the owner of one's talents and abilities. Quong provides a brief discussion about talents as an example of justice as reciprocity. The exceptional 'good looks' of an individual is not "part of the metric of egalitarian justice, even if it is the result of my genetic make-up which is in Steiner's sense a natural resource" (Quong 2010: 82). The good-looking individual may live in a society where his or her appearance is valued, which is a "benefit of living in a cooperative society with others." The income derived from this, for example income from being a movie star, would be "subject to an egalitarian principle of distributive justice" (Quong 2010: 82). It is unsure whether or not this compromises the commitment to full self-ownership. Quong does not point out any issues and uses the latter example without any obvious problems. A deeper exploration into the concept of self-ownership would be necessary in order to provide the best insight into the objection about talents raised by Smith, and it may be interesting as a tangent to the overall project.

Quong's Metric in New Light

Quong's proposal in left-libertarianism theory is an outlier, since he departs from the typical position of seeking to combine luck egalitarianism with self-ownership. His project seems somewhat confusing at first, since he writes broadly about his proposal. At first, it seems that Quong is proposing an intervention into egalitarian justice; however, his proposal is actually an intervention into *distributive* justice. Quong's currency proposes a different function than the standard egalitarian metric, which is why it is distinct. His currency does not provide an account

of a set of goods that are relevant to people's well being, but rather focuses on the distribution of a cooperative product.

The next few paragraphs will sketch a comparison and contrast between Quong, Rawls, and Dworkin, which highlights the interesting aspects of Quong's proposal and shows the puzzle of attempting to fit Quong's proposal in the category of egalitarian justice. Rawls and Dworkin disagree with one another, but Quong's theory is related to both. Other theorists such as Sen, Cohen, and Arneson are omitted, as they disagree with both Rawls and Dworkin, and consequently, would be working in a different area than Quong, which is why Quong is not considered against their proposals.

As stated earlier, Quong shares with Rawls an emphasis on social cooperation. Quong writes that "all conventional rules regulating private property and trade, the rule of law more generally, and almost all of the benefits associated with the modern legal state are the fruits of social cooperation," and thus are regulated by an egalitarian principle of justice. A notable difference between Rawls and Quong is that Quong uses the currency employed in social cooperation as an output while Rawls uses the currency employed in social cooperation as an input. Rawls sets up his currency, primary goods, as the main input, while Quong's currency is what has been produced in cooperative markets, highlighting the input/output distinction. To clarify the distinction further, Rawls is focusing on defining a fair institutional context which would generate just shares of goods, so the primary goods are 'inputs' into that scheme. Quong wants to determine a fair distribution of goods that have already been generated in an institutional context, so the social cooperative product is the output from the scheme; the next step is how to divide it up.

This distinction can be seen in both theorists' writings. For example, Quong writes that his "principle is a deontic one which regulates the terms on which persons cooperate with one another, rather than one which requires people to cooperate in order that a certain state of affairs be brought about." Rawls sets up his theory where, after agreeing on the principles to regulate societal affairs, the outcome of that agreement is just, instead of defining the metric as the product of social cooperation like Quong does. Rawls invites us to "imagine that those who engage in social cooperation choose together, in one joint act, the principles which are to assign basic rights and duties and to determine the division of social benefits" (Rawls 1971: 11). While Quong does not try to argue that his proposed metric is exactly like Rawls this is still an interesting contrast and shows that Quong is doing something distinct from normal egalitarian justice projects.

Dworkin argues for 'equality of resources' in the equality of what debate and also is a proponent of luck egalitarianism. While one of the main points of Quong's proposal is rejecting luck egalitarianism, Quong's proposal is similar to Dworkin's in that Quong also focuses on resources, or the 'fruit' of social cooperation, as Dworkin does. Quong states "only the goods or advantages that are made possible by cooperating with others that become subject to egalitarian principles" (Quong 2010: 81). Dworkin believes in compensating individuals for inequalities arising from 'brute luck.' Quong does leave his principle of justice that would govern distribution of resources undefined, but he would not agree with Dworkin's methods of distribution of resources, which is a contrast between the two theorists. Dworkin approaches justice as Rawls does, from a pure procedural perspective. Additionally, Quong's metric is still distinct from Dworkin, like Rawls, because Dworkin's currency, the category of resources, is also the main input into cooperative production versus Quong's use of cooperative production as

an output, as was explained earlier. Once again, however, Dworkin defines a fair institutional context to generate just shares of good. Quong's scheme uses the social cooperative product as the output and seeks to find the just way to distribute the goods.

Quong's article initially was puzzling, since he doesn't provide enough content to operationalize what he proposes and it seemed difficult to pin down exactly what Quong actually ends up doing in his theoretical exploration. While Quong, of course, states his argument in left-libertarian terms and how it relates to the left-libertarian project, he intuitively seems to be doing something different than the egalitarian justice he cites in his article. This is shown by Quong's different use of currency.

The main point is that while appearing to make a contribution to egalitarian justice, Quong actually offers a contribution to distributive justice, which is concerned with the form of an acceptable theory of justice. A 'surprise' of Quong's approach is that his proposal actually appears to be distributive in form, instead of a pure procedural theory of justice such as the theories of Rawls and Dworkin. His theory takes this form because it aims to define a specific just allocation of the product of social cooperation, which is the output of the cooperative activity between individuals. While Rawls and Dworkin define their respective currencies as inputs, Quong's is an output, since the goods have been produced through social cooperation. The question for Quong is determining how the goods, or the benefits of social cooperation, are to be distributed after the market process as already occurred. Egalitarian justice is motivated by a desire to provide a measure of well-being and how people are doing in a society, while distributive justice is concerned with determining a just distribution of goods.

What goes into social cooperation, as an input, or is produced from it, as an output, is the currency of distributive justice. Though Quong claims that 'justice as reciprocity' is Rawlsian,

the departure from an egalitarian justice procedural theory to one of distributive justice is an intriguing step. Additional work analyzing distributive justice currencies in left-libertarian literature and how the distributive justice element interacts with the self-ownership element would also shed more light on Quong's work and provide deeper insight into the change he proposes for left-libertarianism as well.

CHAPTER 4

CONCLUSION

Operationalizing Justice as Reciprocity

Finally, what are the next steps? Quong does not present us with an account of justice as reciprocity and instead remains in the realm of a more general statement, which he is entitled to because of the new content of his proposal. An actual account, that is, what distributive principle would regulate the cooperative product, would be the next step in the process of operationalizing the theory to further development his proposal. The question is how the goods of social cooperation would be allocated. An example of an answer is Nozick's argument that the free market should regulate the distribution of goods and services, which means that the outcome of trading with each other is a just outcome, however the goods are distributed. While Quong could potentially argue something similar, given their shared libertarian commitments, it seems that he would propose something different than Nozick's assertion. A interesting project would be to develop a proposal that would fit Quong's commitments in his general theory and to see if ultimately, his insight can be successfully operationalized and used, or if it fails to provide anything that can be useful.

Conclusion

By grounding Quong's proposal among current egalitarianism and left-libertarian literature and analysis of what he actually does by comparing and contrasting to other theories, this paper sought to give his insight more depth and perspective. Also, discovering what

Quong's actual project ends up doing may help to generate additional analysis in the future. A common critique of left-libertarianism is that its' commitments to self-ownership and egalitarianism is inconsistent and incoherent. Inconsistency of principles at that level is troubling for further development at additional levels and is important to resolve, as Quong also believes. Simply saying that the tension between the two commitments can be *almost* fully resolved, as Otsuka appears to believe, is not satisfactory. Quong's contribution is important because he argues that the tension can be fully resolved and whether or not this is truly so needs additional work and development.

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