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ARTICLE

Special Issue: Kahn-Maskivker

Cooperation, Fair Play, and the Non-Struggle Point

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Abstract
In Julia Maskivker's recent "Justice and Contribution," she argues that, under normal circumstances, the failure to guarantee that life-sustaining workers are above the non-struggle point is not merely disrespectful and a failure of beneficence, but a violation of the norms of fair play and, as such, a "low blow." In this article, I offer a critical reply to Maskivker. I begin by explaining her reasoning. Then I turn to critique, focusing on two key weaknesses and, in so doing, drawing out two larger lessons.

Résumé
Dans son récent article « Justice and Contribution », Julia Maskivker soutient que, dans des circonstances normales, le fait de ne pas garantir que les travailleurs essentiels à la vie reçoivent une compensation suffisante pour ne pas avoir à lutter pour leur subsistance (« non-struggle point ») constitue non seulement un manque de respect et un manque de bienfaisance, mais aussi une violation des normes du franc jeu et, par conséquent, un « coup bas ». Dans cet article, j'offre une réponse critique à Maskivker. Je commence par expliquer son raisonnement. Puis, je passe à la critique, en me concentrant sur deux faiblesses clés et, ce faisant, en tirant deux leçons plus importantes.

Keywords: distributive justice; fairness; justice; reciprocity; exploitation; egalitarianism; cooperation

1. Introduction

In Julia Maskivker's recent "Justice and Contribution," she argues that, under normal circumstances, the failure to guarantee that life-sustaining workers are above the non-struggle point is not merely disrespectful and a failure of beneficence, but a violation of the norms of fair play and, as such, a "low blow." In this article, I offer a critical reply to Maskivker.

I begin by explaining her reasoning. Then I turn to critique, focusing on two key weaknesses and, in so doing, drawing out two larger lessons. The first is that, when

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alleging injustice, we must keep in mind, not only the supposed moral failing attributed to the perpetrators, but also the position into which this failing puts the victims — and, more specifically, the fact that these victims might find their alleged position more offensive than their actual one. The second weakness is that, when arguing for injustice, we must be careful in setting up and deploying our thought experiments: it is, unfortunately, easy to appeal to claims about dessert which, on closer inspection, fall to pieces.

2. Terms and Argument

There are three terms that need to be defined in order to understand Maskivker's reasoning. The first, which, as we shall see momentarily, can be used to explicate the other two, is "basis-freedom," which Maskivker explains as

> the control over our life that we gain when we are exempt from the toil that goes into producing the necessities that we need to subsist, and do so decently, because someone else will engage in that labor and grant us the chance to devote time to pursuits that we deem worthy, instead. (Maskivker, 2023, p. 346)

Basis-freedom is, according to Maskivker, necessary in order to thrive, rather than merely to survive: it is only when we have basis-freedom that we are able to set long-term goals, to cultivate deep relationships, and to pursue "worthy life projects" (Maskivker, 2023, p. 346). Only with basis-freedom, the freedom one enjoys when one does not have to struggle to survive, can one employ one's time and higher capacities to pursue the plans that give life meaning.

This understanding of basis-freedom then can be used to help us make sense of the second key term, "life-sustaining worker" (LSW). An LSW is someone whose job provides basis-freedom for society. Maskivker gives various examples of LSWs throughout her article. They include: (a) healthcare workers; (b) shelter producers; (c) clothing producers; (d) food producers; (e) care providers; (f) cleaners; and (g) infrastructure upkeep labourers (Maskivker, 2023, pp. 348, 364, 366). The idea is that all of these workers contribute, in one way or another, to ensuring that people in society can have basis-freedom, even if, as a matter of fact, for one reason or another, not everybody does.

The third term we need to understand is the "non-struggle point," and this, too, can be elucidated through the notion of basis-freedom. If someone is below the non-struggle point, on Maskivker's account, then, even if they are labouring full time and with normal efficiency, they do not have basis-freedom (Maskivker, 2023, p. 358). If someone works full time and with normal efficiency but nonetheless struggles to subsist and to meet true human needs, then they are below the non-struggle point.

Maskivker does not give a concrete explanation of what she thinks an LSW in the world today would require in order to be above the non-struggle point. But, she does maintain that the least advantaged in contemporary societies are not above this point, and there is every reason to believe that Maskivker would say that many, if not most, LSWs today are not treated justly by her lights: her argument is not mere theory — it is meant to be a stern indictment of present-day practices. In asserting that, under normal conditions, it is unjust not to ensure that LSWs are above the non-struggle

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point, Maskivker is arguing that, under normal conditions, those who provide basis-freedom for society must, in turn, be guaranteed this same basis-freedom and, further, that, in contemporary society, this condition is not met.

Maskivker's argument for this conclusion builds on two premises:

> The foregoing reasoning requires that we accept two premises, however. First, it requires accepting that society is a cooperative scheme in a relevant sense, that of dividing labor and multiplying its fruits so that everybody gains, as opposed to a situation in which each of us lives in autarky (à la Robinson Crusoe), satisfying our needs via our own toil without much exchange or interaction with others. Second, it requires that we accept that the cooperation that exists in the making of societal wealth has as one of its (normative) purposes the generation of material conditions necessary for the effective capacity to do things that matter in life and that give it meaning beyond strict subsistence. (Maskivker, 2023, p. 350)

Let us unpack this step-by-step.

First, Maskivker claims that society is a cooperative scheme in the sense that labour is divided, and the fruits of this labour are multiplied, so that everybody is better off. Maskivker's argument for this claim is that the alternative is implausible. According to Maskivker, we either can conceive of society as a cooperative scheme, or we can conceive of society as an aggregate of individuals living in autarky. On this latter conception, we satisfy our own needs without interaction or exchange, like Robinson Crusoe on his island, at least before the arrival of Friday. Because all of us manifestly do interact and exchange goods on a regular basis, it may be inferred that we live in a cooperative scheme, not in autarky — a cooperative scheme in which, again, labour (burdens), and the products of this labour (benefits), are divided so that everybody is better off.

Second, Maskivker asserts that this cooperation should aim to produce the conditions necessary for the pursuit of meaningful goals, goals beyond mere subsistence. Society, according to Maskivker, is a cooperative scheme the purpose of which ought to be the production of basis-freedom. Maskivker has no argument for this second premise, and she admits that the argument for her first premise is thin. Nonetheless, she declines to defend these premises further on the grounds that (a) she does not know of any "devastating objection against these two premises in discussion," and (b) they are both "quite established in the egalitarian literature on justice" (Maskivker, 2023, p. 351).[1] Maskivker's reasoning is that, if there were a devastating objection to either of these premises, then, given their widespread acceptance in discussion, this objection would have risen to the top — and, therefore, because no such objection has appeared, an in-depth defence of these premises is unnecessary.

Maskivker's first move from these two premises is, then, to infer that the distribution of benefits and burdens, if just, must be to every individual's advantage:

[1] There are (*pace* Maskivker) well-known objections (from, e.g., Robert Nozick (1974) and Ayn Rand (1966)) to Maskivker's premises; Maskivker is not entitled merely to take her premises as given, at least not in this context, on the grounds that, among those who are sympathetic to them, they are not contested.

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> for a scheme of cooperation to be minimally fair for all in the two respects mentioned above, the cooperative burdens and the cooperative benefits would have to be allocated in a way that is to everyone's advantage, *at least*. (Maskivker, 2023, p. 351)

In saying that justice requires that cooperative burdens and benefits be allocated in a way that is to everyone's advantage, Maskivker is not saying that everyone will be better off under a just scheme of cooperation than they are now. For example, Elon Musk might be worse off once cooperative burdens and benefits are allocated in the way that Maskivker envisions. Similarly, Maskivker is not saying that, if we were to take the collective sum of everybody's benefits and burdens as a totality, this number will be higher when everybody is cooperating fairly than when there is unfairness. After all, society as a whole might be better off, in this collective sense, if LSWs live (far) below the struggle point. Maskivker's idea, rather, is that every individual will be better off, if cooperative burdens and benefits are allocated fairly, as compared to how well off they would be if they withdrew from society individually, or in coalition with some others, taking with them their equal right to "the earth's natural bounty" (Maskivker, 2023, p. 357).[2] That is, Maskivker is asserting that, if we compare, on the one side, how well off every individual would be under her conception of a just scheme of cooperation with, on the other side, how well off every individual would be if they withdrew from society, perhaps in company with others, taking with them the monetary equivalent of their just share of natural resources, then every single individual will be better off on the first scheme than on the second.

Maskivker's second move is to apply these ideas to current society in order to determine whether our current distribution of goods is fair. According to Maskivker, if we say that everybody is entitled to the monetary equivalent of an equal share of the earth's resources, and if we ask whether the least advantaged would be better off (a) in their current positions or, alternatively, (b) if they withdrew from society with this entitlement and lived on their own, then we may see that they would be better off in the latter condition (in (b)), whence it may be inferred that their current positions are unfair. Here is how Maskivker puts it:

> Suppose that all members of the cooperative scheme that is society are entitled to a monetary equivalent of an initial share of the scheme's raw resources, based on the moral intuition that we all have an equal moral claim to a share of the earth's natural bounty. [. . .] [I]f the least well endowed in terms of skills and bargaining power in society were to withdraw from the cooperative venture with their individual share of resources and decided to live by their own unaided efforts, they would be better off than they are in current society, where they cannot command a living wage. This is so because, as austere as their life in isolation from others would be, it would not be a constant struggle against necessities going unmet *despite hard work*. Robinson Crusoe surely toils — but it pays off. (Maskivker, 2023, pp. 357–358)

[2] Maskivker calls this idea, that everyone has an equal right to the earth's natural bounty, the *Initial Equal Ownership Principle*.

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According to Maskivker, if every individual was given the cash equivalent of their share of the earth's resources and then retired to live on their own, in autarky rather than cooperation, then everybody, least advantaged and most advantaged alike, would have to toil to survive. But, the least advantaged would not be in a constant struggle for necessities — they would have to work, but they would reap the rewards of this labour and, thus, they would not be below the non-struggle point. By way of contrast, the least advantaged in our current society are not paid a living wage; they are below the non-struggle point. So, the least advantaged would be better off retiring from society, with their entitlements, than staying in it. Thus, Maskivker infers that the current distributive scheme is unjust.

Maskivker's third move is to tie this line of reasoning to consent. According to Maskivker, if society is a cooperative scheme, then a necessary condition of its fairness is whether everybody would consent to it under ideal conditions. But, Maskivker asserts, nobody would consent to be below the non-struggle point — not when basis-freedom is possible for all. According to Maskivker, such an arrangement indicates a failure to conform to the rules of fair play — it indicates an exploitative, rather than a cooperative, venture — and, when we focus on LSWs, whose job it is to provide basis-freedom, this failure is especially problematic inasmuch as it represents a direct and unjust failure of reciprocity:

> We take advantage of others — that is, we play dirty with them — because both when we free ride on others and when we fail to reward them sufficiently, we are failing to give members of the cooperative scheme what they ought to receive *from* us given what they do *for* us. (Maskivker, 2023, p. 361)

Maskivker reasons that, under ideal conditions, LSWs from the least advantaged group would not consent to the current distributive scheme and, therefore, whatever consent they give to this scheme is the result of exploiting some weakness to which they are subject — like a poor starting position in life — and any such consent, secured only through exploitation, cannot be normatively binding, whence it may be concluded that any subsequent arrangement predicated upon this consent is unjust. This concludes my exposition of Maskivker's argument.[3]

3. Critique

I am going to develop two criticisms of Maskivker's argument. The first has to do with her conception of basis-freedom and the non-struggle point. The second has to do with her thought experiment and her ideas about our entitlement to the monetary equivalent of an equal share of the earth's resources.

[3] Maskivker goes on, in the relatively short final section of her article, to argue that it is, generally speaking, individual employers (rather than the government) who are responsible for ensuring that LSWs' incomes are sufficiently high to get them above the non-struggle point. For present purposes, I leave this argument aside, not because I think it unimportant or because I find it persuasive, but because it would distract from my main target, i.e., Maskivker's argument about the non-struggle point.

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3.1 Basis-freedom and the Non-Struggle Point

Suppose that we accept Maskivker's conclusion: we play dirty with LSWs because, although, through their labour, they provide us with basis-freedom, we fail to afford them the same. As seen in Section 2 of this article, according to Maskivker, people who do not enjoy basis-freedom — people who are living below the non-struggle point — are incapable of pursuing meaningful relationships or meaningful goals.

In order to see the problem with this, we may begin by observing that, not only people who are struggling for subsistence, but even people who are well below that level, often have both meaningful relationships and meaningful goals. Indeed, concentration camp inmates in Nazi Germany formed meaningful relationships and pursued meaningful goals despite living far below the subsistence level, in constant fear for their lives, on starvation diets, forced into slave labour, and frequently enduring physical and psychological torture. But, if Maskivker's argument is accepted, their pursuit of meaningful goals and relationships should have been impossible.

Maskivker might concede this point, appealing, instead, to the idea that not all meaningful goals are created equal.[4] For example, for Jack Merridew, hunting and killing a pig is a meaningful goal, at least while he is trapped on the island. But this goal requires very little in terms of material support. For Captain Ahab, by way of contrast, hunting and killing the white whale is a (and, it seems, the only) meaningful goal, and this requires having an entire whaling vessel at his disposal. Using this comparison, Maskivker might argue that some meaningful goals are more expensive than others and, indeed, that some meaningful goals are available only to those who are above, perhaps far above, the subsistence level.

This is true. However, Maskivker has not argued that society is obligated to ensure that everyone can pursue the most expensive goals, nor has she argued that society is obligated to ensure that everyone can pursue the same goals (or, perhaps, that everyone can pursue goals from a suite of equally expensive ones). So, it is unclear how this fact — that some meaningful goals are too expensive for some people to pursue — connects with Maskivker's argument. To be more precise, Maskivker's argument builds, first and foremost, on the value of reciprocity. At the core of her argument is the idea that, because LSWs provide society with the basis-freedom necessary to pursue meaningful goals and relationships, society, in turn, must provide this same basis-freedom, and the contributory self-reliance on which it rests, to LSWs. While there might be an argument for the conclusion that, if one person in society can afford to pursue some meaningful goal G, then everyone (or most people) in society must be able to afford to pursue G, that is not the argument Maskivker is making, and it is at least difficult to see how we could get from hers to this (much stronger) conclusion. Thus, we are left with the original problem, that the connection between the non-struggle point and the pursuit of meaningful goals and relationships is not sufficiently robust to support Maskivker's reasoning: there is no foul play, nor is there a failure of reciprocity, when it comes to basis-freedom, for LSWs already have meaningful goals and relationships.

[4] Neither, of course, are all meaningful relationships. But the point is clearer, I think, when it comes to goals.

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Alternatively, Maskivker might argue that, although there is no sharp, all-or-nothing threshold in the relationship between material conditions and the ability to pursue meaningful relationships and goals, it becomes much harder to pursue meaningful relationships and goals when under the pressure of material deprivation, especially when one considers the constant temptations for corruption and misuse of others that it presents (Maskivker, 2023, p. 358).[5] For example, while it is true that some concentration camp inmates pursued meaningful goals and formed meaningful relationships, it is also true that not all did. There are tragic stories about family members, pushed to starvation, betraying one another. There are the Muselmänner, whom other inmates described as having given up all hope and resigned themselves to death.[6] By way of contrast, Elon Musk can afford to build rocket ships that one day might carry people to Mars. The contrast is striking, and even if the difference in ability to pursue meaningful goals and relationships in these contrasting cases is not all attributable to differences in material conditions, surely some of it is.

This is also true. But, again, it is unclear whether the difficulty associated with the pursuit of meaningful relationships and goals that comes with material deprivation can sustain the argumentative load that Maskivker needs to rest upon it — and here we come to the heart of the issue. We may concede that concentration camp inmates were deprived of the ability to satisfy their true needs and, further, that, as a result, their ability to pursue meaningful goals and relationships was attenuated. The problem is that most LSWs in current society are not in conditions that bear any resemblance to a Nazi concentration camp — and, indeed, most LSWs in current society have both deeply meaningful projects and deeply meaningful relationships. This suggests that, even if the pursuit of meaningful projects and relationships becomes more difficult with material deprivation (or, conversely, if their pursuit becomes easier with material abundance — perhaps with some thresholds along the way), the level at which they become sufficiently difficult to pursue, and at which contributory self-reliance becomes sufficiently difficult, for our cooperative scheme to constitute "playing dirty" is far lower than that of most current LSWs.[7]

Maskivker might concede this too. However, she might contend that, even if LSWs in our current society have meaningful projects and relationships, these projects and relationships are not self-chosen.[8] Thus, for example, Maskivker might argue that, society being what it is, those who are in the upper echelons can choose to go to college; can choose any major in college, based on interest; can choose, once in college, to focus on academics, on sports, on recreational activities, or on social ones; and so

[5] I am grateful to an anonymous reviewer for pressing me to clarify this and for giving me some of the prose with which to do so.

[6] However, for an interesting and alternative take on this, see Sharon B. Oster (2014).

[7] There is some indication that Maskivker thinks that basis-freedom and, thus, the non-struggle point are indexed to the technological and economic level of a society, such that what is required for basis-freedom in a poorer, less developed society will be less onerous than what is required for basis-freedom in a wealthier, better developed one (Maskivker, 2023, p. 343). However, the point of the paragraph to which this note is appended is that, even with this in mind, current LSWs are not below this point — current LSWs have deeply meaningful projects and relationships. I would like to thank an anonymous reviewer for pressing me to clarify this.

[8] I would like to thank an anonymous reviewer for suggesting this line of reasoning to me.

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on — and they can do all of this precisely because, given their privileged positions, they will "succeed," at least in the sense that they will not come anywhere close, materially speaking, to falling below the non-struggle point, regardless. By way of contrast, Maskivker might continue, those from the lower echelons of society do not have this freedom: they might not be able to go to college at all; once in college, they might have to split their time between academics, family obligations, and a job (or jobs); and they might feel constrained to choose majors based on future employment and salary data. If, in addition, those in this latter category end up as LSWs, then, Maskivker might conclude, they are exactly the ones she has in mind: their choices have been swallowed up by external factors in ways that the choices of others and, in particular, the choices of others who are better off, have not.

However, as with the previous suggestions I have made on her behalf, this difference in available life-plans is insufficient for Maskivker's purposes. This is not to say that this difference is good, permissible, or fair. Rather, it is to say that, on Maskivker's account, LSWs sustain life and enable basis-freedom, the material conditions for ensuring that meaningful relationships and pursuits are available. They do not provide the conditions necessary for unfettered choice, with no need to think about consequences. Moreover, on any account of what it means for an end to be self-chosen — whether this is explained in terms of having (live) alternatives, in terms of reflective endorsement, or in other terms — it is unlikely that those in the least advantaged group in current society have their choices constrained to such an extent that we justifiably could conclude that they do not have meaningful, self-chosen projects or relationships. It was, after all, a Holocaust survivor who wrote *Man's Search for Meaning*, an enduring guide for even the most downtrodden to find purpose in life.

There is, lurking in the background, a lesson in empathy to be learned here for social activists: in our zeal to help others, or to right some (perceived) wrong, it is all too easy to lose sight of the people we are trying to help. We might, like Emma Woodhouse in her efforts to improve Harriet Smith, thrill at the thought of giving LSWs their due, but we should also step back and wonder who is really dealing the low blow — especially if this due is delivered on the assumption that LSWs, generally, historically and at the present, have been largely incapable of meaningful pursuits. Whereas Emma is guilty of overestimating Harriet, Maskivker might be guilty of exactly the opposite when it comes to LSWs.

This is not to say that LSWs, and especially LSWs in dire economic straits, might not welcome higher wages, or a change, in their favour, to the current distributive scheme — nor is it to say that these things are not due to them. The point, rather, is that an argument cannot be made that LSWs are due higher wages because they do not have the basis-freedom that they provide for society. More, it is to say that LSWs might bristle at the claim that they do not have basis-freedom, or at the portrayal of them as so far beneath the wheel that meaningful, self-chosen projects are beyond their grasp. Indeed, LSWs might complain, with reason, that, if it is disrespectful not to pay them more (i.e., if they are due higher wages, and if the failure to pay these higher wages is a failure of respect), then it is even more disrespectful — perhaps infantilizing — to portray them as so utterly lacking in autonomy as to have meaningless lives, without the possibility of self-driven choice, either in projects or in relationships.

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To summarize: Maskivker faces a dilemma. On one horn, she might stipulate that meaningful goals and relationships are, by definition, those that require some modicum of resources above those of most LSWs today — perhaps not sending rocket ships to Mars or whaling ships after the white whale, but something in that direction. However, if that is how we understand meaningful goals and relationships, then the fact that they are out of reach for most LSWs is not a low blow or a failure of reciprocity. Thus, on this first horn of the dilemma, Maskivker's argument collapses. On the other horn, Maskivker might concede that, although being imprisoned in a concentration camp would make it substantially more difficult to pursue meaningful goals and relationships, most LSWs today are not in concentration camp conditions, and, indeed, most seem to have meaningful goals and relationships. However, if that is so, then the reciprocity that is due to LSWs because of what they provide for society is already satisfied — and to assert otherwise runs the risk of being so condescending as to constitute a low blow. Thus, on this horn, too, Maskivker's argument collapses.

3.2 Maskivker's Thought Experiment and Her Ideas About Entitlement

Even those who are sympathetic to the line of criticism developed above might wonder precisely where, in Maskivker's formalized argument, it gains traction. The answer lies in her thought experiment and, in particular, in the idea that, in order to determine whether the current distribution is fair, we must ask whether anyone would be better off if they retired from society with the cash value of their share of the earth's resources. Recall that, according to Maskivker, LSWs are worse off in society than not, whence it is supposed to follow that we are not playing fairly with them, and they are being exploited, because, under ideal conditions, they would not consent to live in society.

There are two problems with this thought experiment.

The first is that it is not well-formed. There is no way to quantify the earth's resources. This is, in part, because the earth is not a closed system: resources are constantly streaming in and out of our vicinity in very large quantities. However, it is even more so because "resource" is not a simple one-place predicate, referring to stuff-in-the-world. In this context, "resource" refers to stuff with which we can produce something, and the extension of this changes, both because we might suddenly gain access to previously inaccessible stuff, and because we might learn how to use stuff we already had access to in new ways.[9] Examples are helpful here. Sunlight is a natural resource that farmers have used for thousands of years. But, with the advent of solar panels, sunlight became a greater resource, even though it did not become more abundant. Someone living in the first century CE would not have considered weapons-grade uranium a valuable resource, whereas, today, it is more expensive than gold. The quantity of oil on earth has not increased materially in the last 2000 years (quite the contrary), but our ability to access and use it has. Additional issues, which we may leave aside here, include the fact that (a) resources can cease to be such, and (b) resources are often context dependent. Whale blubber used to be a resource for

[9] There are parallels here to other debates. For example, the term "observable" in the philosophy of science and, closer to the present debate, the term "means of production" in Marxism, face somewhat similar issues.

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making candles. But, we no longer require candles for light, nor do we make them out of whale blubber when we use them. In some parts of the world, mud is used to make houses. But, I would not view my backyard as an untapped resource, not even when it is soggy from the rain. The basic point is that, if Maskivker has to begin by quantifying the resources on earth, then she will not get very far.

Maskivker might push back on this point. She might say that we can bypass this step. Instead of figuring out the quantity of resources on earth, in order to figure out how much money everyone deserves, Maskivker might advocate a more direct approach. Sum the total monetary value of all bank and brokerage accounts, as per the annual UBS Global Wealth Report, and then divide that by the world's population, as estimated from census data. Based on this simple equation, each of us deserves roughly US$20,000 (at the time of this writing). Of course, this calculation misses out on various things with monetary value (real estate; cars; cash; precious metals; art; etc.). But, as a first approximation, we seem to be getting somewhere. So, perhaps the thought experiment can be salvaged.

However, the problem is that the value of money depends, to some extent, on the distribution of money and resources. In an airport terminal, there is a captive audience with limited access to goods. So, a soda will often cost more there than elsewhere. In an affluent area, overhead costs are often higher, and people are able to spend more. So, paying for someone to fix a leaky roof will often be more expensive there than in a less affluent area. We can make this concrete by appeal to the Big Mac Index: at the time of this writing, in Switzerland, US$20,000 can buy approximately 2,500 Big Macs, whereas in Taiwan, it can buy more than three times that amount (almost 8,700).[10] Giving everyone an equal share of the resources or the money of the earth might sound good in theory, at least a Marxist theory, but, in practice, it is difficult to make sense of the idea.

Maskivker might reject this. She might argue that the problem I am raising is not about the coherence of dividing up all the money in the world; it is about what people can buy with that money once they have it. Moreover, Maskivker might propose bypassing this as well, perhaps by choosing a single store as an index from which everyone must make their purchases. For example, she might say that we should compare (a) how well off people would be in their current positions with (b) how well off they would be if they withdrew from society with an equal share of the total global wealth that they could use to purchase goods from the Walmart Supercenter at 2110 W Walnut St in Rogers, Arkansas, using prices on date X.[11]

However, this reply misses the force of the problem I am raising. Money has no independent value, and indexing things in the proposed way as much as concedes that. Moreover, pulling in this kind of index makes it less plausible that the thought experiment has the argumentative force that Maskivker attributes to it. To be sure, we can invent, or find, an index, according to which many LSWs will be better off than they are on the current distribution; but, we also can invent, or find, an index according to which many LSWs will be worse off than they are on the current

[10] This way of illustrating the point is somewhat misleading inasmuch as there are more and less expensive parts of Switzerland and Taiwan: the Big Mac Index paints the picture with broad brush strokes.

[11] The address above is that of a real Walmart. I chose that particular Walmart because it is close to the location of the (no longer extant) first one that ever opened.

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distribution. Why think that this shows anything about the in/justice of the current distribution?

We can formulate the point, once again, as a dilemma. On one horn, without more parameters, dividing up resources and/or money in the way that Maskivker proposes is incoherent. On the other horn, once these parameters are added in, the thought experiment has little bearing on fairness.

The last thing I want to say about Maskivker's thought experiment (the second problem gestured at above) concerns her claim about the wellbeing of the least advantaged group if they were to leave society with the money that, according to her *Initial Equal Ownership Principle*, is their due. Suppose we shelve the problems just raised about the coherence of this idea and focus, more simply, on the idea of people leaving society, irrespective of whether they do so with a pot of gold.

Maskivker thinks it is obvious that the least advantaged will be better off if they leave society and work on their own rather than remain in their former positions in society. However, I am dubious. Indeed, it seems to me that retreating to autarky is a surefire way for most people to forgo the very self-reliance and basis-freedom that Maskivker wants to guarantee.

For one thing, the vast majority of people in the Western world, and perhaps the whole world, would not know how to survive outside of the modern economy. Think of the failed utopian communes of the 19th century, such as Fruitlands, lampooned by Louisa May Alcott in her *Transcendental Wild Oats*. Food production, it turns out, is quite difficult for the uninitiated. Moreover, it is notable that these failed communes generally were within well-established societies, meaning that, although they were, to some extent, autonomous, they nonetheless enjoyed the specialized protective police forces that, in Maskivker's thought experiment, people must give up when they retreat from society. The problem here recalls a point John Rawls makes in his discussion of the original position. According to Rawls, living in a society in which one's basic rights and liberties are not guaranteed — in a society in which it is *possible* even for one to be enslaved, regardless of whether one is so — is worse than otherwise (Rawls, 2001, Section 30). But, without the protective police forces that people give up when retreating into autarky, they would be subject to exactly this. Finally, Maskivker is overlooking the fact that we enjoy the standard of living that we do because a comparative few, sometimes working alone, sometimes working together, came up with ideas that changed the world. In retiring from society, most people would be giving up these benefits, from technological innovations (like smartphones and cars) to medical ones (like vaccinations and pharmaceuticals), to mention only a few.

This trifecta — (a) the difficulty and lack of survival skills, (b) the absence of protective police forces, and (c) the absence of innovations — would make retreating to autarky a no-go for the vast majority. A mass dying off of humanity probably would be good for the environment. But, it hardly supports Maskivker's claim that LSWs would be better off on their own: *pace* Maskivker, the least advantaged, and LSWs in general, might be significantly worse off if, in Maskivker's thought experiment, they decide to leave society.[12]

[12] Perhaps we should accept, with Rawls, that inequality is justified when, but only when, it is to the benefit of the least advantaged group, not only because it permits an incentive structure that encourages

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Let us take stock. As seen in Section 2 of this article, Maskivker argues, first, that everybody would be better off in a world in which benefits and burdens are shared justly than they would be if they took their share of the world's resources and retreated into autarky, and she argues, second, that the least advantaged would be better off taking their share of the world's resources and retreating into autarky than they are in the present distribution. From this she concludes that the present distribution is unjust. My criticisms in this section aim to show that (a) the idea of taking one's share of the world's resources and retreating into autarky is incoherent and, (b) people would be very poorly off — far more poorly off than they are in current society — if they retreat into autarky. The first point undermines both of Maskivker's premises; the second undermines her second premise. Taken together, these criticisms undermine Maskivker's attempt to show that our current distribution is unjust. But, there is a larger lesson to be learned from this.

If we want to show that a distribution is un/just, then a thought experiment in which we divvy up our current goods differently and try to determine people's level of wellbeing, although perhaps a worthy, and certainly a tempting, endeavour, is an exceedingly difficult one. It faces hurdles at every step: it is unclear how to quantify current goods; it is unclear how to assign a monetary value to these goods; distributing them in a radically different way threatens to upend these calculations; and determining downstream wellbeing is non-trivial. Perhaps there is a way to justify Maskivker's conclusion, that LSWs in current society are not treated fairly, or a conclusion like it. But, if so, it looks like it will have to take a (radically) different route.

4. Conclusion

In this article, I offered a critical reply to Maskivker's recent "Justice and Contribution," in which she argues that current societies are unjust on the grounds that they fail to ensure that LSWs are above the non-struggle point.

In Section 2, I explained key terms, such as "basis-freedom," "LSW," and the "non-struggle point," and I used these terms to set out the two premises in Maskivker's argument and the inferences she draws from them. In Section 3, I turned to critique. I attacked Maskivker's concept of basis-freedom, and I criticized the thought experiment she uses to show that the current distribution of goods is unjust. I argued that LSWs in current society do have meaningful goals and relationships and that, once this is admitted, it is difficult to see how a reciprocity-based argument, beginning from ideas about the non-struggle point, can motivate Maskivker's conclusion. I also noted that LSWs might find Maskivker's characterization of them, as incapable of meaningful, self-chosen goals or relationships, offensive and, indeed, more offensive than any present material deprivations. Next, I turned to Maskivker's thought experiment, involving a comparison of current levels of wellbeing with levels of

innovation and industriousness that benefits everyone, but also because of the problems of scale associated with Marxism: as soon as a society is so large that people are not, in general, acquainted with their neighbours across town, the trust that is necessary to keep communism afloat, trust that everyone is working according to abilities and taking only according to needs, breaks down — it is not for nothing that Rawls makes both reciprocity and self-interest cornerstones of his system.

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wellbeing in a hypothetical world in which people are given the monetary equivalent of their share of the earth's resources and allowed to retreat into autarky. I noted, first, that this thought experiment is not well-formed: the earth's resources are not fixed, and they cannot be assigned a meaningful monetary value for the purposes of equal distribution. I then argued, second, that most people in current society would be (significantly) worse off if they retreated into autarky: (a) most people in current society do not know how to survive outside of the modern economy; (b) such a retreat would entail sacrificing the protective police forces that, in principle, vouchsafe basic rights and liberties; and (c) such a retreat would require forgoing the (substantial) innovations that pervade modern society.

Suppose that my critique of Maskivker is accepted. What are the implications of this critique for the broader debate about what type of wrongs, if any, are committed toward LSWs in modern society?[13]

If my critique stands, it does not follow that LSWs are not wronged in modern society, nor does it follow that they are; it does not follow that the current distribution of goods is just, nor does it follow that this distribution is unjust; it does not follow that LSWs are owed more, nor does it follow that they are not owed more. What follows, rather, is that Maskivker's attempt to establish that LSWs are wronged, that the distribution of goods is unjust, and that LSWs are owed more, does not withstand critical scrutiny — and, further, that any attempt to get to this conclusion by appeal to ideas about basis-freedom, or by appeal to speculative thought experiments about divvying up the earth's resources and retreating from society, should face an uphill battle — egalitarians and non-egalitarians alike probably need to chart a different course if they want to make their conclusions stick.

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[13] I would like to thank an anonymous reviewer for pressing me to answer this.

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