Introduction

Egalitarianism after Rawls: Choice, Luck, Responsibility and Metaphysics

Perhaps the best way to understand the central motivation behind the dominant strand of contemporary egalitarianism, sometimes termed luck-egalitarianism[1], and the metaphysical problems inherent to it, is to trace its emergence from the seminal work of John Rawls[2].

One of the most influential moves of Rawls' *Theory of Justice*[3] was to emphasise that even a society which boasts formal equality of opportunity – where positions of office and employment are open to all regardless of race, gender, religion, etc – will exhibit substantial material inequality. This is down to what Rawls termed the 'natural and social lotteries'. The social circumstances we are born into, and the natural abilities we are born with, are a matter of luck, and yet have a profound effect on our ability to garner economic reward in a broadly free-market system[4]. The 'natural lottery' sets the talents that individuals have at their disposal to develop and apply in the economic sphere, the 'social lottery' can strongly influence their motivation, and often real chance of success, in doing so. Rawls holds that differences between persons that result from the 'natural' or 'social' 'lotteries' are "arbitrary, from a moral point of view"[5] and should not be allowed to serve, without further constraint, as the basis for additional rewards for the 'winners'.

It is this recognition that the contingencies of nature and social circumstance should not directly affect people's life chances that has inspired luck-egalitarianism. It is Rawls' response to the arbitrariness of social and natural inheritance that has led luck-egalitarians to seek alternative remedies.

This arbitrariness leads Rawls to observe that "no one deserves his place in the distribution of native endowments any more than one deserves one's initial starting point in society". The better endowed, or socially placed, do not deserve the greater economic benefits their advantageous starting point or endowments might allow them to accrue. "The notion of desert seems not to apply to such cases"[6]. We cannot and ought not to allocate rewards on

[1] The term was coined by Elizabeth Anderson, "What is the Point of Equality?", *Ethics* 109 (1999), 287-337. It is itself subject to controversy, see note 39.
[2] This genealogy of luck-egalitarianism follows Will Kymlicka, *Contemporary Political Philosophy,* 2nd Edition, New York, Oxford University Press (2002), Chapter 2. Whether it is an accurate representation of Rawls is contested. See Samuel Scheffler, "What is Egalitarianism?" *Philosophy & Public Affairs* 31, no. 1 (2003), 8-12, 24-31.
[3] Cambridge, Mass.: Harvard University Press, (1971).
[4] Ibid. p. 74-75.
[5] Ibid. p. 71.
[6] Ibid. p.104.

the basis of desert because people's opportunities and abilities to deserve will be unduly distorted by their social situation, inherited character and native ability[7].

Crucially, this leads Rawls to eschew the more general notion that the allocation of resources should be tied directly to choices and efforts[8]. Instead, to combat the inequality that results from the application of the differential bequests of the natural and social lotteries, Rawls proposes that the distribution of rewards should be governed by two conditions: the principle of fair equality of opportunity, which dictates that all groups of society should have access to the same economic and educational opportunities, thus preventing social groups 'hoarding' opportunities; and the 'Difference Principle', which states that inequalities will be tolerated on the condition that they maximally benefit the worse off in society. Under the 'Difference Principle' the economic situation of the worse off is justified, not in light of desert on either their part or that of the best off, but because there is no alternative social order in which the worse off are better off[9].

Now, a comprehensive analysis of Rawls' theory is not necessary to highlight one particular perceived weakness: Rawls' Difference Principle incorporates a serious underestimation of the political power and philosophical importance of choice. The Difference Principle does not ask how the worse off came to be in the position they find themselves in. It does not matter whether they are worse off because they have gambled their resources away, or because they have lost their jobs due to an unforeseeable industrial collapse. Either way they are equally entitled to redistribution[10].

Redistributing resources to those whose shortfall is due to their own bad or reckless choices is notoriously unpopular politically, and the anti-egalitarian right have gained considerable political and philosophical advantage from the argument that theories such as Rawls' indulge the worse off in precisely this manner[11].

Driving their positions towards political and philosophical acceptability, therefore, egalitarians inspired by, yet critical of, Rawls have attempted to incorporate into their theories "the most

[7] Ibid. p. 312. Note that the desert here discussed is 'moral' desert, the kind of 'intrinsic' desert employed in everyday, nontechnical, moral discourse. In contrast, Rawls does allow the validity of the more technical 'institutional' desert, desert on the basis of legitimate expectation, as a basis for claims to reward.

[8] Ibid. §17 & §48.

[9] Ibid. §13 & §14.

[10] The addition of leisure to the list of primary social goods may defuse this criticism, see Rawls *Political Liberalism*, New York: Columbia University Press, (1993) pp. 181–2. I will not address this issue. My aim is to suggest luck-egalitarianism's genealogy, rather than assess the validity of the assumptions made about Rawls' work.

[11] See Samuel Scheffler, "Responsibility, Reactive Attitudes, and Liberalism in Philosophy and Politics", *Philosophy and Public Affairs*, 21 (1992), pp. 299-323.

powerful idea in the arsenal of the anti-egalitarian right"[12], that of responsibility and choice. The central idea is that the rewards people receive, or burdens they bear, should reflect the choices they make. They should be held responsible for the consequences of their choices. Accordingly, the responsibility in question is often called consequential responsibility[13].

Although this new wave of egalitarians share as their starting point the Rawlsian insight that people ought not to be disadvantaged as a result of the natural and social lotteries, the implication they draw from it is the opposite of that of Rawls. Whereas Rawls took the contingencies of birth and circumstance to be a reason to restrict the impact and importance of choice for distribution, the egalitarians that drew on, developed and changed his thought took the very same contingencies to provide a reason to place choice at centre stage. Rawls was concerned that choice and effort might be unduly influenced by the luck of advantageous or disadvantageous social circumstance and native talent, whereas luck-egalitarians have argued that, on the contrary, choice is a suitable counterpoise to the differential effects of luck. We can and ought to hold people responsible for the costs of their choices, argue luck-egalitarians, as long as we do not hold them responsible for the unequal impact of their circumstances.

If someone is worse off than his colleagues because he has chosen to work less in favour of more leisure time, for example, the resulting inequality, luck-egalitarians argue, is unproblematic from the point of view of justice. If, on the other hand, he has worked fewer hours to spend time on a dialysis machine treating congenital kidney failure, luck-egalitarian justice will recommend that he be compensated for his reduced earnings, which are the result of bad luck.

Luck-egalitarians hold that the principle to be drawn from examples like this is that, when it comes to the distribution of resources, choice forms the relevant opposite to chance. Although subject to variation, the general ethos is that when a disadvantage is the result of choice, and to that extent self-inflicted, then it is not a matter of luck, and the protagonist should bear the associated costs himself[14]. When a disadvantage is not the result of choice then luck-egalitarians hold that it is a matter of bad luck, and the unfortunate person ought

[12] G A Cohen, 'On the Currency of Egalitarian Justice', *Ethics*, 99 (1989) p. 933. Henceforth "*OTC*".
[13] Consequential responsibility is concerned with "when and how far it is right that individuals bear the disadvantages and misfortunes of their own situations themselves, and when it is right, on the contrary, that others – the other members of the community in which they live, for example – relieve them from or mitigate the consequences of these disadvantages?". Ronald Dworkin, S*overeign Virtue*, Cambridge, Mass, Harvard University Press (2000), p. 287 (Henceforth *SV*).
[14] The responsibility requirement has been justified on various grounds, including fairness (see esp. Dworkin, *SV*), and desert (see R. J. Arneson, "Egalitarianism and Responsibility", *Journal of Ethics*, 3, (1999) 225–247). A central task of this thesis will be to examine the justification of resting distribution on responsibility.

not to bear the associated costs himself[15]. The concern that people ought not to suffer from disadvantages caused by bad luck, drawn from Rawls, is thereby combined with the typically conservative demand that people bear responsibility for the costs that result from their own choices[16].

The Centrality of the 'Cut'[17]

So everyone is happy. Well, no. In philosophy, as in life, things are rarely that simple. There are a number of hurdles that luck-egalitarianism must overcome if it is to be established as an attractive ideal. Firstly, of course, not everyone agrees that society can sometimes rightfully redistribute resources in the pursuit of a fair pattern of holdings. The luck-egalitarian move to give choice a central role in distributive decisions will only partially appease political libertarians – strict advocates of the minimal state. Certainly political libertarians agree that the state ought not to interfere with the outcomes of individuals' economic choices, but they do not share the luck-egalitarian's background presumption that inequalities grounded in luck justify redistribution.

The examination of this thesis will sidestep that debate, and investigate the success of the move to render the distribution of resources sensitive to choice and responsibility from the point of view of egalitarians. As such, the aim of luck-egalitarianism can be seen, not as an attempt to woo the political libertarian, but to deprive his position of a large part of its power, whilst remaining true to egalitarian ideals. It is the success of this enterprise that shall form the focus of this thesis.

But amongst those prepared to countenance redistribution in the name of equality, there is disagreement about the priority of equality versus competing, non-egalitarian values, such as efficiency or respect for the institution of the family[18]. And even in the smaller group of those who think that the *pattern* of distribution is the primary concern of justice, there is by no means universal support for the idea that the pursuit of material *equality*, tempered by those cases in which inequality is traceable to an agent's responsible choice, is the right pattern.

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[15] A state of affairs is thus to be considered a matter of luck for a person when the person does not stand in a certain moral relationship with that state of affairs, where the moral relationship essentially involves a person in his capacity as a rational agent. See Kasper Lippert-Rasmussen, "Justice and Bad Luck" in *The Stanford Encyclopaedia of Philosophy* (2005), (http://plato.stanford.edu/contents.html). Note also that the kind of luck under discussion is luck that is relevant to justice by affecting a person's interests, whether for good or bad.

[16] Prominent luck-egalitarian thinkers include Richard Arneson "Equality and Equal Opportunity for Welfare", *Philosophical Studies* 56 (1989): 77-93, G A Cohen, *OTC,* Ronald Dworkin *SV* (although see note 53), Eric Rakowski, *Equal Justice,* Oxford: Clarendon Press, (1991), John Roemer, *Equality of Opportunity*, HUP, Cambridge, Massachusetts, (1998).

[17] The term comes from Cohen, *OTC,* p.922.

[18] James Fishkin, *Justice, Equal Opportunity, and the Family*, New Haven: Yale University Press (1983)

Others hold that justice demands 'sufficiency', whereby everyone enjoys a sufficient level of resources to lead a decent life, but further equality is not necessary[19]. Or that justice demands that goods should be distributed in such a way as to give priority to the worst off[20]. Or, departing further from the ethos of luck-egalitarianism, that equality is not so much a question of who has what material holdings, but a matter of equal standing and equal dignity, so that people meet and form relationships with each other as equals, regardless of how much or little they own[21].

In fact, though, the concern with non-egalitarian values, or with differing patterns or visions of distribution need not be incompatible with the luck-egalitarian impulse. Even if equality is only one element of justice, it is still necessary to reach a coherent and attractive reading of it[22]. Equally, priority for the worst off can be combined with a concern that those who are least responsible for their plight have stronger demands for assistance than those who are most responsible for their predicament[23]. Similarly, once sufficiency is achieved, it might be of significance, if not the primary concern of justice, to want to prevent remaining inequalities from being the result of luck, and tie them to responsibility[24]. And a concern with equal standing certainly warns against the dangers of a narrow focus on material holdings, but nevertheless arguably requires that differences in material well-being, even in their secondary role, be regulated by responsibility-sensitivity principles of distribution[25].

If, therefore, we assume (albeit without defending the claim) that redistribution is defensible, and that the pattern of distribution ought to play a role in an account of justice, the variety of distributional ideals that can usefully, or at least consistently, employ the luck egalitarian 'cut' between choice and chance in fact serves to increase, rather than reduce, the importance of that cut being philosophically tenable. More rides on it[26].

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[19] See especially Harry Frankfurt, "Equality as a Moral Idea", *Ethics* 98 (1987), 21-43, but also Samuel Scheffler, "What is Egalitarianism?".

[20] Derek Parfit, "Equality or Priority", *Lindley Lecture,* University of Kansas, Department of Philosophy, (1991).

[21] See Anderson, "What is the point of Equality?", Scheffler, "What is Egalitarianism?".

[22] See G.A.Cohen, *OTC* pp 908-10.

[23] See Richard Arneson, "Luck Egalitarianism and Prioritarianism", *Ethics*, 110, (2000) 339-349

[24] Philosophers such as Hume and Rawls argue that questions of justice do not arise if there is no scarcity of resources. Sufficiency does not equate to plenty, though, and so does not entail the absence of competition over resources. In so far as this is the case, even Hume and Rawls will hold that questions of the justice of the distribution of resources arise. David Hume, *A Treatise of Human Nature*, edited by L. A. Selby-Bigge, 2nd ed. revised by P.H. Nidditch, Oxford, Clarendon Press, (1739-40/1975), bk. III, pt. II, sec.ii, and *An Enquiry Concerning the Principles of Morals,* edited by L. A. Selby-Bigge, 3rd ed. Revised by P.H. Nidditch, Oxford, Clarendon Press (1751/1975) sec. III, pt. I, John Rawls, *A Theory of Justice*, §22.

[25] See Lippert-Rasmussen, "Justice and Bad Luck", op cit.

[26] The argumentative method of this investigation will frequently employ the technique of seeking reflective equilibrium, modifying claims on the basis of their accord with intuition, and vice versa,

Politics, Metaphysics, and the 'Equality of What?' Question

But as well as disagreement over the distributional pattern that luck-egalitarianism works towards, there is also conflict over *what* it is that ought to be equalised (or prioritised, etc). The most influential options are to equalise people's resources[27], or welfare[28], or capabilities[29], or a combination of some or all of these[30]. So, for example, the welfarist luck-egalitarian standardly argues that we ought to neutralise the effects of unequal bad luck on a person's welfare whilst allowing for differences in welfare that result from their responsibility-grounding choices[31].

What it is that we aim to equalise is clearly a vital question. The position taken will have huge practical and principled implications. For example, in terms of practicalities, for a government to assess an individual's welfare will be far more intrusive than simply measuring their resources, since the government will need to know not just what resources people hold, but also how much welfare they get from them. And on more principled grounds, putting welfare at the centre of egalitarian justice will encourage a deeper concern for the quality of an agent's life than will a more narrow focus on an agent's resources. Which route is taken will impact on the remit of government.

The advance of luck-egalitarianism has been to move from 'simple' equality of resources, or welfare, or whatever, to equality of *opportunity* for whatever it is that is to be equalised. If our aim is simply to equalise resources, for example, then we need only to know what resources each individual has. The question of whether they are responsible for having those holdings is irrelevant. As mentioned above, this kind of approach to equality is notoriously unpopular, politically and philosophically. The demand that we equalise people's *opportunity* for *X* means that whether they are responsible for their situation is central to whether

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until a stability is reached that eliminates inconsistency. See Rawls, *A Theory of Justice* pp. 42-45. The reliance on intuitions renders this technique dependent on others sharing those intuitions. That is one reason why this thesis is largely addressed to egalitarians, although the intuitions invoked are also intended to enjoy currency amongst contemporary liberals, and, generally, those who think choice and/or luck should play a central role in an account of justice.

[27] Ronald Dworkin (esp. *SV*) is the pre-eminent exponent.

[28] See esp. Richard Arneson, "Equality of Opportunity for Welfare".

[29] As pioneered by Armartya Sen, see *Inequality Re-examined*, Oxford, Clarendon Press, (1992).

[30] See in particular, G.A.Cohen, *OTC*.

[31] There are multiple readings of how welfare might be construed, ranging from enjoyable mental states, to overall success in life, to preference-fulfilment. Each is subject to controversy (Dworkin's "Equality of Welfare", chapter 1 of *SV,* is the seminal attack on the multiple construals of welfare). I leave this debate aside to concentrate on the question most relevant to *luck*-egalitarianism, whether it is appropriate to hold people responsible for the fact that they are able to attain less welfare from a given bundle of resources than others. I will, for simplicity, take welfare as preference-satisfaction, unless otherwise stated.

redistribution is merited. If someone has the same opportunity for *X* as others, but is responsible for not taking it, then he has no claim for recompense for his deficit of *X*[32] [33].

So all accounts of equal opportunity for *X* require a means by which to assess whether people are responsible for their situation. Regardless of what it is we want to equalise, we need to establish a 'cut' between those inequalities that agents ought to be held responsible for, and those that they ought not.

Significantly, the locus of the cut can be approached from two directions: from the political 'down', or from the metaphysical 'up'. The first route can be characterised as first settling on the answer to the 'equality of what?' question, and then settling on the cut in light of that. If we think it is resources that ought to be equalised, for example, then we need only to know whether people are responsible for the resources they hold. We do not need to know whether they are responsible for the amount of welfare they are able to obtain from their resources. This, though, allows that what people are held consequentially responsible for can come apart from what people are 'really', metaphysically, responsible for. If furnished with an equal share of resources, they may be asked to bear responsibility for costs that arise from aspects of their personality that they did not choose and can do nothing about, for example, such as burdensome religious convictions drilled into them as children.

The alternative approach, which puts the broadly metaphysical before the political, avoids that possibility. The strategy is to ask first to what degree, if any, people are able to freely choose their actions, and manipulate and direct their personality, and then set the cut in light of the metaphysical possibilities and constraints under which people operate. The outcome is a cut that tracks people's ability to affect the costs their personality and behaviour generates. The disadvantages to taking this approach include practical difficulties, in identifying whether 'free' choices have been made, for example, but it has the advantage of avoiding the prima facie unfairness of holding people responsible for costs that they cannot avoid.

The argument of this thesis will be that locating the cut from the opposite direction to the majority of contemporary egalitarians, from the metaphysical 'up', not only avoids the potential disparity between what people are asked to bear consequential responsibility for

[32] There is debate over whether a person's ability to take an opportunity is relevant to whether it is considered an opportunity (a requirement central to Sen's notion of 'capabilities' (*Inequality Re-examined,* op cit.) and Cohen's overall position of equal *access* to advantage (*OTC*)). A central task of this thesis will be to examine the extent to which the metaphysics of choice and the person impacts on a person's opportunities, and the significance of this impact.

[33] Note that the equal opportunity need not be real-time. It can be an ex ante equal opportunity, as advocated by Dworkin, *SV,* Chapter 2.

and what they are metaphysically able to avoid, but also carries further important advantages.

For one thing, an investigation of the metaphysics of choice and the structure of the person can serve to elucidate and clarify the (sometimes covert) metaphysical underpinnings of the more politically driven accounts of luck-egalitarianism. In the case of those approaches, such as equality of resources, that leave a gap between what people are consequentially and metaphysically responsible for, metaphysical investigation can also help clarify the size of that gap, and the burdens that are being placed on those asked to bear consequential responsibility when metaphysically speaking they cannot avoid the costs they are asked to bear. Even if, all things considered, it proves to be attractive to allow this disparity between responsibility seen from the political and the metaphysical level, an understanding of the degree of that disparity ought to feed into that assessment.

Even with those accounts of consequential responsibility that explicitly acknowledge their dependency on metaphysical issues, as with some strands of equality of opportunity for welfare[34], there has been surprisingly little investigation into how that dependency might play out, and how the metaphysics might interact with its political application. Focussing on this interaction, I will argue, uncovers important discrepancies between the usage the metaphysics of choice and the person is put towards, and the usage the metaphysics actually suggests.

Indeed, paying attention to the metaphysical status of choice and the structure of the person suggests a cut, and an answer to the 'equality of what?' question that is importantly different to that suggested by even those positions that are prepared to put metaphysics at their heart. Specifically, I will argue that an understanding of the metaphysics of choice and the person leads to a cut that holds that it is reasonable to hold people responsible for the costs of their behaviour to the extent that doing so does not ask them to contradict their integrity as a person – so that they are not asked to leave unfulfilled, or forced to change, the preferences that are most central to their identity. I will call this position equal opportunity for integrity[35] [36].

[34] In particular, G.A. Cohen, *OTC* and "Expensive Taste Rides Again" in Justine Burley, ed, *Dworkin and his Critics,* Oxford, Blackwell (2004), pp. 3-29 (henceforth *ETRA*).

[35] T. M. Scanlon has argued that what I have characterised as the 'metaphysical' approach to responsibility ought to form the grounds of one kind of responsibility, what he calls 'attributive' responsibility, the correct attribution of moral responsibility to someone for an action, whilst what I have called the 'political' approach concerns a different kind of responsibility, substantive responsibility – responsibility for the cost of behaviour, which corresponds to consequential responsibility. This thesis addresses the question of whether luck-egalitarianism is able to convincingly detach the question of when people should bear the costs of their behaviour from that

The Aversion to Metaphysics

The deliberately metaphysical route I propose to take, though, is not without controversy. There are reasons why contemporary political philosophy has, as a rule, shied away from the usage of metaphysical foundations[37]. A good way to see this is to look again at why Rawls avoided giving choice and responsibility the central role attributed to it by luck-egalitarians.

Primary amongst Rawls' concerns are the kind of broadly metaphysical problems touched on above. Rawls, as noted, was concerned that the 'good character' that drives people to make praiseworthy effort, and good choices more generally, could be the result of the 'luck' of having the right kind of natural endowments or upbringing. Giving choice primacy, as luck-egalitarians do, carries the danger of disadvantaging those who are not the 'winners' of the social and natural lotteries.

But the problem is not just that many doubt whether the metaphysical status of choice – whether it is 'free' from the influences of background and nature – supports its playing the role in which luck-egalitarians employ it. It is also that many believe that the relevant metaphysical issues are intractable, and as such form inappropriate bases for distribution. Distributive justice ought not to be based on such controversial premises[38].

This kind of criticism is levelled both from outside luck-egalitarianism – from those who reject the approach, and from within – by those who aim to construct a responsibility-sensitive egalitarian distribution without appeal to controversial metaphysical claims. Whatever the merits of the argument from outside, when applied internally there is a reason for thinking it importantly unsatisfactory. Many suspect that the appeal of giving responsibility a central role in distribution derives from the intuitive appeal of 'genuine', metaphysical libertarian, choice[39]. Why, the question runs, ought responsibility to determine whether some should

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of whether they are metaphysically or attributively responsible for that behaviour. *What We Owe to Each Other*, Cambridge, MA: Harvard University Press (1998), pp. 248–251.

[36] When referring to an agent's 'personality' and 'identity' I mean, broadly, the complex of attributes that characterise a unique individual. By the 'self' or 'person', I am referring to the corresponding metaphysical entity. A core task of the thesis is to clarify how luck-egalitarians should understand and use these concepts.

[37] Exceptions to this rule include Matt Matravers, "Responsibility, Luck, and the 'Equality of What?' Debate", *Political Studies*, 50 (2002):558-572, and Susan Hurley, *Justice, Luck and Knowledge,* Oxford, OUP, (2003).

[38] See John Rawls, "Justice as Fairness: Political not Metaphysical," *Philosophy and Public Affairs* 14 (1985): 234-44 and, R. Dworkin, *SV,* chapter 2.

[39] Samuel Scheffler, "What is Egalitarianism?". Metaphysical libertarians argue that free will is logically incompatible with a deterministic universe and that agents have free will, and that therefore

have more than others, unless it is a question of what people are 'really' responsible for – ie based on the expression of unconstrained agency of the kind intuitively thought to represent 'free will'?

The insinuation is that egalitarians who advocate a distribution based on the distinction between chance and choice, yet allow no role for metaphysical foundations, are covertly helping themselves to the appeal of 'genuine' choice, without acknowledging the metaphysical complexities and controversies that accompany it.

Analysis of the metaphysical underpinnings of luck-egalitarian responsibility may not comprehensively resolve the debates that critics reject as intractable, but it can clarify the metaphysical claims invoked (even by those who claim not to be invoking them), and assess both their metaphysical plausibility and their suitability for grounding the judgements of responsibility their proponents assume. So long as egalitarians put responsibility at centre stage they need to explain what it is that gives significance to the basis – whether 'genuine' free choice or not - on which responsibility is attributed[40].

This thesis will argue that the appeal of choice and responsibility cannot be explained without recourse to the metaphysics of choice and the structure of the person. In doing so, it will remove the suspicion that the move to render egalitarian distribution sensitive to choice is driven by political hijacking of the appeal of 'free' choice, demonstrating instead that it can be rooted in a plausible account of the metaphysics of choice and the person.

In taking this route, though, this thesis has to navigate a path around another objection, one that follows on from the suspicion that luck-egalitarianism gains its appeal from 'genuine' free choice. If it is 'genuine' choice that underlies the appeal of resting distribution on responsibility, this has the implication that, if hard determinism should hold, and genuine free choice is impossible, then no one will be consequentially responsible for anything[41]. This implication has been taken by some as a kind of *reductio ad absurdum*. We cannot and should not embrace a political philosophy with the potential consequence that we must abandon the possibility of making differential attributions of responsibility[42].

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determinism is false. Galen Strawson, "Free will", in E. Craig (Ed.), *Routledge Encyclopedia of Philosophy*. London: Routledge (1998, 2004).

[40] For an argument that metaphysical claims cannot be avoided in political attributions of responsibility, see Matt Matravers, "Responsibility and Choice" in *Scanlon and Contractualism*, London, Frank Cass Publishers (2003).

[41] Hard determinism argues that people are completely governed by natural laws and are therefore not responsible for what they are or for what they do.

[42] See S. Scheffler, "What is Egalitarianism", and R. Dworkin, *SV*, chapter 7.

One response to this criticism is to argue that it is not in fact a *reductio*. It is not only perfectly consistent to hold that, should 'genuine' choice not be possible, then we must abandon our current understandings and uses of responsibility, but logic demands that we do so. If our usage of responsibility is based on the assumption that we make our choices 'freely', but libertarian 'free' choice proves impossible, then we must abandon our usage of responsibility.

Such a strategy risks descending into claim and counter-claim between those that think that practices regarding responsibility ought to be maintained even in the face of metaphysical facts about choice, and those who hold the opposite. This thesis will take a more subtle approach, unravelling the strength of the putative dilemma by proposing a reading of consequential responsibility that, though based on the metaphysics of choice and the person, does not rely on 'genuine' choice. Avoiding the use of controversial notions of freedom avoids the risk that our practices of making differential ascriptions of responsibility might be invalid, and also serves to draw the sting from those who hold that distributive justice should not be beholden to metaphysical controversies.

From the Metaphysics of Choice to the Metaphysics of the Person

The move away from 'genuine' choice is inspired by a growing recognition within luck-egalitarianism that although the presence of choice plays a central role in many ascriptions of responsibility, its role is not always decisive. Whether a preference is chosen sometimes seems less important than whether the agent identifies with that preference. Religious devotion provides a good example[43]. When assessing an agent's responsibility for the advantages or disadvantages that might arise from religious devotion, it seems to matter less how the agent came upon his devotion – whether it was instilled in him through upbringing or entered into, undirected, later in life – than whether he identifies with his devotion. If he identifies with it, welcoming it as part of his identity, then it seems unnatural to hold that his devotion is only his responsibility if chose to develop it. Doing so seems to fail to respect his integrity as a person[44].

[43] T.M. Scanlon, "Preference and Urgency", *Journal of Philosophy* 72 (1975): 655-669.

[44] Note the assumption here and throughout the luck-egalitarian debates that people are consequentially responsible for the outcomes of actions only if they are also responsible for the preferences from which those actions flow. Following suit, I will adopt this presumption. Chapter 1 will demonstrate the difficulty, for *consequential* responsibility, of allowing responsibility for choices without responsibility for underlying preferences. See Barry, B, "Chance, Choice, and Justice", in his *Liberty and Justice: Essays in Political Theory 2*. Oxford: Oxford University Press (1991), pp. 142 – 58 at 156.

Recognition of the important role that considerations of integrity - of the significance of preferences to a person's identity - can play in ascriptions of consequential responsibility, though, introduces its own set of controversies. The issue focussed on in the literature has been the appropriate response to an agent's identification. Some have argued that, if a person identifies with a preference, then he ought to be held responsible for its cost, since he himself will regard it as his responsibility[45]. Moreover, since he welcomes the preference, he cannot coherently claim compensation if it is unusually expense to satisfy, since he regards it as good rather than bad luck that he has that preference[46]. Others, though, have drawn the opposite conclusion. People ought *not* to bear responsibility for the costs of the preferences they identify with, because when an agent sees a preference as a central part of who he is this means that, should he be unable to fulfil that preference, he will experience alienation[47].

Once again, though, these important arguments have been made with only cursory reference to the metaphysical underpinnings of the crucial measure – in this case identification with a preference[48]. The central issue for identification as the basis for attributing responsibility regards the relationship that identification is meant to signify between the preference that is identified with and the 'identifying' self. What must that relationship be to plausibly ground ascriptions of responsibility?

Luck-egalitarians have tended to speak of identification as simply a matter of the agent approving of a preference. The difficulty, though, is that mere approval of a preference does not seem a strong enough basis to ground the conclusion either that an agent is prepared to accept responsibility for its cost, or that non-fulfilment of that preference will induce

[45] Following the literature, a 'preference' will denote all of: what a person finds pleasant or unpleasant; what a person sees as a reason for acting, thinking or feeling a certain way; and the aims, goals and policies a person adopts. See T M Scanlon, "Justice, Responsibility and the Demands of Equality", in Christine Sypnowich, ed. *The Egalitarian Conscience,* Oxford, OUP (2006): pp. 70-90. Where there is no indication to the contrary, 'preference' will be meant as an umbrella term incorporating all three variations. Note also that, again following the literature, 'taste' and 'preference' will be used interchangeably.
For simplicity, most of the debate of the thesis will centre around responsibility for the cost of fulfilling 'preferences', although where relevant, I will specify more precisely when other mental elements are involved.
[46] Ronald Dworkin, *SV,* Chapter 7, see also Matthew Clayton, "The Resources of Liberal Equality", *Imprints*, vol. 5, no. 1, (2000): 63-84.
[47] G A Cohen, *ETRA*.
[48] Note that the sense of 'metaphysical' at play here is importantly different to that relevant to discussions of 'genuine', free, choice. The latter case is one of metaphysical status, of the possibility of free choice existing outside of the determined causal order, and the related question of how such choices can nevertheless interact with the 'normal' causal order. In the case of grounding identification the metaphysical issue is not one of special metaphysical status whose truth may be a priori, but rather the empirical matter of the composition and inter-relation of the components of the self or person.

alienation. It is fully possible to approve of preferences that one nevertheless does not attach importance to.

To avoid these problems, and to enable identification to play the central role for which luck-egalitarians have begun to employ it, a more discriminating account of a preference's embeddedness within an agent's personality is necessary. Additionally, because identification can be distorted by any number of factors, from fashion to brainwashing[49], a clear understanding of when an agent's identification is authentic in its origins, and when not, is required. Filling a gap left by luck-egalitarians, I will provide a structural and procedural account of identification and authenticity that is grounded in a particular reading of the structure of the self and its mechanisms of change[50].

This exercise, though, has a broader importance than simply providing the groundwork needed by existing accounts of luck-egalitarianism. It points to a revised understanding both of where the luck-egalitarian cut should lie, and of why it is attractive to base distribution on that cut. A more developed understanding of identification with preferences highlights two salient points. Those tastes that are identified with a) have a particular importance for the person; and b) are not standardly subject to choice, rendering their cost a matter of luck. Protecting people from the differential impact of luck, then, involves sheltering people from the cost of the preferences they most identify with, should they be expensive. But the motivation for doing so lies in the importance of respecting the integrity of the person rather than the value of 'genuine' choice.

The question that arises from this revised understanding of luck-egalitarianism is what role, if any, remains for choice as the basis for responsibility. Again, my argument will be that the structure of the self and its means of change suggest an answer. Where people are, or have been, able to change their preferences without undermining the integrity of the self, it is reasonable for them to bear responsibility for the associated costs. That responsibility is not predicated on any claim that those preferences are 'genuinely' chosen, however, but on the basis that each of us has a responsibility not to impose costs on others. If we can avoid placing costs on others without undermining the integrity of our selves, as will be the case with regards to non-integral preferences, then we have a responsibility to do so or to otherwise bear the costs ourselves.

[49] For seminal discussion, see G. Watson, "Free Agency" *Journal of Philosophy,* 72 (1975), 205-20.
[50] My argument will be that luck-egalitarian accounts of the authenticity of personality are inadequate rather than entirely absent. See the summary of chapter 2 below.

An understanding of the interaction of luck with the structure of the person thus suggests a cut and a justification of luck-egalitarianism that is importantly different from what has been advocated previously.

The Argument

Given that the approach of this thesis is to shed light on the luck-egalitarian cut by examining its foundations, it will centre on the work of the two authors who have paid the most attention to this aspect of luck-egalitarianism, and who take diametrically opposed stances on how and where the cut ought to be located: G A Cohen[51] and Ronald Dworkin[52]. Cohen is the leading advocate of metaphysically grounded luck-egalitarianism, whereas Dworkin takes a deliberately non-metaphysical approach. Not coincidentally, the two authors are also leading representatives of two prominent but opposing schools of thought on the 'equality of what?' issue. Cohen is an exponent of (variations upon) equality of opportunity for welfare, Dworkin the pioneer of equality of resources[53]. Focusing on their work therefore not only serves to bring to the fore the two principal approaches to rooting consequential responsibility[54], but also shows that the debate lies at the heart of contemporary egalitarianism.

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[51] *OTC*, *ETRA*.

[52] *SV*, also "Sovereign Virtue Revisited', *Ethics,* 113, (2002) 106-143, "Equality, Luck and Hierarchy", *Philosophy & Public Affairs,* 31, no. 2 (2003), 190-198 and "Ronald Dworkin Replies", in Justine Burley, ed.*, Dworkin and his Critics.*

[53] Sen's 'capabilities approach' has perhaps been more influential than either, particularly in welfare economics. I will not address this approach because it is deliberately silent regarding the basis of responsibility. My investigation will have a relevance to that deficiency, although I shall not explore that relevance here.

[54] John Roemer proposes an alternative (*Equality of Opportunity* op cit.). Each society should decide on the locus of the cut itself. His proposal is "not metaphysical, in the sense of trying to solve the deep problem of what *actually* is beyond a person's control; it is political in the sense that it depends on the current views of the society in question." Roemer's suggestion introduces an asymmetry. A society should accept that there *is* a cut between responsibility and luck and implement schemes to negate the influence of the latter, but decide itself where that cut ought to lie. As observed by Scheffler ('An Unfunded Mandate', *Boston Review,* April/May 1995, www.bostonreview.net) "the result is a partial relativism which represents… a compromise between a more thoroughgoing relativism that leaves everything for social decision [including whether to distribute on the basis of a cut] and a non relativistic position that is willing to defend a particular version of the distinction between choices and circumstances." Roemer expects a community to find non-arbitrary means to locate the cut, without providing any. This thesis plugs that gap.

Equally significantly, both authors have given, particularly in recent work, the integrity of the person a crucial role in their theories, although drawing very different conclusions from its importance. Using their work as the basis of this investigation thus incorporates this important development in luck-egalitarian thought, which demands an examination of both the metaphysical underpinnings of the integrity of the person and their bearing on consequential responsibility.

While taking these political positions as a starting point, this thesis will bring tools from other areas of philosophy to bear on luck-egalitarian controversies, particularly from contemporary metaphysical debates around free choice, and debates from the philosophy of mind and action on the structure and authentic development of the person. These fields provide insights that transfer into, clarify, and transform, the political debates.

Chapter 1 will address probably the most intuitively attractive reading of the cut, that between chance and choice. This is the cut that most transparently embodies the aim of neutralising the effects of luck whilst allowing differences between people that are due to choice. And it holds that doing so is attractive so long as choice is understood as metaphysical libertarian 'genuine' choice, which embodies responsibility-grounding agency. This is the cut on which the early Cohen bases his defence of equality of opportunity for welfare[55].

This cut obviously relies on the establishment of a plausible metaphysical account of 'genuine' choice, and, particularly, of how such choice grounds consequential responsibility. What is required is both an account of how libertarian choice might plausibly occur, and also an explanation of how such choice might *intelligibly* ground an agent's responsibility for that choice. The challenge is establishing how a 'free' choice can be independent of a person's existing (determined) character whilst the form the choice takes remains intelligibly under his control.

To establish the tenability of such an account, I will examine the metaphysical libertarianism of Robert Kane. Kane's account merits attention not only because it is arguably the most influential contemporary account of metaphysical libertarianism, but also because it brings to the fore the relationship between continuity and change in the self, a theme that will be relevant throughout this thesis.

[55] Which forms the centre, but not the totality, of his position of 'equal access to advantage', where 'advantage' is understood to include, but extend beyond, both welfare and resources. *OTC*.

My conclusion will be that the twin requirements of independence from existing motivations *and* intelligible control over a decision pull apart strongly. In order to maintain coherent, continuing, identities each of us has a strong interest in changes to our personality interconnecting appropriately with our ongoing values, projects, etc. 'Genuine' choices, which are, by definition, made in the absence of any decisive consideration, might be possible, but cannot plausibly ground consequential responsibility for changes to a person's ongoing identity.

In light of the inability of perhaps the most plausible account of genuine choice to ground consequential responsibility, **Chapter 2** examines what is in some ways the opposite approach: a cut that rejects the use of metaphysical bases. This approach, developed by Ronald Dworkin[56], takes as amongst its starting points the conviction that consequential responsibility ought not to be based on controversial and intractable metaphysical claims.

Instead, consequential responsibility ought to mirror what we hold people responsible for in everyday ethical practice. This means that we ought to hold people responsible for their personality as a whole, rather than artificially break it down into parts that are and are not 'genuinely' chosen. Correspondingly, what ought to be equalised are the resources with which each person approaches his life. Each person ought then to be held responsible for the resources he has, regardless of whether he has inherited expensive ambitions or preferences.

Another feature of ethical practice is that people are not held responsible for aspects of their personality that they see as alien, such as cravings and obsessions. Dworkin holds that politically, we ought to follow suit. But the other side of the coin is that, as long as his personality is formed authentically, when a person does identify with an aspect of his personality he cannot claim compensation for it should it be expensive. He is glad he has it, and accordingly cannot reasonably argue that it is bad luck that he faces the expense.

The argument of the chapter will be that Dworkin's 'metaphysics-free' cut is unsuccessful. Everyday ethical practice does not support his personality/circumstances cut, and

[56] *SV,* esp Chapter 2. It is noteworthy that Dworkin denies that the term luck-egalitarianism applies to his theory, see "Equality, Luck and Hierarchy". The reason relates to his desire to locate his egalitarianism in a broader picture of what he regards as a practical (not just principled) account of justice, in which the goal of neutralising luck is significantly refined, and arguably reduced. My reasons for considering him a luck-egalitarian centre on his insistence that "the general goal of equality of resources" is "that distribution should be sensitive to choice but not to circumstance" (*SV,* p. 334). As such his theory cannot avoid questions about the appeal and nature of choice and responsibility.

identification and authenticity, in the weak 'non-metaphysical' form Dworkin advocates, cannot provide plausible foundations for consequential responsibility.

This, nevertheless, leaves open the possibility that revised accounts of identification and authenticity, more deeply rooted in the self, might be able to perform the role more successfully. I take this as a motivation for investigating the two notions more thoroughly.

That motivation will be enhanced by the conclusions of **Chapter 3.** This chapter will develop a cut that incorporates and develops key lessons from the examination of the two positions so far considered, as well as embracing an important development in luck-egalitarian thought. In light of the failure of 'genuine' choice to form a plausible basis for judgments of consequential responsibility, it adopts the presumption that people ought ordinarily to be held responsible for the costs of their life plans, irrespective of whether are 'genuinely' chosen. Moreover, it embraces the insight that an agent's identification with a preference can be more relevant to responsibility than the question of whether it was chosen. What it adds, though, is a radical new dimension to this insight: the appropriate response to identification with a preference, should it prove expensive, is to offer compensation.

This step, inspired by the later work of G A Cohen[57], can, I will argue, be rooted in two aspects of identification. Firstly, the structure of the self and its mechanisms of change mean that people are, ordinarily, passive in the process by which they come to the preferences with which they identify, rendering the costs of those preferences a matter of luck. Secondly, identification demonstrates the importance of a preference to its bearer, giving a reason to provide an equal opportunity to fulfil it.

Preferences that are not identified with, on the other hand, 'brute tastes', do not have the same significance to their bearer, nor are people so constrained in forming or shedding them. It is therefore, standardly, reasonable to ask people to take responsibility for the costs of their brute tastes. It is appropriate to hold people responsible in such cases, not because their choices are unconstrained expressions of agency, but because they are able to play the role of responsible guardians of their personality and its cost.

The position I advocate maintains the conditionality that is essential to an opportunity ideal. Although when authentic people are passive in the process by which they arrive at the tastes that are integral to their person, they are also able to deliberately manipulate these tastes – perhaps to take advantage of compensation. In such cases, they will be held responsible for the costs themselves. Compensation is conditional on the taste being authentic. In parallel,

[57] *ETRA*

whilst people are expected to bear the costs of their brute tastes, they are excused from doing so if they are unable to change these tastes and were unable to avoid forming them. I call this ideal equal opportunity for integrity.

Chapter 4 will carry out the broadly metaphysical investigation that both equal opportunity for integrity and Dworkin's equality of resources require. It will sketch a picture of the self that provides accounts of the key notions employed in the political debate – identification, authenticity, integrity and choice. The plausibility of this picture of the self, however, will for the most part be established from the bottom up rather than the top down: although the problems that arise in the political usage of these notions will inform the investigation, an independently plausible account of the structure and functioning of the self will be developed, that will suggest how identification, authenticity, integrity and choice ought to be understood.

Although the constraints of space prevent a full investigation, I will sketch a picture of the self that holds a taste to be both authentic and integral to an agent's personality if it plays an ongoing co-ordinating role in the agent's life over time, is formed in accordance with judgement, and coheres with the other integral parts of personality. Identification is to be understood as approval rooted in an agent's integral, or central, self.

Chapter 5 assess the implications of the picture of the structure of the person and its mechanisms of development sketched in Chapter 4 for the competing visions of the luck-egalitarian cut. In particular, it will address two key issues: whether identification with a preference can justify responsibility for or exemption from its cost, and what the impact of a presumption of responsibility for costs, or the opposite, might be on the authentic development of personality.

The conclusion will be that, when given a fuller understanding, identification does not provide a convincing basis for responsibility for costs. Moreover, strict demands for people to bear the costs of their life plan can undermine the authentic development of the person.

In contrast, allowing people not to bear the costs of their integral preferences allows them to develop their personality authentically. Under such conditions, identification can provide a stronger basis on which to base distribution. But since the process by which people arrive at the preferences with which they identify is passive, rather than active, their cost is largely a matter of luck. Luck-egalitarians should therefore be minded to provide compensation if those preferences are expensive.

The chapter will finish with an assessment of how a distribution that protects people from the cost of the tastes they identify with might be implemented. Two approaches will be considered: hypothetical insurance, which mirrors in the tax system the contributions and payouts from insurance people would take against the possibility of developing expensive integral tastes; and practices of accommodation, which are targeted exemptions from consequential responsibility, such as universal provision of subsidised maternity leave.

The problems inherent to either technique will prompt a final assessment of the priority of respecting the cut suggested by the structure and development of the person in the face of competing considerations, such as practicalities. My argument will be that the power of the choice/chance distinction cannot be harnessed without appeal to the metaphysics of choice and the person. Departures from the distribution suggested by that metaphysic will result in an injustice for any ideal that takes that distinction as its starting point.

The **conclusion** of the thesis is that a focus on the metaphysics of choice and the structure of the person is necessary to provide a defensible basis for luck-egalitarian responsibility. A closer look at how luck affects the person and choice, however, suggests a cut in which choice plays a less prominent role than is initially suggested by luck-egalitarianism. Choice is not a pre-requisite for responsibility. Rather a presumption of consequential responsibility for preferences is justified on the grounds that it protects people from bearing the costs of the lives of others. This presumption holds where people are able to manipulate and change their personality to avoid costs without undermining the integrity of their person. Where people are unable to avoid costs, bound by inability or integrity, though, they ought to be insulated from the bad luck of having expensive preferences.