INFORMATION TO USERS

This manuscript has been reproduced from the microfilm master. UMI films the text directly from the original or copy submitted. Thus, some thesis and dissertation copies are in typewriter face, while others may be from any type of computer printer.

The quality of this reproduction is dependent upon the quality of the copy submitted. Broken or indistinct print, colored or poor quality illustrations and photographs, print bleedthrough, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send UMI a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.

Oversize materials (e.g., maps, drawings, charts) are reproduced by sectioning the original, beginning at the upper left-hand corner and continuing from left to right in equal sections with small overlaps.

ProQuest Information and Learning
300 North Zeeb Road, Ann Arbor, MI 48106-1346 USA
800-521-0600

Université d'Ottawa • University of Ottawa

Doctoral Dissertation:

The Limits of Responsibility in Liberal Egalitarian Theory

Submitted by: Jason P. Blahuta

Advisor: Dr. Hilliard Aronovitch

Institution: University of Ottawa

Department: Philosophy

Date: July 15, 2001

ABSTRACT: The Limits of Responsibility in Liberal Egalitarian Theory

The critical object of this dissertation is to show that major liberal (and libertarian) theories of distributive justice are unsatisfactory because they rely on highly problematic conceptions of the self. What is problematic is that, in one way or another, they cannot support a proper conception of individual autonomy and personal responsibility. Constructively, the project therefore seeks to sketch a conception of the self that will reconcile as far as possible individual autonomy, and personal responsibility, with egalitarian concerns in distribution. The practical outcome is a revised version of the starting-gate theory, that is, the theory holding that a just distribution of wealth can only be achieved through restricting inequalities in earnings and wealth by the need to preserve ongoing conditions of equality of opportunity, but by no more than that.

Thus, the most general theme of the dissertation is the foundational role of theories of the self for conceptions of economic distribution; the connecting element and argumentative strategy centers, both critically and constructively, on notions of individual autonomy and personal responsibility; and the specific positive result is advocacy of a version of the starting-gate theory because of its suitable underlying or implied conception of the self as regards individual autonomy and responsibility.

The Limits of Responsibility in Liberal Egalitarian Theory

Table of Contents

Introduction

Over the last three decades major liberal theorists have proposed different theories of distributive justice, that is, of how liberal democracies should or should not redistribute wealth among their citizens. However, this project in liberal theory has never received a satisfactory resolution because none of the major theorists who have tackled it have articulated a coherent conception of the self which is presupposed by liberal democracy, and the present trend away from metaphysical answers towards political solutions has made thinkers more vague than ever in their comments regarding what constitutes the liberal self. Presumably, a liberal principle of justice cannot be coherent if it does not respect personal autonomy. Yet I will argue that disrespecting the personal autonomy of individuals is precisely what the distributive schemes of John Rawls, Ronald Dworkin, and Robert Nozick do. Far from a technical matter of interest only to metaphysicians, the self, I shall show, is the key to any liberal theory, for the conception of the self determines to what extent responsibility is possible, and consequently whether or not claims of entitlement or desert have any strength.

This dissertation seeks to be both critical and constructive. The critical object is to show that major liberal (and libertarian) theories of distributive justice are unsatisfactory because they rely on highly problematic conceptions of the self. What is problematic is that, in one way or another, they cannot support a proper conception of individual autonomy and personal responsibility. Constructively, the project therefore seeks to sketch a conception of the self that will reconcile as far as possible individual autonomy, and personal responsibility,

with egalitarian concerns in distribution. The practical outcome is a revised version of the starting-gate theory, that is, the theory holding that a just distribution of wealth can only be achieved through restricting inequalities in earnings and wealth by the need to preserve ongoing conditions of equality of opportunity, but by no more than that.

Thus, the most general theme of the dissertation is the foundational role of theories of the self for conceptions of economic distribution; the connecting element and argumentative strategy centers, both critically and constructively, on notions of individual autonomy and personal responsibility; and the specific positive result is advocacy of a version of the starting-gate theory because of its suitable underlying or implied conception of the self as regards individual autonomy and responsibility.

This chapter introduces the subject matter, the argument, and the context of them. Key to the context are three recent prominent theories of distributive justice, those of John Rawls, Ronald Dworkin, and Robert Nozick. What are here presented as claims and conclusions will in subsequent chapters be elaborated and defended. The purpose, initially, is to give a general picture of the argument.

Rawls, in both his early and later writings, Dworkin, and Nozick have all argued for different views and degrees of redistribution of income. Rawls, and also in ways Dworkin, favour state-enforced redistribution to benefit the less well off, while Nozick opposes any mandatory, government-implemented distributions to benefit the less well off believing instead in purely voluntary private charity. I shall argue, however, that all of these theorists rely on either unrealistic or

incoherent conceptions of the self and associated notions of responsibility. Rawls's notion of an antecedently individuated self, viz., a self that can be conceived of—and in an important sense is—prior to its potential ends and characteristics, implies a strict determinism[1] which is unacceptable because of how it undermines all responsibility and desert. Moreover if one takes seriously Rawls's later claim, in *Political Liberalism*, that liberalism only requires one to think of oneself as antecedently individuated for political purposes,[2] then Rawls has no defense against other (liberal) conceptions of the self that may serve for certain purposes as well or better than his own. For example, Nozick has challenged Rawls's difference principle, which states that inequalities are permissible only when they benefit the least well off, because it relies on a conception of self that undermines a person's autonomy. The difference principle does so, according to Nozick, by "attributing *everything* noteworthy about the person completely to certain sorts of "external" factors."[3] Unlike Rawls's antecedently individuated self, Nozick's conception of the self has no difficulty with determinism of any kind, but at the cost of being simplistic. All is entitlement according to Nozick's theory because the self is not separate from its natural or social endowments such as intelligence, ambition, and brute strength. Hence, responsibility for almost everything resides in the individual, and a very strong claim to the benefits of one's talents is generated.

---

[1] John Rawls, *A Theory of Justice* (Cambridge [MA]: Belknap Press, 1972), p. 104.

[2] John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996), pp. 29-34.

[3] Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), p. 214.

Rawls and Nozick represent in effect extreme positions, which arise from appealing to different aspects of moral experience: broadly, fate and freedom. These grounds of appeal help explain why the theories resonate strongly with so many, but also why they are so inadequate. Conceiving of the opposition between Rawls and Nozick in terms of contrasting conceptions of the self, one could place them at the ends of a continuum. On such a continuum, Rawls's antecedently individuated self, that is, a self that is prior to its ends, would occupy one pole, while Nozick's fully formed self, thick with natural endowments, would occupy the other. In terms of responsibility, the pole that Rawls is located at represents an inability to be responsible for anything, as is seen by the fact that since the self is prior to its ends and commitments, and does not deserve any of its natural endowments, the antecedently individuated self cannot be responsible for anything—it is simply prior to responsibility. Some may object to this interpretation of Rawls on the grounds that he upholds the antecedently individuated self only for the political purposes of settling the questions of what rights and responsibilities citizens are entitled to, and does not really maintain that persons are "disembodied."[4] However, the notion of the antecedently individuated self is at the heart of Rawls's redistributive scheme, and it results in an inability of the self to be responsible. By contrast, Nozick's conception of the self, fully defined from the start, bears full responsibility for its condition in life. This too is unsatisfactory, as there are obvious occasions in which ill fortune

[4] Kymlicka claims that Sandel holds a position that relies on Rawls maintaining that persons are "disembodied", and criticizes this view as simply false. See Will Kymlicka, *Liberalism, Community and Culture* (Oxford: Clarendon Press, 1991) p. 71.

affects a person, as with congenital birth defects. Hence, both ends of the spectrum are extreme, undesirable positions.

Dworkin seems to recognize this, and tries to reconcile the spirit of the two antagonists and hold the middle ground with his "ambition-sensitive" approach to distribution. For Dworkin, a distributive scheme is ambition-sensitive when it takes into account inequalities that can be traced back to the personal choices of an individual. People must be held accountable for their choices, but not for suffering morally arbitrary bad luck. But Dworkin's approach, in being ambition-sensitive is also "endowment-insensitive". Since natural endowments such as talent, strength, and intelligence are morally arbitrary in that no one ever does anything to deserve the amount or type of such natural endowments they are born with, the inequalities that stem from them are not to be tolerated, and are fair game for redistribution. So when I suggest that Dworkin "holds the middle ground" of the continuum that maps out conceptions of the self and their corresponding ability to support responsibility, what I mean is Dworkin holds that some inequalities are the result of personal choice (as Nozick would claim almost all inequalities are) while at the same time holding that the moral arbitrariness of the distribution of natural talents limits how responsible persons can be for their condition in life. Hence, in a move similar to Rawls, Dworkin maintains that the inequalities that result from natural endowments are undeserved. What it all adds up to in Dworkin is a vague conception of the self that may not even be coherent.[5] As a result, the debate over distributive justice, remains unsettled.

---

[5] I refer to Dworkin's distinction questionable "between a person and his circumstances... [which] assigns his tastes and ambitions to his person, and his physical and mental powers to his

The problem of finding a liberal conception of the self is not insuperable, however. By way of method, this dissertation seeks to build on the incompleteness of the Rawlsian, Nozickian, and Dworkinian projects. The inability of these theorists to provide a coherent conception of self, to support their respective theories of justice and make sense of our most basic moral intuitions, about what it means to be a person and be responsible, is the staging area from which the project of this dissertation is launched. Thus, a large part of this dissertation consists of articulating a conception of the self which can reconcile personal responsibility, individual autonomy, and egalitarian concerns regarding distributive justice. Of course, my approach is not without precedent. Within the context of other philosophical discussions, there has emerged a growing recognition of the self as a "dialogical entity". To suggest that the self is a dialogical entity is to indicate that the self is, and can only be, formed through a dialogue with "others". These "others" can be specific people, a community, or more generally and abstractly the shared values (sometimes referred to as "authoritative horizons" or "horizons of significance") of a community. Opposite to this conception of the self is the notion of the self as "monological," a label which indicates conceptions maintaining that the self does not require this dialogue with "others", but instead is either essentially formed from the start or is self-determining. Interestingly, Dworkin seems to be aware of the dialogical nature of the self, but never develops it to fruition. Charles Taylor and Michel Foucault comprise the main thinkers we must turn to for the needed notion of the

---

circumstances." in "What is Equality? Part 2: Equality of Resources," *Philosophy & Public Affairs* 10.4 (1981), p. 302.

self, although the work of other theorists such as Amartya Sen and Stephen Macedo complements and helps fill out the conception.

Taylor has written extensively on the self as a dialogical construct, but remains in a very Hegelian frame of mind, placing far too much importance on the need for recognition received from others. Thus, despite Taylor's being characterized as communitarian, in effect he ends up in occupying a position that bears striking similarities to Rawls's. Although Taylor's conception of the self is obviously not the same as Rawls's antecedently individuated self (e.g., Taylor's is thick with attachments to the community, while Rawls's is without essential attachment to any specific end whatsoever), both conceptions of the self place the bulk of the "moral onus" beyond the self. As we shall see, the result is that responsibility is found primarily outside the self for both theorists. For Rawls, all of one's physical attributes are in a significant sense not an intrinsic part of the self, because the self is prior to these traits—and they are morally arbitrary. For Taylor, the self is so dependent on the recognition of other individuals and the community in general, which is to say on morally arbitrary factors that the individual cannot be held responsible for, that there is little room left for Taylor's conception of the self to be responsible. We shall find that Foucault, on the other hand, places so much emphasis on the individual that he neglects Taylor's insights. Foucault maintains that the self is nothing more than the will subjected to a series of various, malleable power relations. Unfortunately, the individual mistakes these flexible power relations for conditions of a permanent self. In Foucault's analysis, the will is ultimately sovereign because the individual always

possesses the ability—no matter how muted—to rise, rebel against, and overcome a power-relation that has become unhealthy and unwanted. Leaving aside for now specifics of Foucault and Taylor, the point in general is that both articulate a conception of the self that can be characterized as dialogical in nature. And taken together, Taylor and Foucault can help us generate a conception of the self that makes sense of the concept of responsibility. We shall be turning to them, and looking beyond standard liberal theorists of justice and redistribution, precisely in order to find the outlines of a conception of self which liberal theories of distribution require.

Although working in a different context, and indeed focussing more directly on questions of distribution, Sen's conception of development as freedom seems to rely on just the sort of dialogical self that Taylor and Foucault argue for. Sen is concerned with promoting and properly evaluating development in developing nations. For Sen, the key is focussing on "capabilities"—by which Sen means the ability of individuals, including their rights, freedoms and resources, to pursue the kinds of lives they value. And "capabilities" for Sen requires seeing the self as dependent upon and coming to responsibility in a social context. As we shall examine, he stresses that goods such as health and education enhance the capabilities of those who receive them and enable those persons in turn to contribute to the society around them. My point will be that there are present in Sen elements which reinforce and are reinforced by the dialogical self in Taylor and Foucault.

Regardless of which theorists are friendly to such a dialogical conception of self, there are demands that it and a liberal self based on it must satisfy if the result is to make sense of our moral experience. The liberal self must be autonomous and be adaptable in a creative manner: for basic to the idea of a liberal self is that it does not merely react to changes in its environment, but instead evolves through making original responses to these changes, i.e. choices. Only in that way can the self can be at all responsible for its situation. Yet at the same time, the self cannot be solely responsible for its circumstances, because there are always forces beyond one's control that not only intervene in the plans of individuals, but also help to shape the world into which individuals enter.

I shall argue that with a dialogical self, a space is created (or has the possibility of being created) which makes defensible a sense of freedom for the self that is not possible in accord with monological conceptions of the self. As noted, Rawls's theory results in a strict determinism and Nozick's in an equally strict freedom. But both views are in a sense morally arbitrary, because the individual plays no part in either—a person is simply determined or free, that is all. I shall argue that one can become free only through acknowledging and furthering the dialogical nature of the self. This process is central to the liberal ideal of autonomy. Or so I will argue.

A second consequence to follow from treating the liberal self as in essence dialogical concerns responsibility, in the sense of attributability. Following Scanlon's use of the term, responsibility as attributability focuses solely

on the question of whether an individual can be said to be responsible for a given act. Questions of what this responsibility further amounts to, be it moral praise or blame, or legal consequences, fall under the rubric of substantive responsibility according to Scanlon, and have to be dealt with separately.

So we return to the issue of justice in distribution, and the basic notion of the liberal self as dialogical, and of its associated elements of autonomy and responsibility. These all lead us to the practical result of a starting-gate theory of justice. Traditionally, the starting-gate theory begins with an equal distribution of all external resources among the members of a society, and then allows for voluntary transactions between individuals. As long as no basic rules are broken, meaning no force or fraud occur in transactions, whatever pattern of distribution results is justified because it was arrived at by the free acts of autonomous individuals. Not to be confused with Nozick's theory of entitlement, the starting-gate theory, unlike Nozick, provides for an equal distribution prior to laissez-faire transactions. However, there is a problem with the traditional starting-gate theory: if inequalities are allowed to be generated without limit, soon the very foundation of the starting-gate theory itself, equality of opportunity[6],

---

[6] In his article "Equality of Opportunity" *Moral Issues* (New York: Oxford University Press, 1983) 370-378, Alistair Macleod maintains that equality of opportunity is an ambiguous ideal, and that any formulation of it that hopes to be determinate must answer three questions: 1) What kinds of opportunities are to be equalized? 2) Is "opportunity" here used in a weak sense (e.g., an individual has a chance that is determined by certain prerequisite actions they must perform as ranked against the actions of others) or strong sense (e.g., every individual has a right to a particular opportunity and failure to take advantage of this opportunity rests solely with them)? And 3) How are these opportunities to be distributed? The answers to these questions for the version of the starting-gate theory here defended are 1) The opportunities to develop one's marketable talents, 2) "Opportunity" in the weak sense of having a chance compared to the actions of others who inevitably are in competition with any given individual; however, the modifications to the starting-gate theory in effect bring the weak sense of equal opportunity as close to the strong sense as possible, and 3) These opportunities are to be distributed universally.

is compromised. So the starting-gate theory as is, is inevitably self-defeating, as it undermines this state of equality of opportunity. To avoid this outcome, but maintain the starting-gate theory's ability to reconcile equality and autonomy, certain modifications to the theory will be proposed.

The first modification is a need for universal health care. The purpose is to rectify differences in physical abilities. If everyone has equal access to health care, fortune is robbed of a large portion of its domain, as accidents and illness will no longer pose such drastic consequences for one's circumstances. The second modification is universal education. The purpose is to alleviate differences in the development of talents. If all persons have equal access to post-secondary education, there is little excuse for not having developed one's talents. Yet, as the critique of Dworkin will argue, ambition *is* in many senses an endowment. As such, it too must be equalized as much as possible lest the conditions of equal opportunity be eroded. To this end, the third modification is a need to advocate the liberal virtue of autonomy. Publicly encouraging autonomy as a virtue is necessary, because the traditional extra-governmental breeding-ground of virtues, namely, the family, is faltering. So it is necessary for the government to step in and promote autonomy. The effects of such government action would be the reduction of unequal influences of socialization on ambition.

The result of these three modifications is that the conditions of equal opportunity that ground the staring-gate theory are constantly maintained. The modifications all serve to rectify inequalities that may exist in natural endowments, including ambition, while simplifying the process of attributing

responsibility to individuals. Thus, inequalities can be allowed to fall where they may, because there will always be as level a playing field as possible for new entrants, and for those already in the game who happen to run afoul of fortune's fury. This revised version of the starting-gate theory presupposes the type of dialogical self presented in this dissertation, in that the modifications in effect acknowledge that a just theory of distribution must be endowment-insensitive, and that inequalities are tolerated not because they benefit the least well off, but because they can be attributed to the efforts of individuals, allows the theory to be truly ambition-sensitivity.

Chapter 1: Surveying the Political Horizon

Liberal political theory in the last quarter of the twentieth century was dominated by the writings of John Rawls. So influential was Rawls's *A Theory of Justice*, that not only did it set the agenda of topics to be discussed for nearly twenty years, but also almost all other political theorists defined themselves within the context of his work, and were characterized by their reaction to Rawls. Even writers such as Robert Nozick and Ronald Dworkin, powerful minds in their own right, find themselves in the wake of Rawls—Nozick staunchly opposed to the Rawlsian egalitarian project, and Dworkin trying to save the spirit of it, even if this means forsaking much of the structure Rawls used to implement it. Before these debates had cooled, Rawls fired them up a second time with the release of *Political Liberalism*, in which he tried to rescue the intentions of his previous work from the claws of his critics, by recasting what was a comprehensive liberalism in a political mold.

A common theme in the writings of Rawls and those who came after him is the theory of equal opportunity. And concepts such as the self and ambition are of central importance to equality of opportunity because they specify what an individual can initiate and be responsible for. These are the things we muct now explore.

The Early Rawls: Metaphysical Liberalism

In *A Theory of Justice*, Rawls offers a philosophical justification for liberalism, heavily Kantian in nature, although the German idealism has been

minimized. Later, in *Political Liberalism* Rawls will modify much of what he says in this earlier work, but there is a continuity among the relevant concepts between the works.

Rawls's Conception of the Self

Rawls wants to avoid relying on a theory of human nature, as this would presuppose a conception of the good: given a fixed account of our nature, certain goals for persons would necessarily follow, yet Rawls does have an account of what the self is. He holds the self to be antecedently individuated, given prior to its ends and individuated from other selves. This however should not be construed as a theory of human nature, because it is a description only, and does not encompass any conception of the good. Of course, Sandel and others challenge this claim, and suggest that the very distancing of the self from its ends does involve a conception of both the self and the good. However for Rawls, the separation stands, and consequently a person is not constituted by their talents, desires, or life-plans, but possesses them from a distance. If a person were constituted by these things, she would be no more than the aggregate of all her plans and abilities, and would be subject to change as these plans and abilities also changed. Conceiving of the self as antecedently individuated allows Rawls to maintain a continuity of the self, as one can change their conception of the good, or physical abilities and other qualities even at a basic level, without changing herself as a person. So, Rawls begins with a self that is barren of all specific individual traits, save instrumental rationality and the

two moral powers of a capacity for a sense of justice and for a conception of the good. And he makes that self the participant in the hypothetical original position of his contractarian theory. However, in separating persons from their ends, Rawls runs the risk of creating a radically disembodied self, one that is meaningless to speak of, and ineffectual within our moral experience. This separation of persons from their conceptions of the good is precisely what communitarians such as Sandel cite as the main flaw within Rawls's theory; hence revised conceptions of the self are what form the basis of their alternatives.

The Original Position and the Veil of Ignorance

Rawls's argument is that in order to discern what principles of justice different persons would agree upon (as opposed to principles of justice that reflect a particular conception of the good), one must place oneself in the original position; that is, the position one would be in qua antecedently individuated self, prior to entering into society and into attachments to any particular conception of the good. In the original position we thus have the ability to choose the principles of justice by which society is to be governed. However, to prevent persons from advocating principles that would merely serve their own interests, Rawls places an immediate restriction on the original position. One must think of oneself as located behind a veil of ignorance when selecting principles of justice. This amounts to a total lack of factual knowledge about what one's position in society will be, including what social position, family background, natural talents, and

other vicissitudes of fortune one happens to have. The veil of ignorance is crucial to Rawls's theory, because in the absence of the information it shrouds, Rawls argues that the only strategy that a rational self could employ would be that of the maximin, or the maximization of the minimum amount of primary social goods, i.e. those goods such as liberty, opportunity, and income that all persons require to execute their particular conceptions of the good. Hence, no matter what position a self ended up in once in society, he or she would be guaranteed a certain amount of these social primary goods.[1] Here it becomes apparent that Rawls's antecedently individuated self does have some content, namely a sense of instrumental rationality, that will result in the choosing of the (according to Rawls) "correct conception of justice",[2] but this merely raises the question as to why a self so divorced from all contingencies would be pragmatic in nature. In other words, the rational self-interest that Rawls ascribes to the antecedently individuated self suggests that this self is thicker than Rawls may wish to concede.

The Difference Principle

Rawls claims that persons in the original position would choose two principles of justice. The first spells out equal liberties for all and states that these liberties can only be constrained for the sake of other liberties. The second principle states that social and economic inequalities are permissible only insofar

---

[1] Rawls, *A Theory of Justice*, p. 152.

[2] Rawls, *A Theory of Justice*, p. 446.

as they benefit the least well off members of society. Embedded in this second principle is a stipulation that includes inequalities of opportunity as well. Simply put, it states that the only justification for an inequality of opportunity is that it enhances the opportunities of those members of society who have the least amount of opportunities open to them. Each of Rawls's principles is meant to be taken as a special instance of a more general conception of justice as fairness which maintains that any and all social values are to be equally distributed unless an inequality in them "is to everyone's advantage",[3] and together, these two principles of justice form the general conception of the difference principle: "All social primary goods—liberty and opportunity, income and wealth, and the bases of self-respect—are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored."[4] Rawls argues that since any of the factors that affect one's status in society are ultimately the result of fortune, hence morally arbitrary, no inequality of wealth or income can be justified or tolerated unless it will promote the advantage of the least well off members of society.[5] Therefore a person cannot argue that in virtue of their natural talents belonging to themselves, they are entitled to the profits derived from them. And since the state cannot feasibly redistribute natural talents and since the very idea involves serious ethical problems, the state has the authority to redistribute the resulting wealth to those who are less well off in the allotment of natural talents. The only time an inequality is acceptable is when

---

[3] Rawls, *A Theory of Justice*, p. 62.

[4] Rawls, *A Theory of Justice*, p. 303.

it serves to stimulate the talents of particular individuals, the results of which the least well off can benefit from. If an inequality is created by this, the reason is not justified because the better off person deserves the benefit of the inequality, but because the inequality serves as an incentive to persons to develop their talents for the betterment of society.

The Priority of the Right over the Good

In what sense and why is the right, or principle of justice, prior to (conceptions of) the good? It is so not only because it is chosen in the original position prior to the existence of any particular conception of the good, but also because in originating from behind the veil of ignorance the right is free of any of the morally arbitrary contingencies associated with the real world. One of the keys to justice according to Rawls is that justice be free of all contingencies. This is why only an antecedently individuated self in the original position, ignorant of its eventual situation in the real world, can choose correct principles of justice. Any other situation is bound to produce principles of justice that would protect some person's natural gifts or position in society. Since conceptions of the good are influenced (and as I suggest in the next section, are *determined*) by one's combination of natural and social endowments, on Rawls's scheme they must be conceived of after the principles of justice have been chosen. The right is thus prior to the good in the moral sense that it is free of contingencies, and in the logical sense that the selection of the principles of justice is not unduly influenced

---

[5] Rawls states that "From a moral standpoint the two [natural and social endowments] seem equally arbitrary." *A Theory of Justice*, p. 75.

by the conceptions of the good that inhabit the real world. As long as Rawls's conception of the antecedently individuated self holds, the priority of the right is upheld.

Two Problems with Rawls's Conception of the Self

If one accepts Rawls's conception of the antecedently individuated self, two main problems immediately follow. The first is that persons are reduced to morally arbitrary historical accidents, and the second is that no meaningful sense of choice can be attributed to persons.

A. Persons as Morally Arbitrary Historical Accidents

The most disturbing problem is that if Rawls's claim that the self is antecedently individuated is correct, then the idea of the self becomes nonsensical and the very notion of personhood becomes morally arbitrary.[6] Being antecedently individuated distances the self from any of the characteristics that make up persons in the real world. If the self in the original position is the form, then the self in the real world is the content, and the content is precisely what Rawls denies as having anything to do with what selves fundamentally are. For example, if the antecedently individuated self who was Mozart were born in Iowa today, the only link between the historical Mozart and the contemporary one would be a numerically identical antecedently individuated self. Few would deny

---

[6] The majority of the criticisms of Rawls's antecedently individuated self come from the communitarian camp, most notably Michael J. Sandel's *Liberalism and the Limits of Justice* (Cambridge [MA]: Cambridge University Press, 1996) and Charles Taylor's *Sources of the Self: The Making of the Modern Identity* (Cambridge: Harvard University Press, 1989).

that the social conditions and physical traits of each Mozart would be changed, but for Rawls, all the musical genius and personality traits would be different too. The effect of this is to reduce the historical Mozart to merely an historical accident; there is nothing about the historical Mozart that is not a direct result of his natural and social environment, there is nothing for Mozart's antecedently individuated self to contribute. The notion that persons are solely the product of their environment is therefore not an appealing one on which to base a political philosophy. When the historical inheritances and influences—which are undoubtedly a significant part of who persons are—are deemed morally arbitrary, one is left wondering what is left of the notion of personhood. As Huffman claims,

> One cannot respect the dignity of persons if natural assets are "arbitrary from a moral perspective," because to a significant degree *persons are their natural assets*. To ignore the moral relevance of the talents largely made possible by one's natural endowments—mental and physical—we ignore the moral relevance of one's status as a person in whom those talents reside and by which one's status as a unique individual is at least partly defined.[7]

To a certain extent this can also be seen in the way Rawls's difference principle treats inequalities—a person does not deserve anything, but is granted a reward for developing talents that will benefit the least well off members of society. The underlying assumption seems to be that at core the person neither has anything to contribute, nor has any innate ability or desire to pursue the development of talents beyond what her social circumstances prompt her to do.[8]

---

[7] Tom L. Huffman, "Natural Talent and Liberal Justice," *Southwest Philosophy Review* 11.2 (1995), p. 245.

[8] A similar criticism regarding the light the difference principle casts on Rawls's conception of the self is made by G. A. Cohen in his essay "Incentives, inequality, and Community" *Equal*

At best, Rawls leaves the reader with an impoverished conception of persons. Without resolving this shortcoming, Rawls contradicts his project of a truly antecedently individuated self by using morally arbitrary criteria—the human species—to determine who qualifies as a recipient of justice.[9] Even Rawls's claim that persons in the original position possess the two moral powers of capacities for a sense of justice and for a conception of the good must be admitted by him to be ultimately morally arbitrary, because no antecedently individuated self (or for that matter a self in the real world) has done anything to deserve these powers. But for Rawls, animals are not entitled to the same schedule of basic liberties as humans are, nor are they taken into account in the rationing of food or other basic goods. The only thing that separates them from persons are morally arbitrary physical traits such as the species one was born into. The point is not to advocate animal rights or to suggest that animals have these moral powers, but merely to observe the unlikely conclusion that if the concern for weeding out all morally arbitrary factors is taken to its logical terminus, then Rawls's conception of the antecedently individuated self does not acknowledge a real difference between persons and animals.

Freedom. Ed. Stephen Darwall. (Ann Arbor: University of Michigan Press, 1997) 331-397. Here Cohen argues that the types of inequalities permitted by the difference principle typically reward the talented and rich for their performance—precisely the types of morally arbitrary factors that Rawls uses the difference principle to circumvent. Cohen further claims that this reveals an antagonism between the talented rich and the rest of society, as only if the talented rich considered themselves outside or above the community would they require incentives to apply and develop their talents. Certainly Rawls's antecedently individuated self lends itself to this type of situation, because the only thing that matters is that the procedures of justice have been followed.

[9] Huffman, p. 243-4.

B. Strict Determinism

Furthermore, one of the fundamental characteristics of Rawls's self, namely the ability to choose our ends (as opposed to being constituted by them) is thrown into jeopardy by the antecedently individuated self. If a person is separate from their ends, inclinations and talents, it is unclear how they could have any significant choice. Any reason given for a choice regarding a life plan can ultimately be traced back to one of the morally arbitrary factors which Rawls argues do not constitute one's being. Thus one's life plan cannot properly be said to be one's own choice, but merely the result of the morally arbitrary historical event that one is thrust into and forced to live in.[10] For instance, a seemingly autonomous decision made in early adulthood regarding career choice could be traced back to the positive or negative influence of specific teachers during childhood, or to the attitudes regarding success and the different types of work in the household one grew up in, or to how society values different careers. Numerous other such factors could also be cited. A Rawlsian could respond that the individual in question does *not* deserve the benefits that her career choice may bring her, precisely because her decision is not autonomous. For it was influenced by innumerable factors stretching back to early childhood, all of which are morally arbitrary. Hence, her ability to choose her ends is equally morally arbitrary. In short, autonomy is not a possibility. This is not to suggest that persons would have any more autonomy if their identity were constituted by their ends, as the communitarians claim, for this is simply the opposite extreme and

[10] Sandel, *Liberalism and the Limits of Justice*, p. 161-2.

results in the person's identity being exhausted by his or her attachments to specific ends. The inability to question, revise, and reject these ends amounts to a similar lack of autonomy.

This leads to a serious point of contention in Rawls, one which Dworkin will try to address, namely, the intuitive claim that those who expend more energy and utilize their ambition in the pursuit of a goal, have a stronger claim on the goal than do others. For Rawls, the fact that all physical attributes are morally arbitrary undermines any notion that someone has a claim on the results of their actions in light of the effort they exerted, because those efforts themselves are morally arbitrary. Dworkin's ideal of an ambition-sensitive distributive scheme is an attempt to address this controversial conclusion, but as I will argue later, it is plagued by problems. Rawls, in reductionist fashion, flatly denies the argument that a person has a claim to the fruits of her action that is stronger than the claims of others to those fruits, or that in any way excludes others. He states:

> This view is surely incorrect. It seems to be one of the fixed points of our considered judgments that no one deserves his place in the distribution of native endowments, any more than one deserves one's initial starting place in society. The assertion that a man deserves the superior character that enables him to make the effort to cultivate his abilities is equally problematic; for his character depends in large part upon fortunate family and social circumstances for which he can claim no credit.[11]

[11] Rawls, *A Theory of Justice* 104.

And if Rawls is correct, a strict determinism follows in which even ambition is an endowment and those who exercise it have no claim of desert over anything they produce.

This is a counterintuitive claim at best, and it creates serious problems for Rawls. To take Rawls seriously on this point is to wonder why a person, instead of simply enjoying the pleasures of everyday life, would struggle in the pursuit of a difficult conception of the good (sacrificing time with family, or the development of personal interests) only to be told that not only can they not retain the fruits of their efforts, but also that they do not deserve them either.

Another, broader implication is the inability of passing meaningful moral judgments on individuals who perpetrate crimes. A morally heinous act cannot be attributed to an individual beyond their circumstances, for the choices of the criminal are not truly their own but are merely the effect of their environment and genetic heritage. Such an indictment makes it difficult or actually impossible to render moral judgments on persons.

Nozick and the Theory of Entitlement: Inequalities and Responsibility

Robert Nozick is suspicious of Rawls's theory on two fronts. The first surrounds the conditions under which inequalities can be considered just, and the second stems from the status of natural talents. Under the difference principle that would be chosen in the original position, inequalities in income are not permissible unless they serve to benefit the least well off in some way. Nozick objects to attempts to force egalitarianism, or any patterned distribution,

on a society of free individuals, because to do so is to make people honour non-contractual obligations, that is, obligations to which they have not consented. According to Nozick there is nothing wrong with an inequality, as long as the inequality is a result of a legitimate historical process.[12] Conversely, there is something wrong with equality of outcomes that persist, because Nozick thinks such equality can persist only through the use of state coercion. Briefly stated, there are two principles that must constitute an inequality's lineage in order for it to be just: the principle of justice in acquisition and the principle of justice in transfer, the latter requiring that an item is exchanged or received freely and without fraud.[13] Should instances occur in which individuals violate these principles, Nozick invokes a principle of rectification to achieve resolution. Assuming a just initial distribution of assets, as long as force or fraud are not used in the acquisition or exchange of goods between individuals, the result, no matter how unequal (unpatterned, in Nozick's terminology), is perfectly legitimate, and should not be interfered with whether through Rawls's difference principle or any other political theory that calls for a set pattern of distribution, because the inequality is the result of autonomous individuals executing their plans aimed at the achievement of their specific conception of the good. Hence,

---

[12] It should be noted, however, that Nozick has a very convenient view of history. As Alasdair MacIntyre observes, "Nozick's account serves the interest of a particular mythology about the past precisely by what it excludes from view. For central to Nozick's account is the thesis that all legitimate entitlements can be traced to legitimate acts of original acquisition. But, if that is so, there are in fact very few, and in some areas of the world *no*, legitimate entitlements. The property owners of the modern world are not the legitimate heirs of Lockean individuals who performed quasi-Lockean... acts of original acquisition; they are the inheritors of those who, for example, stole, and used violence to steal the common lands of England from the common people, vast tracts of North America from the American Indian, much of Ireland from the Irish, and Prussia from the original non-German Prussians. This is the historical reality ideologically concealed behind any Lockean thesis." *After Virtue: A Study in Moral Theory*, (Notre Dame: University of Notre Dame Press, 1984), p. 251.

Nozick's Wilt Chamberlain example: proceeding on the assumption that the initial distribution of assets is just, should fans agree to pay a given amount to see Wilt Chamberlain play basketball, and agree to him receiving a twenty-five cent portion from each ticket purchased, then there is nothing wrong according to Nozick if at the end of the day Wilt Chamberlain has more money than anyone else, because everyone freely consented to give him that money in exchange for being able to watch him play basketball. In short, if individuals are free, their decisions must be respected. This means that each individual is to be held accountable for their choices regardless of the consequences attached to the outcomes of their decisions, and conversely, it means that obligations are not to be imposed on persons which they have not consented to. A political theory which overrides such stipulations involves a shameless paternalism that undermines the notion of responsibility, and treats persons as incapable of autonomy. Of course, the Rawlsian objection to this is simply to deny that the initial distribution of assets is just, maintaining instead that it is the result of the morally arbitrary natural lottery.

The Conditions of a Fair versus a Free Exchange

Rawls and Nozick are looking at the same issue but from very different conceptual schemes. In particular, Nozick is interested in protecting the sanctity of free exchanges, while Rawls is concerned with the conditions of fair exchange. For Nozick, free exchange is simply the voluntary acts of individuals, and any interference with these acts erodes the conditions of free exchange. Of course,

---

[13] Nozick, p. 151.

from a Rawlsian perspective, Nozick's theory merely begs the question as to what constitutes a fair exchange. There exists a host of factors, ranging from variations in natural intelligence and access to educational resources to the changing conditions of society and pure luck, that a Rawlsian would claim to be morally arbitrary and to shed a questionable light onto the very notion of a fair exchange. What Nozick sees as a free exchange, a Rawlsian sees as a scenario punctuated by natural and social inequalities in which each party lacks perfect knowledge, turning the idea of a free exchange into nothing more than an unfair sanctioning of the stronger taking advantage of the weaker. So Rawls and Nozick have significantly diverging interpretations of the same phenomenon. However, Rawlsian-inspired criticisms do considerable damage to the plausibility of Nozick's position. For example, Cohen emphasizes the dubiousness of a free exchange in the absence of full information. For Cohen asks whether or not each person who consents to a transaction would do so if they had full knowledge of what the consequences would be.[14] In terms of Nozick's Wilt Chamberlain example, Cohen questions whether persons would agree to pay twenty-five cents to Wilt Chamberlain if they knew that doing so would make him a multi-millionaire, thus weakening their bargaining power vis-à-vis Chamberlain, which if left unchecked, would eventually allow him to raise ticket prices at his sole discretion in the future. In ignoring these factors, the Rawlsian charges, Nozick decontextualizes autonomous choice. This is more difficult to see when both individuals seem equal, or at least closely matched, than when there is an

[14] G. A. Cohen, *Self-ownership, Freedom, and Equality* (Cambridge: Cambridge University Press, 1995), p. 23.

obvious discrepancy between an able-bodied individual and one who is physically or mentally challenged. Returning to an earlier criticism, it should be noted that Rawls's conception of the self as antecedently individuated undermines the notion of a free exchange. For if one is not responsible for any of the endowments through which one encounters the world and through which one acts, and these attributes are all morally arbitrary, then how can any exchange be free? However, Rawls makes this move of alleging moral arbitrariness at the expense of persons having any significant sense of free choice for the same reason: if all attributes are morally arbitrary, so too are all acts, and no freedom or responsibility are possible.

Self-Ownership and the Status of Natural Endowments

Nozick rejects this line of reasoning, because the premise underlying it is what Nozick sees as being the second problem in Rawls's scheme, namely Rawls's assumption that natural talents are morally arbitrary. On that assumption, the accrued profits of such talents are also morally arbitrary, meaning that the individual who possesses the talents has no special claim on the proceeds. Nozick claims that Rawls's argument is coherent only if natural talents and other assets entered the world in a neutral capacity, but Nozick rejects this precondition, claiming that natural talents arrive in the world attached to persons, and although the attachment may not be strong enough to serve as a basis for desert in that a particular person *did nothing* to earn the talents they are born with, nevertheless these talents are attached to some persons and not to

others, in a morally significant way. Thus, Nozick holds, in the absence of a clear claim of desert or other compelling argument to the contrary, that persons have a claim of entitlement to their talents and to the resulting benefits, because persons have full self-ownership over their talents. Ironically, Nozick contradicts his own criteria that a just distribution cannot be patterned, to the extent that he unquestioningly prescribes an equal distribution of "full self-ownership" of natural endowments. Such a distribution *is* patterned, and since it is impossible for the principle governing this *initial* distribution of selves to be of a historical nature, Nozick finds himself in an embarrassing inconsistency.[15]

Nevertheless, Nozick maintains that persons have full self-ownership over themselves and all their talents. Cohen describes this self-ownership thesis, in the following terms:

> The term 'self' in the name of the thesis of self-ownership has a purely reflexive significance. It signifies that what owns and what is owned are one and the same, namely, the whole person. There is, consequently, no need to establish that my arm or my power to play basketball well is a proper part of my self, in order for me to claim sovereignty over it under the thesis of self-ownership.[16]

Although this may be how libertarians use the term, it is misleading because it conflates the fact that a given trait is part of my person, with the origin and lineage of that trait's development. For example, being eight feet tall is traceable only to one's genetic inheritance, while being eight feet tall and being able to play basketball well is traceable to one's genetic inheritance *and* a host of other

---

[15] Robert J. Van der Veen and Phillipe Van Parijs, "Entitlement Theories of Justice: From Nozick to Roemer and Beyond." *Economics and Philosophy* 1.1 (1985): pp. 71-72.

[16] Cohen, *Self-ownership*, p. 69.

persons and social influences, including those who invented the game, currently play the game, and coach the players. Although one may own oneself, and all of one's talents regardless of origin, there is always some necessary condition of the talent's development that is dependent upon society—whether this be merely a weak and indirect social influence such as a shared language that a reclusive poet may write in, or a strong and direct influence such as the infrastructure of a professional sports franchise, including trainers, coaches, owners and fans, and a culture that glorifies athletes. So while the thesis of self-ownership may be intuitively plausible on the surface, it is quickly shown to incorporate an unrealistic conception of the self.

Traditional libertarian arguments for self-ownership have confused the issue by portraying self-ownership as being equivalent to not being a slave to another person. The argument that lack of full self-ownership is a form of slavery is advocated by Nozick, who maintains that if the state can force a transfer of income from one person to another, then in effect, the state is forcing that person to do something against their will, namely, help the other person.[17] This amounts to the enforcement of a non-contractual obligation, and is tantamount to slavery. But this argument not only confuses the issue by bringing in an emotionally charged image into the discussion, but as Cohen observes, it can be shown to be wrong on two fronts.

---

[17] Nozick states his position quite clearly in *Anarchy* "If people force you to do certain work, or unrewarded work, for a certain period of time, they decide what you are to do and what purposes your work is to serve apart from your decisions. This process whereby they take this decision from you makes them a *part-owner* of you; it gives them a property right in you. Just as having such partial control and power of decision, by right, over an animal or inanimate object would be to have a property right in it." 172.

The first problem with this position is that it simply does not follow that being forced to fulfill a non-contractual obligation is the equivalent of slavery. As Cohen argues:

> Slavery is characterized by non-contractual obligation, and, when I lack a right with respect to some aspect of my power or activity, then that may indeed be because I have such an obligation. But it does not follow that I am then a slave, for it does not follow that another than has the right that I lack. Accordingly, absences of self-ownership need not be presences *pro tanto* of slavery.[18]

Although it is understandable that being forced to do anything against one's will conjures up the image of being a slave, the powers that a slave-owner has over a slave are for the most part all-encompassing and, unless the slave is set free for some reason, have an indefinite duration. This is markedly different from the state insisting that someone help another person whether it be through the paying of a tax on their income or through directly coming to their aid. As an example, assume a society that has severe difficulty dealing with runaway children who end up on the streets, homeless and easy prey for the criminal elements in this society. Now imagine that the state, in trying to save as many of these children as possible from a hopeless future as well as trying to head off what will inevitably be severe future social problems, passes a law insisting that any childless couple, married or common-law and between the ages of twenty-five and forty-five years (of which in this society there are many), and that has an income over a certain amount must take into their home one homeless child, until the child reaches the age of legal maturity. Nozick in all likelihood would react negatively to this situation, not denying that the couple may have a moral

[18] Cohen, *Self-ownership*, p. 233.

obligation to help the child, but concludes that the state's enforcement of this non-contractual obligation to the homeless child in effect reduces the couple to slavery. However, that conclusion is not necessarily valid. In this situation, the state has mandated a certain non-contractual obligation to a group of people (assume that all others pay an extra tax to fund the administration of this program, thus no one is left out of having to engage in a non-contractual obligation), but it has not specified how this obligation is to be carried out. In this sense, the non-contractual obligation is what in Kant's terminology would be, a wide, imperfect duty (e.g. develop one's natural abilities), as opposed to a narrow, perfect duty (e.g. do not kill). A couple could thus fulfill this obligation by allowing a homeless child into their home, taking on parental roles in relation to him, reading him bedtime stories, helping him with his homework, buying him clothes and toys, and providing him with genuine loving relationships. Another couple, meanwhile, could fulfill this obligation by merely sectioning off a portion of their house and allowing the homeless child to stay there, but otherwise ignore it or treat it with total indifference, possibly even hostility. Each couple fulfills the non-contractual obligation, and although many may find the way in which the latter couple does so to be repugnant, the fact that they can choose how to fulfill the obligation, vindicates the claim that neither are slaves. For the slave owner has the power not just to force a slave to perform an act, but to perform an act in a specific way, and the state does not have the power to make them fulfill the obligation in any but the broadest of ways. Furthermore, the non-contractual obligation is limited in duration, only until the child reaches the legal age of

maturity (or the couple exceeds the age of forty-five), so the power of the state is not of an indefinite duration as is the case with the slave-owner. Despite this conceptual confusion that Cohen has uncovered, there still exists an intuitive appeal to Nozick's claim, for something fundamental and personally invasive has been forced upon persons here, namely, having to take care of the homeless child. Although a tax is less intrusive, it is at least understandable that Nozick's reaction is the same.

The second problem is that if any form of state-mandated transfer of resources against one's will is wrong, then Nozick has argued himself into a philosophical corner, because it is quite conceivable that not everyone in a Nozickian society would want to pay the minimalist taxes required by the government to provide for the protection of everyone's libertarian rights. The preceding example of the homeless children may not seem appropriate here, but one could easily imagine a government imposing a tax to support mandatory health insurance or basic education against one's will, and this situation would have the same structure as the citizen of the Nozickian state that doesn't want the state's protection of her rights (perhaps she is incredibly strong and feels she does not need the state's protection).[19] In both cases, the reason for the state's actions is somewhat paternalistic: protection of one's libertarian rights is in one's interest just as health insurance and basic education are. And if this is so, then Nozick must either modify his theory to let persons back out (which he cannot realistically do) or he must acknowledge that it is acceptable for the state to

[19] Cohen, *Self-ownership*, p. 235.

enforce transfers of resources—even against one's will—under certain circumstances, without violating people's self-ownership.

Rawls's difference principle objects to Nozick's interpretation of the initial distribution of endowments because Rawls conceives of natural talents as a collective asset. Since the self is antecedently individuated, it is distanced from all of the characteristics that it will eventually possess, and thus could not have done anything to earn them or the proceeds that flow from them. The dilemma is that in the absence of a clear claim of desert, to whom do natural talents belong? Claims of desert are by their nature preinstitutional, viz., they exist prior to the establishment of government and other social institutions, thus they amount to a fundamental claim to their objects that purports to be deeper than other types of post-institutional claims. If claims of desert are not possible, then no such deep claim to an object, e.g., to the benefits that accrue from the exercise of talents, can exist. In the absence of desert, the range of possible alternatives is not only large, but seems to be grounded in a variety of different ideological commitments that leaves little hope for consensus beyond those who share the same ideology. Rawls claims that since no one deserves their talents, redistribution to other persons is possible, in effect rendering natural talents a common asset.[20] So from the same starting point, Rawls and Nozick diverge into two very different directions along the political spectrum. The prospect of reconciling these two different positions is bleak, as they seem to be generated from a general

[20] Rawls claims that the difference principle is essentially an agreement to treat the distribution of nature talents as a common asset and to share in the benefits of this distribution. *Theory of Justice*, p. 101.

difference in temperament. However, Nozick's notion of entitlement in effect allows one to make sense of the normal notion of desert that persons use when they say that someone has developed a talent or performed and act and therefore deserves the praise or blame accompanying the consequence. According to Rawls, any such development is moot, because the talent itself is unattached in any desert-justifying sense to the self, so persons do not have any claim to their effects.

Self-Ownership and Ownership of External Resources

Self-ownership is only half the story for Nozick and, as was shown in the previous section, is not necessarily violated by the presence of non-contractual obligations. The other half of the justification of inequality that Nozick proposes is the move from ownership of self to ownership of the external world. To ground his theory of appropriation—the move from owning the self to owning parts of the external world—Nozick relies on a traditional reading of the Lockean proviso. Locke claimed that persons could appropriate objects by mixing their labour with them, provided that they did not waste the object and left enough over for the use of others. Cohen argues that Nozick's loose interpretation of the "enough and as good" clause in the Lockean proviso commits Nozick to a "first come, first serve" principle of acquisition which does away with both the necessity of labour, the waste proviso, and reinterprets the "enough and as good" clause in terms of substituting compensation for a denying others access to resources.[21] Cohen

[21] Cohen, *Self-ownership*, pp. 74-82.

bases this assessment on the following example: a world consisting of two self-owning persons who are individually and separately capable of self-sufficiency based on cultivating portions of land without the assistance of the other, and in which all resources are commonly owned under a Lockean scheme—that is, either person can use anything that the other is not presently using. After a while, one of these individuals appropriates portions of the land to the extent that the other no longer has enough to enable his self-sufficiency, but the appropriator offers the now disadvantaged person a wage that is greater than mere self-sufficiency to cultivate the land for the appropriator. The result, according to Cohen, is that the new "serf" is no worse off than before, in fact, in terms of income the serf is better off. Yet, the serf has also lost certain intangible benefits such as the freedom of time, movement, and the ability to decide for herself how to labour, because her arrangement with the appropriator surrenders much of these freedoms to the latter. As Cohen observes, until weights can accurately be attached to these freedoms, it is impossible to say whether the serf is truly better off under this situation than she was when all land was held in common. Thus, Nozick's interpretation of the "enough and as good" clause is questionable at best, because the standard by which it gauges whether individuals are better off is whether they would be better off if they had their original access to the external world, *sans* any appropriation by others, and not whether they would be better off in general. This is an important distinction, because compensation cannot cover all aspects of loss of access to resources, e.g. not being able to cross a piece of land, having to contract one's labour out to perform services on another's

schedule in order to survive, etc. Thus, individuals may find themselves in positions they do not want to be in for no other reason than that another appropriated resources before they could (or if they believe that resources should be held in common, because another appropriated resources against their wishes). Confusing these two standards of measurement creates a false picture of how well individuals would fare under Nozick's theory of appropriation. That Nozick's use of the Lockean proviso amounts to a first come, first serve principle is made evident by the scenario in which the serf possesses better organizational skills than the appropriator, but because the appropriator claimed the land first (and intends on organizing its cultivation herself), both end up worse off than they would have had the serf claimed the land. This is made possible by Nozick's formulation of the proviso as not being measured against other scenarios of appropriation. Furthermore, because Nozick allows for appropriation to be done without the consent of others (as long as others are not left worse off according to his standard *sans* compensation), another embarrassing contradiction arises, namely, that acts of appropriation that meet his theory's approval, can contravene an individual's will in the same way that enforcing non-contractual obligations can.[22]

The Later Rawls: Political Liberalism

Confronted with myriad criticisms of the comprehensive liberalism of *A Theory of Justice*, in particular of the antecedently individuated self, Rawls

[22] Cohen, *Self-ownership*, p. 90.

reformulates both his liberalism and his conception of the person in his later work *Political Liberalism*. He argues that liberalism is best understood as a political matter, no longer requiring a philosophical or metaphysical foundation, and that as such, the conception of the self is no longer a metaphysical account of the structure of the subject but is rather a claim about *how we should think* about ourselves and our relations to others in the political sphere. Basically Rawls sidesteps the contentious issue of the self by reducing the self to a political question, one which political liberalism refuses to allow itself to be embroiled in beyond the scope of political purposes, so the criticisms against Rawls's conception of the self as being too abstract, too divorced from its ends, are summarily dismissed as misguided. Thus being distanced from one's ends, talents, social situation, and conceptions of the good is limited to one's public identity.[23] In place of a metaphysical foundation for liberalism, Rawls instead relies on what he calls an *overlapping consensus*, in which one adopts the political conception of justice because one lives in a democracy that is characterized by a plethora of comprehensive doctrines. A comprehensive doctrine is, generally speaking, a worldview that can be characterized as religious, philosophical, or ethical (with obvious overlaps). Not all doctrines are fully comprehensive; many are only partially so. Rawls draws the distinction between fully and partially comprehensive doctrines as follows: "A doctrine is fully comprehensive when it covers all recognized values and virtues within one rather precisely articulated scheme of thought; whereas a doctrine is only

[23] Rawls, *Political Liberalism*, p. 31.

partially comprehensive when it comprises certain (but not all) nonpolitical values and virtues and is rather loosely articulated."[24] Although some persons will operate within a well-defined fully comprehensive doctrine, as society becomes increasingly pluralistic, many persons hold views that are a mesh of different partially comprehensive doctrines. Regardless of whether a person's comprehensive doctrine is fully or partially comprehensive, both include nonpolitical values and conceptions of the good. To base society's institutions on any one of these comprehensive doctrines seems an invitation to the oppression of others, so all are bracketed or excluded from the political realm. The idea of the overlapping consensus is not a mere *modus vivendi* (or a temporary truce necessitated and sustained by self-interest)[25] but a case in which one initially accepts the political conception for reasons drawn from one's own particular comprehensive doctrine, and eventually, comes to endorse political liberalism as expressing important political values in itself.[26]

Rawls maintains that advocating liberal values does not violate state neutrality, as political liberalism does this to support its constitutional regime which protects people's rights, in other words, liberal virtues are promoted only for political purposes, and only to the extent that selves are citizens, and not imposed on the private lives of selves as persons.[27] To facilitate this dualism between public and private selves, Rawls utilizes the ideal of public reason,

---

[24] Rawls, *Political Liberalism*, p. 175.

[25] Rawls, *Political Liberalism*, p. 147.

[26] Rawls, *Political Liberalism*, p. 134.

[27] Rawls, *Political Liberalism*, p. 10.

which forbids referring to comprehensive doctrines when discussing fundamental political issues. The exception to this is special circumstances when persons appeal to political values, but because there exist many political values, no agreement is reached and significant differences persist. In such cases, Rawls allows persons to invoke nonpolitical values in an attempt to settle the question at hand. However, the appeal to nonpolitical values is never to be employed when discussing constitutional essentials or matters of basic justice.

Two Interpretations of the Political Conception of the Self

Two main interpretations of Rawls's reformulation of the self as political are evident. We can read Rawls as having made a tactical move with political liberalism, merely detaching liberalism from the philosophical conundrums surrounding the antecedently individuated self to quell the controversies this conception of the self has generated, but still allow that certain elements of Rawls's theory remain motivated by and even rely on this conception of self. Or, if this seems too cynical, the alternative is to view Rawls's move as a fundamental shift away from philosophical foundations and towards a truly political theory. Both interpretations create problems for Rawls, and to make matters worse, it is not clear which interpretation is the most faithful to Rawls's intentions.

How Useful is Banning Comprehensive Doctrines from Political Debate?

The ideal of public reason is supposed to govern the public deliberations and advocacy of contentious public issues. At heart, it is a recognition that within a pluralistic and democratic society, one should be willing and able to explain one's decisions and actions in terms that other citizens could understand and endorse as being compatible with their rights, freedoms, and equality under the law. The ideal of public reason will apply differently to different persons, e.g., a supreme court judge will have to explain her decisions regarding cases much more thoroughly than a candidate for political office, although for Rawls, both are to be restrained by the limits of public reason. If Rawls is read as still holding on to his early conception of the self, the tension between comprehensive doctrines and the ideal of public reason loses much of its force. Concerning the political conception of the self as being free, Rawls sates: "This is not to say that... they view themselves as inevitably tied to the pursuit of the particular conception of the good that they affirm at any given time. Rather, as citizens, they are seen as capable of revising and changing this conception on reasonable and rational grounds, and they may do this if they so desire."[28] Although Rawls maintains in his earlier writings that persons have the ability to construct and revise conceptions of the good, this conception of the antecedently individuated self rendered this ability meaningless, because one's social position, natural talents, and conception of the good are ultimately determined by natural and social forces which are morally arbitrary. Given this foundation, it follows that one's views on fundamental political and moral issues will also be determined by these

morally arbitrary factors, in which case the question has to be asked—what can the ideal of public reason hope to accomplish? For example, if one's familial background (including an unchosen religious tradition that one was raised in) combined with other socio-economic factors have caused one to be an ardent anti-abortionist, all the ideal of public reason maintains is that one does not make reference to his or her comprehensive doctrines when, qua citizen, they debates this in the political forum. That being unable to use one's comprehensive doctrines in argument would make one more open-minded to other viewpoints is questionable as long as determinism is present in Rawls's theory.

In defense of the ideal of public reason, Rawls could argue that banning comprehensive doctrines from political debate promotes tolerance. However, the ideal of public reason seems a drastic and restrictive measure that results in a comparatively minor amount of tolerance in return. Returning to the abortion example: imagine a pro-choice advocate in the position of debating against the aforementioned ardent anti-abortionist under the conditions of the ideal of public reason. At stake, suppose, is a law that would render abortion illegal, and assuming that the law is passed, what has been accomplished? The pro-choice advocate is unlikely to have had a change of heart concerning her position, and due to the seriousness of the abortion debate and the passion that it evokes in participants, the amount of toleration is also questionable. Here Rawls seems to be committed to a superficial view of the plurality of values that represents moral conflict as little more than a superficial plurality of moral perspectives, as opposed to the view that moral disagreement is a matter of fundamentally

---

[28] Rawls, *Political Liberalism*, p. 30.

irreconcilable values existing within the same perspective.[29] At best, the ideal of public reason seems to take the sting out of defeat in a situation like this. The pro-choice person still loses, and most likely is not impressed with the arguments of the anti-abortionist that trumped her own view, but she is spared the humiliation of having lost to another's religious or moral doctrine. Abortion can be wrong, but not because of a particular comprehensive doctrine. Conversely, the anti-abortion advocate may have won for very good public reasons, but the question remains as to how important these reasons would be to a person objecting on the basis of a comprehensive doctrine. Easing tensions is a worthy and necessary project in a liberal democratic society that is characterized by a plurality of comprehensive doctrines, but this is a far lesser goal than the ideal of public reason promises. Clearly, although Rawls's political conception of the self may be heavily influenced by his argument in *A Theory of Justice*, to view Rawls as still relying on it, in effect merely using the political conception of the self as a tactical move to evade his critics, leaves Rawls with the same sorts of problems. Thus, it is best to interpret Rawls's political conception of the self as a fundamental shift towards a truly political theory.

The Bias of the Ideal of Public Reason

To arrive at this political theory, Rawls must rely heavily on the ideal of public reason, but despite Rawls's claim that the ideal of public reason does not advocate any particular comprehensive doctrine, it clearly favors some and

---

[29] Stephen Macedo, *The Liberal Virtues: Citizenship, Virtue, and Community is Liberal Constitutionalism* (Oxford: Clarendon Press, 1990), p. 236.

stacks the deck against others. The comprehensive doctrine of the pro-choice atheist is closer in nature to the ideal of public reason than the comprehensive doctrine of the anti-abortionist Catholic. In practice this means that Catholics are at a disadvantage when discussing abortion or laws concerning abortion in the political forum, because they must do so without many of the conceptual tools and reasons that constitute their comprehensive doctrine and ground their beliefs. Meanwhile, the atheist's comprehensive doctrine happens to receive favorable treatment by the ideal of public reason, in that there is little in the comprehensive doctrine of the atheist whose exclusion would have a meaningful impact on the force of their argument. For example, the Catholic cannot argue that life begins at conception on the grounds of Biblical or Church authority—sources crucial to the comprehensive doctrine of Catholics—yet the atheist's comprehensive doctrine has few aspects which qualify as objectionable under the ideal of public reason. She might not be able to argue that there is no God, or that the comprehensive doctrine of the Catholic is foolish or archaic in an age ruled by science, but she does not have to, as the ideal of public reason has already dismissed the Catholic comprehensive doctrine for her. The result of such bracketing of comprehensive doctrines cannot help but create conditions in which less esoteric, more secular comprehensive doctrines are given an advantageous stature. Rawls claims that part of the ideal of public reason is "accepting the methods and conclusions of science when not controversial",[30] but as William Galston observes that this only begs the question—controversial to

[30] Rawls, *Political Liberalism*, p. 139.

whom?[31] One need not go as far as Galston does in citing such non-mainstream groups as fundamentalist sects that deny evolutionary theory and Christian Scientists to find comprehensive doctrines that are threatened by the ideal of public reason. Any religious tradition that has a moral component will enter the arena of public debate on uneven ground if it honours the ideal of public reason. Such stacking of the deck amounts to nothing less than a violation of the assertion of political liberalism that it remain neutral on all controversies arising from clashing comprehensive doctrines. The argument here maintains that the ideal of public reason fails to be neutral in respect of comprehensive doctrines, and should not be confused with Sandel's criticism that the ideal of public reason creates an impoverished political discourse.[32] He cites instances of abolitionists and advocates of pro-homosexuality reforms as cases where the restrictions of public reason would limit proponents of these reforms to claiming that the law should not contain any moral judgments at all, not that the law contains a wrong moral judgement. And while Rawls allows for using comprehensive doctrines in situations where the basic structure of society, viz., all social and government institutions, is unjust, Sandel thinks this is inadequate and is not true to the intentions of moral reformers. And in fact, Rawls would deny Sandel's charge, citing the example of criminal trials in which the "full truth" is subject to certain

---

[31] William A. Galston, "Two Concepts of Liberalism," *Ethics* 105 (April 1995), pp. 519-20.

[32] Michael J. Sandel, "Political Liberalism," *Harvard Law Review* 107.7 (May 1994), p. 1776 and pp. 1789-1794.

procedural rules, even if this means at times effectively suspending the full truth, for the sake of ensuring the rights of all to a fair trial.[33]

A Sociological Critique of the Ideal of Public Reason

A plausible implication of this is that over time, this bias in favor of secular comprehensive doctrines will undermine those that are more exotic. For example, a person raised in an Islamic fundamentalist home, an environment that does not entertain the distinction between religion and politics, may feel placed in a compromising position by the ideal of public reason. If this person were to argue on issues that touched upon her comprehensive doctrine, she would have to reformulate all her convictions in secular terms in order to conform to the ideal of public reason. Here, two objections are advanced against public reason. First, the very reformulation of a person's reasons outside of what is a somewhat rigid and exclusionary comprehensive doctrine, is not merely a bracketing of this doctrine, but a violation of the doctrine itself. Although the Islamic fundamentalist may be pleased to see policies he favours adopted (e.g. legislation allowing Muslim workers time off to fulfill religious obligations), the reason why these policies should be implemented is not secular in nature to him, but rather stems from his comprehensive doctrine. In effect, he has had to distort what he considers to be the truth in order to make his point. This leads to the second objection against the ideal of public reason, namely that this constant reformulation of convictions stemming from his comprehensive doctrine into

[33] Rawls, *Political Liberalism*, p. 218.

secular reasoning serves to undermine the role of this doctrine in his life. Eamonn Callan argues this point along lateral as opposed to generational lines when he states that:

> Acceptance of the burdens of judgment ramifies widely across our thought and conduct outside the public sphere, and in so doing, undermines Rawls's sharp distinction in scope between comprehensive and political liberalism. The distinction in generality is gone, because the burdens of judgement are relevant to all subjects—personal relationships as well as the basic structure of society—to which our comprehensive doctrines have possible application.[34]

Anti-foundational theorists such as Richard Rorty not only concede this effect, but as Sandel notes, applaud it as the liberation of a liberal society from any dependence on philosophical justification: "the need for such [philosophical] legitimation may gradually cease to be felt. Such a society will become accustomed to the thought that social policy needs no more authority than successful accommodation among individuals, individuals who find themselves heir to the same historical traditions and faced with the same problems."[35] Although Rawls distances himself from Rorty's comments in *Political Liberalism*,[36] the effect of this bracketing promises to make Rorty's speculation a reality. Over time, the secular reasoning employed by the Catholic anti-abortionist and the Islamic fundamentalist to support their moral convictions in the political realm are likely to replace or at the very least become possible

---

[34] Eamonn Callan, *Creating Citizens: Political Education and Liberal Democracy*, (Oxford: Clarendon Press, 1997), p. 41.

[35] Richard Rorty, "The Priority of Democracy to Philosophy," *The Virginia Statute of Religious Freedom* (Merrill D. Peterson and Robert C. Vaughan ed.) 1988: 257-282. 264. As quoted in Sandel, "Political Liberalism", p. 1775.

[36] Sandel, "Political Liberalism", p. 1775.

alternative candidates to the reasons their comprehensive doctrines offers them. The weakening of these comprehensive doctrines may take years to occur, perhaps even manifesting itself only in how subsequent generations of their families are raised, but the idea of public reason undoubtedly marginalizes these non-secular doctrine from the start. While it is not desirable that individuals should never test their comprehensive doctrines against the arguments of others, to make them do so without being able to refer to their doctrines in any meaningful way, is to disallow for an adequate defense of their comprehensive doctrines in their lives as persons. Thus, despite political liberalism's promise to remain silent on the role of comprehensive doctrines within one's life as a person, it clearly has the potential, if not the actual effect, of undermining comprehensive doctrines. Again, political liberalism fails in its promise of neutrality. Consequently, the political conception of self is not as desirable as it first appeared, and since this conception of self is not grounded in a comprehensive doctrine, it is open to competition from other conceptions of the self that promise to make better sense of our moral and political intuitions regarding the autonomy of persons and egalitarian concerns in distribution.

Rawls as a Forerunner of Dworkin

Despite these problems with the ideal of public reason, whose consequences focus largely on the neutrality of the state, the question remains, what else follows from Rawls's liberalism if it is truly a political theory? If, as political liberalism claims, one only has to think about oneself as being

antecedently individuated, does Rawls's claim regarding the moral arbitrariness of attributes possess the same force as it did in *A Theory of Justice* (in which he argues that persons actually were antecedently individuated)? Rawls's earlier theory was reductionist in nature and thus difficult to undermine, because no matter what quality a person cited, Rawls could always trace the characteristic's lineage back to a morally arbitrary, hence undeserved, foundation, be it natural talent or social influence. However, Rawls can no longer use this genealogical tactic in his defense, because political liberalism endorses the antecedently individuated self not as an actual claim regarding the constitution of the subject, but as an account solely for political purposes, most notably the redistribution of wealth to promote an equality that is denied by fortune. This limitation regarding the self could open the door to alternative conceptions of equality such as Dworkin's notion of an envy-test that encompasses not only how one feels about the resources of others, but also how one feels about the entire life of others including the effort and sacrifices they have to make in order to secure those resources. The point is that, for Dworkin, inequality only exists when one honestly would want all the negatives that go with the riches of the other but cannot participate in this lifestyle due to a lack of good fortune in either natural or social endowments. A second implication of the political conception of the self is that Rawls can no longer hold at bay the claim that not everything about oneself is a result of the capriciousness of fortune. One could argue that since political liberalism no longer factually claims that one's characteristics are all morally arbitrary, that there are some qualities which are the result of one's self—in short,

that while one's talents and social situation may be wholly undeserved, what one does with these talents (often the result of quirks of fortune, but more importantly) through one's own effort-making ability or ambition does warrant a claim of either desert or entitlement. Rawls may have to retreat to his arguments in *A Theory of Justice* to rebut this, or could simply argue that the political purposes that concern political liberalism override such an objection. A more convincing critique is to claim that if political liberalism maintains its conception of the self is justified because it is held for political purposes, other conceptions of the self become candidates if they can fulfill those purposes equally or better than an antecedently individuated self. Specifically, the intuition that persons who extend effort in the pursuit of a goal have a greater claim to that goal and the benefits that accrue from it than do others who did not participate (although they may still have some claim to this goal or its benefits).

Dworkin's Conception of Equality of Resources

Ronald Dworkin offers such an alternative conception of the self as the foundation for his ambition-sensitive conception of equality of resources. The main problem with Rawls according to Dworkin is Rawls's focus on social inequalities at the expense of natural ones, a serious flaw in a system of justice that holds equality as an ideal. Dworkin's response to this shortcoming of Rawls is to advocate a form of equality of resources based on a hypothetical auction and insurance market. In order to accomplish this, Dworkin introduces the distinction between ambition-sensitive and endowment-sensitive inequalities.

For Dworkin, a truly just distributive scheme (in his case it will be equality of resources) will be one that holds persons responsible for their decisions, but not for their circumstances in life. This requires that Dworkin be able to draw a distinction between a person and her circumstances, a distinction that would enable him to say that x-percent of her situation in life is attributable to natural and social endowments beyond her control, while the remaining y-percent is attributable to her choices as to how to live her life. The problem is, how can Dworkin do this? I will argue that he cannot on three grounds. First, Dworkin uses ambition in a way that suggests it is a form of endowment. Secondly, the very notion of endowments is problematic, because not all endowments are the same, and some endowments are much more problematic than others when it comes to assigning responsibility for them. Finally, the fact that endowments in themselves are neutral until placed within a social context makes it impossible to characterize them as being part of a person or part of her circumstances, as Dworkin attempts to do. Thus, it will be argued that Dworkin's theory of equality of resources fails because the conception of self that it relies upon to make the theory ambition-sensitive and endowment-insensitive in untenable.

Before examining the conception of self he must employ to justify his theory of equality of resources, it is necessary to explain what Dworkin means by equality of resources, and how he reaches his particular version of it. To illustrate his conception of equality of resources, Dworkin proposes the following thought experiment: numerous individuals are shipwrecked on a remote and uninhabited island that is flush with natural resources. Due to various

circumstances a rescue in the near future is highly unlikely, so the survivors realize that they must start a new society. They all accept the principle that none of them is antecedently entitled to any of the resources on the island, and that these resources should be shared equally among them all; they also decree that a truly equal distribution will be had only if no one envies the resources of another. So they choose an auctioneer, who divides the island's resources into discrete bundles, and then distributes one hundred clamshells, themselves abundant but not valued by anyone, as a currency for bidding on resources. The envy test will be met because all can bid on any particular resource, but more importantly, since all are openly bidding, one can choose their resources and life plans against a horizon of information about the actual cost that their choices will impose on themselves and others. This is significant, because according to Dworkin this knowledge allows people to be responsible for their decisions. However, differences in talent and ambition will quickly disrupt this initial equal and envy-free distribution of resources.

To understand exactly how ambition and equality conflict, and how Dworkin proposes to reconcile them, it is important to examine precisely what Dworkin means by equality of resources, as there are numerous other political theories that involve notions similar to equality of resources, each pronouncing a different judgement on whether or not the inequality created by ambition is just. The term "equality of opportunity" refers broadly to a family of distributive theories that are based on the intuition which states that all individuals have an equal opportunity to a given object, e.g., income from the exercise of their talents, and

once all individuals have exercised their "opportunities" any resulting inequalities are to be respected. The similarity with Dworkin's conception of equality of resources resides in the fact that under each theory, all persons start off in the same position. However, according to equality of opportunity, whatever one creates through one's own effort or talent is rightfully their own, because the gain made does not come at the expense of another. This is sometimes passed off as an interpretation of equality of resources, but Dworkin rejects this because in even a rudimentary economy, the production of different products by different persons will inevitably affect others, and the gains made thereby, whether they be the result of differential talents or ambitions, will be at the expense of others.[37] The family of equality of opportunity theories is often interpreted as operating on the assumption that "equality" is used in a strong sense, viz., all persons have an equal chance to the proceeds of their labour, and all they have to do to exercise this opportunity is labour. Dworkin has recognized that equality taken in the strong sense here distorts the situation. In effect, Dworkin sponsors a weak interpretation of equality here, viz., all persons have an equal chance to the proceeds of their labour in light of the actions of others.[38] Consequently, whatever chances one has to the proceeds of one's labour will depend on the actions of others, that is, on how they labour, as well as on their choices in the marketplace. For example, if someone makes a better widget than others, they will be able to trade more often and at a higher price than others can. As a result

[37] Dworkin, "What is Equality? Part 2: Equality of Resources", p. 307.

they will have more purchasing power than others do, and their spending habits may affect the prices of the goods that others desire. Furthermore, to maintain that equality of opportunity is really an interpretation of equality of resources requires making an assumption that Dworkin's conception of equality of resources does not: that if all start from the same circumstances and faithfully follow the same rules of conduct, any resulting inequalities are just. Dworkin labels this the starting-gate theory of fairness and dismisses it as being significantly different from his theory of equality of resources. In fact, to argue from the starting-gate theory is in effect to mix principles, Dworkin claims, because if a principle is truly just, it should be applicable during both the initial auction and at any given moment after the auction.[39] Since, according to Dworkin, the starting-gate theory is Lockean in nature (it rests on a conception of ownership that holds labour to be central), if one wants to argue that this theory is just after the auction, one must be prepared to argue that it should apply to the initial auction as well; otherwise, Dworkin argues, one is being inconsistent in the use of two very different principles. Dworkin is mistaken on this point though. He claims that the post-initial distribution, laissez-faire portion of the starting-gate theory depends on a version of Locke's theory of appropriation, which requires that one's labour be mixed with resources for appropriation to occur. However, as Cohen observes, the Lockean theory of appropriation applies only to unowned resources, not owned resources or private property, and since the laissez-faire

---

[38] This distinction is made by Alistair M. Macleod in his article "Equality of Opportunity". Dworkin never explicitly draws this distinction himself. However, Dworkin's criticism of what he generally calls equality of opportunity, does in effect, make use of this distinction.

component of the starting-gate theory does not commence until after the initial distribution, Dworkin's criticism is simply inapplicable.[40]

Furthermore, Dworkin's insistence on a single principle applying to all stages of distribution is pedantic. There are numerous instances in life where different principles are applicable at different stages—e.g. one is allowed all the resources of a library while studying for a university exam, but the majority of exams allow students little more than writing instruments during the actual exam, and in athletic competitions such as hockey games, rules apply that do not during practice, and in the case of overtime, special rules such as sudden death can come into effect that do not govern normal play; and no one decries these instances as violations of justice or as inconsistent. Although Dworkin is right to fight against the possibility of numerous principles being used in an inconsistent, ad hoc fashion, no such problem occurs with a theory that purports to be ambition-sensitive, such as the starting-gate theory, because the initial distribution occurs prior to the application of ambition to one's conception of the good, while any redistribution occurs after ambition has been employed. As a result, the two situations are very different, akin to the difference between time spent in preparation for an exam and the grade received for one's performance on the exam.

Another attempt to remedy apparent deficiencies in the auction, is to classify the physical and mental powers of persons as part of one's resources

---

[39] Dworkin, "What is Equality? Part 2: Equality of Resources", p. 308-9.

[40] Cohen, *Self-ownership*, p. 108.

prior to the auction. That done, if one is deemed to be lacking in one of these respects, compensation could be provided for these deficiencies before the auction takes place. Dworkin rejects this idea for two reasons. First of all, such an approach would require a conception of *normalcy*[41] that could be used as a standard to judge persons in order to discern whether or not they deserved compensation, and the quest for any such standard is bound to be problematic. Secondly, this is not equality of resources, but a thinly veiled version of equality of welfare. Dworkin's conception of equality of resources acknowledges that all are not equal in physical and mental ability, but seeks to insure equality in the resources available to one in pursuing a chosen conception of the good. The pre-auction compensation, however, seeks to make persons equal in a way that they never can be equal, and in the case of those who are severely handicapped, calls for an extremely high level of compensation that will result in only a minimal increase for the handicapped at great expense to others.[42]

The Revised Auction: Insurance

Dworkin realizes that any form of economy will disrupt the initial equality generated by the auction. Aside from inevitable trade between persons, some persons will suffer misfortune in a variety of guises, while others will not. Dworkin revises his original auction to include an insurance scheme that would protect against unfortunate occurrences. To this end, he distinguishes between

---

[41] The concept of *normalcy* will prove problematic for Dworkin when he has to distinguish between talents and tastes.

[42] Dworkin, "What is Equality? Part 2: Equality of Resources", p. 300.

brute luck and option luck. Brute luck is when and where random risk manifests itself on particular occasions, such as lightning strikes. In contrast, option luck is how premeditated, calculated gambles turn out. According to Dworkin, insurance links the two because the notion of buying insurance is itself a matter of option luck.[43] Dworkin maintains that if insurance against bad brute luck were available during the initial auction, and all knew that they had an equal antecedent chance of suffering varying degrees of such misfortune, they would purchase some amount of insurance against these catastrophes—in effect, exercising their option luck to hedge against negative brute luck. Each person would then receive compensation only if they had gambled by purchasing insurance, and only to the specified amount of coverage that they had invested in; and if their gamble did not pay off, they would be minus the number of clamshells used to acquire the insurance when the auction took place. To simplify matters, and because knowledge of certain particular instances of bad brute luck (e.g. genetic dispositions towards cancer, heart disease, etc.) are sketchy at best, Dworkin proposes that we discern an approximate amount of insurance that the average person would be likely to purchase, and then provide this coverage for all. This is important for Dworkin, because it deals with the problem of handicaps, one of the areas in which Rawls's theory is negligent.[44]

---

[43] Dworkin, "What is Equality? Part 2: Equality of Resources", p. 293.

[44] Dworkin further argues that lack of talent could qualify as a handicap, stating "...we may say that someone who cannot play basketball like Wilt Chamberlain, paint like Piero, or make money like Geneen suffers from an (especially common) handicap." *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge [MA]: Harvard University Press, 2000), p. 92, and that some form of minimal insurance against being particularly untalented could be devised, but this seems very odd. Few persons feel handicapped because they cannot play hockey like Wayne Gretzky.

What Dworkin Says about *Ambition*

Dworkin's conception of self relies on his ability to maintain that ambition is not an endowment, yet is a part of the person. That is to say, Dworkin's claim that a person be compensated for the morally arbitrary factors that form her circumstances, but not for her decisions which are part of her person, relies on a certain conception of ambition. Should ambition be shown to be a form of endowment, then Dworkin's conception of the self that supports his conception of equality of resources becomes incoherent. Important to recognize is the fact that central to Dworkin's conception of equality of resources is the idea of a market, which is significant to the present discussion because according to Dworkin the market is a necessary condition of ambition. The market, he claims, is "a necessary condition of individual liberty, the condition under which free men and women may exercise individual initiative and choice so that their fates lie in their own hands."[45] If "individual initiative" is taken as a synonym for ambition, this passage sets the agenda for Dworkin, and maps out the tensions that lie within equality of resources, namely, the demands of equality on the one hand versus the inequality created by the exercise of ambition on the other.[46] Thus, Dworkin's

---

Contrary to Dworkin's theory, the situation is actually reversed; Gretzky is gifted with exceptional natural endowments, not that everyone else is handicapped, and few feel handicapped because they do not possess Gretzky's skills.

[45] Dworkin, "What is Equality? Part 2: Equality of Resources", p. 284 and again at *Sovereign Virtue*, p. 66.

[46] Many theorists praise Dworkin's attempt at ambition-sensitivity, and although he is here criticized for failing to be truly ambition-sensitive, the goal of this project is to advance a theory that captures his goal, even if it involves scuttling his means. However, not all agree that ambition should be the centerpiece of a theory of distributive justice. In particular, Cohen argues that a truly just society will never exist as long as egalitarian social institutions are thwarted by the

task is to navigate a conciliatory path through the opposing values of equality of resources and equality of ambition. As Dworkin states, we must

> recognize that the requirements of equality (in the real world at least) pull in opposite directions. On the one hand we must, on pain of violating equality, allow the distribution of resources at any particular moment to be (as we might say) ambition-sensitive. It must, that is, reflect the cost or benefit to others of the choices people make... But on the other hand, we must not allow the distribution of resources at any moment to be endowment-sensitive, that is, to be affected by differences in ability of the sort that produce income differences in a laissez-faire economy among people with the same ambitions.[47]

Despite Dworkin's powerful claim that equality of resources must distinguish between ambition-sensitive and endowment-sensitive inequalities or, in the terminology of his more recent writings, that equality of resources be *ethically sensitive* and *continuous* as opposed to *ethically insensitive* and *discontinuous*,[48] upon close scrutiny it is unclear whether this is a meaningful distinction. What does it mean to say that an inequality is ambition-sensitive? Dworkin himself never provides a systematic treatment of the idea of ambition, and the reader must carefully comb through his writings to extricate what he means by ambition through the different ways that he uses the term. Perhaps the most explicit instance in which Dworkin uses the ambition, occurs in his essay regarding equality of welfare, where he states that:

---

inegalitarian ambitions of private citizens (see his *If You're an Egalitarian, How Come You're So Rich?*). The problem is, of course, that Cohen's solution to this problem involves a change of societal consciousness, and it is debatable as to how this could be achieved or what effects it would have on productivity and innovation in general.

[47] Dworkin, "What is Equality? Part 2: Equality of Resources", p. 311 and again at *Sovereign Virtue*, p. 89.

[48] Dworkin, *Sovereign Virtue*, pp. 232-4.

> Preferences are choices of something preferred to something else; they represent the result of a decision, of a process of making what one wants more concrete. But the ambition to find value in life is not chosen as against alternatives, for there is no alternative in the ordinary sense. *Ambition does not make plans more concrete, it is simply the condition of having any plans at all.*[49]

In *Sovereign Virtue* Dworkin reiterates this position in his discussion of personality. He claims that,

> People's fates are determined by their choices and their circumstances. Their choices reflect their personality, which is itself a matter of two main ingredients: *ambition* and character. *I mean ambition in a very broad sense. Someone's ambitions include all his tastes, preferences, and convictions as well as his overall plan of life: his ambitions furnish his reasons or motives for making one choice rather than another.* Someone's character consists of those traits of personality that do not supply him with motives but that nevertheless affect his pursuit of his ambitions...[50]

In both passages, Dworkin claims that ambition is a precondition to having any form of life plan at all. One could assume from this, that all persons have some level of ambition, because even the most derelict have life plans of some sort regardless of how small or immediate these may seem to others. However, there is nothing in this quote that suggests all persons have ambition in equal amount, and if this is the case, an argument could be made that ambition is a form of endowment, whether natural, social, or both. The relation between ambition and character is more problematic than Dworkin acknowledges because the traits constitutive of one's character may be considered as positive or negative by the person in question. As Dworkin argues in a different context:

---

[49] Ronald Dworkin, "What is Equality? Part 1: Equality of Welfare," *Philosophy & Public Affairs* 10.3 (1981), pp. 206-7 and again at *Sovereign Virtue*, p. 30. Italics are mine.

[50] Dworkin, *Sovereign Virtue*, p. 322. Italics are mine.

> Resources and handicaps—including cravings and obsessions that we wish we did not have, and struggle to conquer or dispel—enable or limit us in their ability to do what we wish to do. Beliefs, convictions, *ambitions*, projects, and tastes of the ordinary kind—those that we do not struggle against or hope to eliminate but rather take satisfaction in—determine what it is that we wish to do. We enjoy or labor under the former. But we reason or feel or puzzle our way to the latter, *and it is among the most basic of our ethical assumptions that the responsibility for such judgment is our own.*[51]

Far from a pedantic point of interest, the notion of ambition is the linchpin to Dworkin's theory, for if ambition can be demonstrated to be an endowment, his conception of equality of resources must be changed to reflect the fact that all inequalities ultimately stem from endowments. And if this is the case, then no inequality of resources could be permitted at any time under a scheme of equality of resources which was ambition-sensitive, since ambition-sensitivity would become a morally arbitrary and meaningless assertion. But it is doubtful that such a radical and counter-intuitive theory of equality would be attractive to many. If ambition is an endowment, our accepted notions concerning responsibility are threatened too. As Dworkin states at the end of the last quoted passage "it is among the most basic ethical assumptions that the responsibility for such judgment is our own", and if ambition *is* endowment, then this ethical assumption is clearly wrong.

This first comment about ambition appears to treat ambition as a capacity that persons have for forming life plans, but if this is the case and ambition is a capacity just like any other that persons in general possess (such as a capacity for feeling or expressing emotions, or a capacity for grasping abstract thought), then ambition is really a form of natural endowment. That Dworkin unwittingly

---

[51] Dworkin, *Sovereign Virtue*, p. 293. Italics are mine.

treats ambition as a natural talent is reaffirmed by his response to the objection that certain tastes or preferences that are expensive can constitute handicaps. Dworkin responds to this objection in two ways. He postulates that insurance coverage for such expensive habits could be made available, but with premiums and coverage such that few would purchase it unless the taste were so extreme that it was akin to a mental disease. He also draws a distinction between ambitions and tastes on the one hand and endowments and talents on the other. In its simplest form, this "distinction [is] between a person and his circumstances, and assigns his tastes and ambitions to his person, and his physical and mental powers to his circumstances."[52] In later writings, Dworkin fleshes out this distinction:

> People's fates are determined by their choices and their circumstances...Someone's circumstances consist of his personal and impersonal resources. His personal resources are his physical and mental health and ability—his general fitness and capacities, including his wealth-talent, that is, his innate capacity to produce goods or services that others will pay to have. His impersonal resources are those resources that can be reassigned from one person to another—his wealth and the other property he commands, and the opportunities provided him, under the reigning legal system, to use that property.[53]

However, this distinction is at best arbitrary and only begs the question as to whether or not inequalities that stem from ambition should be treated differently from inequalities that stem from endowments. In fact, this distinction may not even make sense when one considers the reciprocal nature that mental and physical powers, one's circumstances according to Dworkin, have on one's

---

[52] Dworkin, "What is Equality? Part 2: Equality of Resources", p. 302.

[53] Dworkin, *Sovereign Virtue*, p. 322-3.

tastes and ambitions, or one's person.[54] But is it possible to split all these aspects of one's being into circumstances and persons? Certainly persons are not born with particular ambitions, as if they were innate ideas, but are they born with a capacity for forming particular ambitions? The nature of being a person is such that our capacities and talents are influenced and nurtured by our social circumstances; not only do our social conditions provide us with the opportunity to exercise our talents and ambitions, but they also provide us with the very options as to how our talents and ambitions may manifest themselves.

Dworkin's distinction between persons and their circumstances seems to overcompensate for a problem in Rawls's conception of the person (behind the veil of ignorance in the original position). A contentious feature of Rawls's account of persons is that on it persons are in principle completely alienated from any of their personality traits, including their personal goals and conceptions of the good. While Dworkin's account of the person rectifies this by allowing persons in the initial auction to possess knowledge of themselves (e.g. of what type of life they value), he still treats ambition as part of one's circumstances, and according to Dworkin, inequalities that stem from one's circumstances are not to be compensated for under equality of resources.[55]

---

[54] Dworkin states: "Talents are nurtured and developed, not discovered full-blown, and people choose which talents to develop in response to their beliefs about what sort of person it is best to be. But people also wish to develop and use the talents they have..." Dworkin, "What is Equality? Part 2: Equality of Resources", p. 313 (and again at *Sovereign Virtue*, p. 91) and a few pages later adds, "The connection between talents and ambitions... is much closer than that between ambitions and handicaps—it is, for one thing, reciprocal...", p. 316 (and again at *Sovereign Virtue*, p. 94).

[55] This point is echoed in Anthony K. Appiah's review of *Sovereign Virtue*, where he claims that "The trouble with Dworkin's account of parameters and limitations [a.k.a. ambitions and handicaps]... [is that it] treats all of our innate capacities—parameters, liabilities, and assets

The Implications of *Ambition* for Dworkin's Equality of Resources

In the absence of textual evidence from Dworkin to the contrary, we are left with the interpretation of ambition as some form of natural endowment whose development is subject to social influences. The implication of this for Dworkin's theory of equality of resources is devastating. As Dworkin states,

> Equality requires that those who choose more expensive ways to live—which includes choosing less productive occupations measured by what others want—have less residual income in consequence. But it also requires that no one have less income simply in consequence of less native talent.[56]

However, how can such ambition-sensitive choices as the choice of occupation, or of the extent of one's life one is willing to devote to this occupation, or of which of one's natural talents one chooses to cultivate be justifiably rewarded? How can one be held accountable for these choices, if the ambition that drives us in these decisions is itself a natural endowment? Dworkin's conception ultimately rests on a distinction that he cannot defend, and as soon as the problem of ambition is exposed, his conception of equality of resources becomes incoherent.

From Biological Endowments to Talents and Disabilities

The movement from ambition to talents is a significant shift in focus. While ambition is just one part, albeit a crucially important part, of Dworkin's conception of equality of resources, talents in general are a much broader class

---

alike—as a single, undifferentiated mass." "Equality of What?" *The New York Review of Books* vol. XLVIII, no. 7 (April 26, 2001), p. 68.

[56] Dworkin, "What is Equality? Part 2: Equality of Resources" , p. 327.

of phenomena that Dworkin must deal with. So if the conception of self that enables Dworkin to assign a person's tastes and ambitions to her person, and her physical and mental powers to her circumstances[57] is to stand, Dworkin must be able to distinguish in an effective manner between talents and disabilities on the one hand and tastes and aversion on the other hand. As I will argue, an analysis of what a talent is shows that Dworkin cannot separate talents from tastes in this way, and the result undermines his conception of self.

What constitutes a talent is a complex question. Every person has a genetic heritage, or as Alexander Rosenberg labels it, a set of biological endowments. Biological endowments, in and of themselves, are neutral. That is, they do not immediately confer an advantage or disadvantage on the person bearing them; they require interaction with the environment before they can become a talent or disability:

> There may be a presumption that the kind of biological endowments at issue here are hereditary ones, genetically programmed traits that are immutable and inevitable. The trouble with this conception is that there is no biological endowments of *Homo sapiens* that is *purely* under the control of the genome... All so-called hereditary endowments are the result of interaction between the genome and its environment... In general the genome interacts with the cellular, tissue, organ, whole body, and ecological environments to produce the kind of endowments we are interested in—talents and disabilities. In different environments, even slightly different ones, the same gene sequence will produce different traits.[58]

---

[57] "What is Equality? Part 2: Equality of Resources" , p. 302.

[58] Alexander Rosenberg, "The Political Philosophy of Biological Endowments: Some Considerations," *Social Philosophy and Policy* 5.1. (August 1987), p. 3-4.

How difficult the issue of talents becomes is evident from Rosenberg's taxonomy of traits. Each form of trait that Rosenberg mentions can give rise to a number of different actual phenomena, for all require different levels of interaction with the environment, and Rosenberg suggests, and I agree, that all demand different levels of responsibility be attributed to the bearer of the trait for its manifestation. Traits that persons possess can be divided up along a spectrum of: hereditary, domestic, and acquired traits, each division corresponding to a different level of responsibility for the bearer. Hereditary traits are the result of the genome's interaction with the environment. An example of a hereditary trait that constitutes a talent is good eyesight or hearing, while an example of a hereditary trait that is a disability is an allergy to peanuts. Although one may possess the predisposition to an allergic reaction, one cannot actually have this allergic reaction to peanuts (which is the disability) until exposed to peanuts at least once. Domestic traits are the combination of genetic factors and the intervention of circumstances of an agent, but not the bearer of the talent. The ability to play the piano well, resulting from a parent's decision to enroll a child in piano lessons at an age where the child cannot take credit for the decision is an example of a domestic trait that is a talent. Likewise, type-two diabetes can be the result of a genetic predisposition and a parent's failure to regulate the child's diet. The third type of trait, acquired traits, are again a combination of genetic endowment and interaction with the environment, but in this case it is interaction initiated by the agent. Thus, the talent of playing heavy metal music is the combination of certain genetic endowments combined with hours of practice initiated by the

bearer of the talent, in all likelihood without the approval or encouragement of others. Conversely, an example of a disability that results from an acquired trait is lung-cancer developed from years of smoking.

Rosenberg's analysis undermines attempts, such as Dworkin's, to draw distinctions between persons and their circumstances. In fact, if Rosenberg is correct, a person is inseparable from their circumstances in the sense that with even the slightest change in their environment, their genetic heritage would manifest itself in very different ways. Given the inseparability of persons from their circumstances, the question becomes whether any of these types of traits confer *unfair* advantages upon their bearers:

> One plausible view is that society should compensate for hereditary disabilities... parents should do so for domestic advantages, and no one is *obliged* to succor those who voluntarily disable themselves. The reasons reflect our beliefs about where responsibility is to be attributed for the causes of these disadvantages. Similarly, it may be thought, self-made talents should not be "taxed" the way we might deal with large inheritances. Those advantaged by the sacrifice of parents or others owe them a debt, but they do not owe "society" one. And those endowed with seven feet of height plus coordination seem more subject to redistribution of their gains than others. The reason behind these intuitions appears to be that acquired talents and disabilities are "earned" or "deserved" while hereditary traits are not, and domestic traits are somewhere between the two extremes.[59]

It is Rosenberg's contention that the vast majority of talents and disabilities that people enjoy or suffer from are of the domestic or acquired variety.

> The role of environmental factors is so great that to call such endowments hereditary may be seriously misleading. Some of these environmental factors may be under the control of no agent, others under the control of parents, and other's under an agent's own control. In the latter two cases, which environmental factors

[59] Rosenberg, p. 4-5.

> are brought to bear reflect both the resources and the preferences of agents or their parents.[60]

So even outright hereditary endowments require human input to be transformed into a talent or a disability. And with advances in medical technology being able to reduce the differences of hereditary traits between people to a negligible amount, proposals to redistribute for undeserved talents have little left to do.

Trying to discern whether a biological endowment is the basis for a talent or a disability is further complicated by the dual relational nature of these endowments: not only do biological endowments require interaction with the environment to become a trait, but in order for them to be identified as a talent or a disability their relation to the distribution of all other talents, disabilities, and preferences within society must also be taken into account. Since preferences vary over individuals even in the same circumstances, whether a biological endowment will give rise to a talent or a disability will also vary from individual to individual. Hence, inordinate physical beauty is of value to a woman who wants to be a fashion model, yet a possible disability to a woman who wants to be taken seriously in a workforce that is male-dominated and rife with sexist attitudes.

An objection to this would be that there has to be some norm, e.g. possessing sight and the full movement of one's limbs, against which person's traits can be measured. But this is problematic for two reasons: The first reason is that according to contemporary biological theory, as Rosenberg interprets it, there is no such thing as a "*normal* or *natural* level" of any given trait, rather

---

[60] Rosenberg, p. 16-17.

"[t]here is, instead, a range of variation in the incidence of a trait on which selection works."[61] As a result, any proposed standard will be artificial, and undoubtedly reflect other normative criteria. The second reason is that, as argued, whether a trait is a talent or a disability is subject not just to the preferences of its bearer, but to the overall distribution of talents, disabilities, and preferences across the whole society.

Rosenberg illustrates this via the plight of a group of islanders. He envisages two versions of an isolated Polynesian island. The first is populated by persons who have no interest whatsoever in coconuts. On this island, if only one person had the ability to climb trees to acquire coconuts, this ability would give him no economic advantage over any other islander. The second is an island in which the only food is coconuts, and the trees are all of such a height that the only method for harvesting them is for islanders to climb the trees themselves. Assuming that the ability to climb trees is common, if not universal, among the inhabitants of this second island, the ability will not grant anyone an advantage. Thus, the individual does not gain anything from his talent on either island. Of course, if the number of persons who possessed the talent for tree-climbing dwindled due to coconut-harvesting accidents, advantages would begin to accrue to those who could still climb trees. However, imagine that the situation were altered to include time constraints (since this is the only viable food source, if an insufficient amount of coconuts is harvested, some will die) and acrophobia was introduced into the population en masse, and the remaining few

---

[61] Rosenberg, p. 5.

who do not suffer from this fear actually have acrophilia, the love of high places. Does this render acrophilia a talent and acrophobia a disability?[62] Certainly the former will generate economic advantage to an islander, while the latter will require him to pay more for his daily supply of coconuts.[63]

This is a crucial example for any discussion of tastes and talents, because it shows that the economic effects of talents and disabilities can be the same as those of preferences, and this punches a hole through the heart of Dworkin's ambition-sensitive project and even Rawls's theory of justice, for both claim that individuals should not be compensated for (expensive) tastes.

> If we cannot distinguish disabilities from tastes, say, the inability to climb from acrophobia, or distinguish those agents with the latter from those with the former, we will be unable to effectively compensate only for real disabilities and avoid compensating those whose preferences lead them to feign disability, or even those who sincerely believe themselves disabled. In a parallel fashion, we may end up charging someone for his acrophilia just because he climbs the tree with no more skill than an acrophobic.[64]

Dworkin claimed that preferences were not to be compensated for because they were not part of the person's circumstances but part of the person herself. As

---

[62] The prospect of changing situations raises another problem for Dworkin, namely, that while he believes he has taken care of expensive tastes, he is incapable of dealing with inexpensive tastes that suddenly become expensive. See Larry Alexander and Maimon Schwartzchild, "Liberalism, Neutrality, and Equality of Welfare vs. Equality of Resources," *Philosophy & Public Affairs* 16.1 (1987), p. 99. For example, imagine an islander who has found a root whose taste he covets. Because everyone else prefers coconuts to the root, he can enjoy as much of it as he can find with little expense. Then, due to a curse placed on his island by the inhabitants of a neighbouring island, a large number of his fellow islanders are stricken with acrophobia. Over night his root becomes an acceptable food source for those faced with starvation due to their inability to harvest coconuts, and the originally inexpensive taste of the islander is now an expensive taste. The islander in question has done nothing intentional to cultivate an expensive taste, so why should he be treated as if he had intentionally done so?

[63] Rosenberg, p. 14-15.

[64] Rosenberg, p. 15.

argued, this distinction is questionable. But in an attempt to shore up this distinction, Dworkin further argues that the preferences of others do not relieve us of our responsibility for our circumstances:

> The mix of personal ambitions, attitudes, and preferences that I find in my community, or the overall state of the world's resources, is not in itself either fair or unfair for me to do or to have... Other people's needs and opinions are not resources that can be justly or unjustly distributed among us: they are, to repeat, part of what we must take into account in judging what injustice is or what justice requires. They are... parameters of justice.[65]

Although the above quote comes chronologically after Rosenberg's argument, the sentiment is indicative of Dworkin's position in his earlier writings. And such a position leads Rosenberg to question Dworkin's distinction between talents and preferences, between person and circumstances:

> For one thing, powers and abilities are not part of the agent's environment, which he can change just by moving away or outwaiting their change. It is true that the powers I was born with, or endowed with by others, are part of my circumstances in the respect that I did not choose them, and can alter them only by great effort. But exactly the same is true of my preferences, my ambitions, and my definition of what a successful life would be like. For they are determined by factors beyond my control as much as my endowments are.[66]

Thus, if Dworkin cannot maintain the distinction between talents and ambitions, because ambitions *are* endowments, he cannot provide good reasons why ambitions and tastes should be treated differently from endowments and talents. Part of the problem is that what constitutes a parameter as opposed to a limit is ultimately up to the individual, and this leaves the distinction between parameters

---

[65] Dworkin, *Sovereign Virtue*, pp. 289-9.

[66] Rosenberg, p. 22.

and limits, talents and tastes, and endowments and ambitions adrift. For example, an aspiring musician would view deafness as a limit that curses her life plans, but as Appiah observes, "[f]or many deaf people... their deafness is not a limitation but a parameter: a condition becomes an identity—the deaf become the Deaf."[67] Therefore, Dworkin's distinction between ambitions and endowments cannot stand, and his associated conception of the self that his theory of equality of resources relies upon becomes incoherent.

Conclusion

Neither Rawls, nor Nozick nor Dworkin can offer an adequate theory of the self, because none of them is capable of drawing a viable distinction between a person and her circumstances, a distinction which is necessary to meeting the two requirements of justice—that a person be held accountable for her actions that stem from her own self and that no one suffer due to the capriciousness of fortune regarding her circumstances. Rawls's solution amounts to a negation of the distinction, as not only are one's social circumstances a matter of morally arbitrary factors, but so are all the characteristics that constitute what is normally considered to be a person. Nozick offers an alternative of free exchanges and assumes as part of it a naïve view of autonomy, to the point where circumstances, no matter how extreme or unfair, become irrelevant as they are ultimately the result of the autonomous choices of free individuals. Dworkin tries to take the middle ground by arguing for a conception of equality of resources

---

[67] Appiah, p. 68.

that is ambition-sensitive—a theory that is founded upon his being able to distinguish between a person and her circumstances. However, his theory of equality of resources becomes incoherent when it is revealed that ambition, which he attributes to one's person, amounts to a natural endowment, which he classifies elsewhere as part of one's circumstances. Furthermore, if Rosenberg is correct in his analysis of what constitutes a talent, it is impossible to identify talents or tastes independently of their circumstances. Hence, Dworkin's distinction becomes untenable, and he has no foundation for an ambition-sensitive theory as he understands and intends the term.

What needs to be done, and what my project over the next several chapters will seek to do is to sketch the emerging conception of the self that is evident in the critiques of these thinkers. Following through with the consequences of such a self, the implications for the neutrality of the state in terms of advocating virtues to foster an ethics of responsibility will also be examined.

Chapter 2: The Ideal of Distributive Justice and The Problem of the Self

Taking into consideration advances in psychology, genetic engineering, and the disfavor that metaphysics has fallen into in an increasingly secularized, science-oriented age, it is not surprising that the line demarcating the self from its circumstances has blurred to the point where eminent thinkers such as Rawls and Nozick (and in a different way Foucault as well) can argue that such a line never really existed. Dworkin too acknowledges how malleable this distinction between self and circumstances is:

> Our judgments about personal responsibility are dominated by a key distinction between chance and choice... We distinguish, for a thousand reasons between what part of our fate is open to assignments of responsibility, because it is the upshot of someone's choice, and what part is ineligible for any such assignment because it is the work not of people but of nature of brute luck. The whole network of our moral and ethical convictions shifts when technology or discovery makes any dramatic change in the boundary between the two.[1]

If liberal theory is to be what Dworkin calls "ambition-sensitive", as Dworkin wants, a conception of the self that is adequate to meet the demands placed on it by liberalism needs to be elucidated. This task will not be easy, as the line between person and circumstance has become somewhat translucent, but there is a growing trend in contemporary perspectives, most notably with Charles Taylor's notion of a dialogical self and Michel Foucault's aesthetic conception of the self, that points the way. In this chapter I will argue for what can be termed a developmental self, something that closely mirrors Taylor's notion of a dialogical self—viz., a self that is formed against a "horizon of

---

[1] Dworkin, *Sovereign Virtue*, p. 287.

significance" constituted by shared cultural, normative, and linguistic meanings. However, the developmental self will also incorporate insights from the writings of Michel Foucault. The terms developmental and dialogical mean essentially the same thing, although when wishing to distance my own position from specific connotations associated with Taylor, I will often use "developmental self". Throughout the rest of the work, the terms are interchanged freely.

Demands on the Liberal Conception of Self

Before looking at Taylor and Foucault, it will be useful to enumerate the requirements that a liberal self would have to meet in order for it to make sense of a liberal democracy's political and moral experience. To this end Dworkin makes a bold statement that encompasses the most fundamental demands on a conception of the self, namely, a person's responsibility for her circumstances:

> The second principle of ethical individualism, the principle of special responsibility, is neither metaphysical nor sociological. It does not deny that psychology or biology can provide persuasive causal explanations of why different people choose to live as they do choose, or that such choices are influenced by culture or education or material circumstance. The principle is rather relational: it insists that so far as choices are to be made about the kind of life a person lives, within whatever range of choice is permitted by resource and culture, he is responsible for making those choices himself.[2]

But Dworkin, I have argued in the previous chapter, does not have a coherent notion of the self to back up this claim. The task now becomes, given Dworkin's statement about an individual's special responsibility and Dworkin's inability to back up this statement: can a coherent conception of self be articulated that can

[2] Dworkin, *Sovereign Virtue*, p. 6.

ground Dworkin's notion of special responsibility, and if so, what will this mean for theories of distributive justice? The former question is the subject of this chapter, the latter question the subject of Chapter Four.

A. Autonomy

The first requirement of a liberal conception of self is that the self be autonomous. A self that does not possess the capacity to make autonomous decisions is not capable of participating, even in theory, in a liberal democracy. For a liberal democracy assumes by definition that its citizens are capable of being autonomous. Not all agree on this however, for while some thinkers maintain that autonomy is a necessary condition of possessing the dignity that comes with moral agency,[3] other thinkers such as Stephen Macedo claim that autonomy is an ideal that should be promoted within a liberal democracy but that it is not a necessary condition for all persons of a functioning liberal democratic regime.[4] According to Macedo, in order to warrant respect, all that is required is that liberal citizens meet the criteria of autarchy, not autonomy. The autarchic individual may possess the capacity to reflect upon, choose between, and modify certain desires to an extent, but her actions do not spring from values, ideals, and aspirations that have been critically examined and integrated as her own. The Rawlsian self, at best, only seems to be capable of autarchy, for if the antecedently individuated self is taken to its logical extreme, then all a person's

---

[3] Robert Young, *Personal Autonomy*, p. 2.

[4] Macedo, *The Liberal Virtues*, p. 229.

traits are not only morally arbitrary, but are separate from her. Therefore, all her beliefs, desires, actions, and conceptions of the good, can be traced back to factors that are not her own, that is to say, factors which she seems unable to reevaluate, and for which, as such, she is not responsible. The key difference between the autarchic and the autonomous individual is that the former can reshape her actions but not the source of her actions, while the latter is able to reshape both.[5] However, the autarchic individual, although perhaps worthy of the respect owed to anyone possessing personhood, seems highly susceptible to manipulation and unable to grasp why she acts in certain ways or why she pursues particular sorts of goals. Consequently, and there is a haunting sense of determinism about such an individual, as with a person trapped in a runaway car whose ability to affect the car is limited to changing the radio station. But Macedo never deals with this problem concerning autarchic individuals.

B. Adaptability

The second requirement of a liberal conception of self is that through its choices the self be able to adapt to changes in its situation, and evolve in the sense of not simply repeating the same freely chosen behavior patterns. This requirement is captured succinctly by Rawls in *Political Liberalism* when discussing the two moral powers, the second of which, a capacity for a conception of the good, Rawls describes as "...the capacity to form, to revise,

[5] Macedo, *The Liberal Virtues*, p. 216.

and rationally pursue a conception of one's rational advantage of good."[6] While defending the ideal of liberal autonomy against its communitarian critics, Macedo refines Rawls's statement when he claims that "I cannot choose my character, but I can shape and revise it piecemeal."[7] Part of the second requirement is that a change of behavior, or of conception of the good, be an act that the person is responsible for, and not merely a reaction or the consequence of a string of natural and social influences. So as Joseph Raz maintains, autonomous persons cannot merely drift through life:

> An autonomous person is part author of his own life. His life is, in part, of his own making... A person is autonomous only if he has a variety of acceptable options available to him to choose from, and his life became as it is through his choice of some of these options. A person who has never exercised choice in significant matters but simply drifted through life is not an autonomous person.[8]

Rawls also claims that persons have this capacity to revise conceptions of the good, but this can only be an empty capacity if all of one's abilities—even their effort-making abilities—stem from and are thus determined by one's natural or social endowments.[9] Several theorists have made this point with different conceptual backgrounds in mind. Albeit in a different context, Macedo makes the point eloquently:

> To be moved by an obsession that overrides the capacity for reflection is not really 'acting' at all: it is more like being blown off a cliff by a high wind than jumping off. In other cases, persons may be unaware of what they are doing, their capacity for reflection is

---

[6] Rawls, *Political Liberalism*, p. 19.

[7] Macedo, *The Liberal Virtues*, p. 223.

[8] Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1998), p. 204.

[9] Rawls, *Theory of Justice*, p. 104.

> short-circuited or underwhelmed and, again, they really do not act. What they do is more like an involuntary blink than a wink.[10]

And Robert Young makes a similar point, when he states "self-determination is hardly displayed in, for example, freely but mindlessly mimicking the tastes, opinions, ideals, goals, principles, or values of others."[11] However, when Young goes on to argue that "[t]he choices and actions of an autonomous person are not just free but are also expressive of his or her own preferences and aspirations..."[12] he includes a commitment to some unstated notion of authenticity, or higher self, as an implication of his conception of self-determination, hence his emphasis on choices being expressive of one's "own preferences and aspirations". Although Macedo's and Young's general theories differ, and in *Liberal Virtues* Macedo rejects positions like Young's at length, they share a common theme, namely, that an individual who is not aware of the source of her actions is not truly acting, but merely reacting to or reflecting forces, which may not necessarily be beyond her potential control, but are presently beyond her awareness. Clearly, therefore, a certain amount of critical self-reflection is a necessary requirement for the liberal self.

C. The Acknowledgement of Finitude

The third requirement of a liberal conception of self is the acknowledgment of human finitude; or the fact that no one is perfect and all are subject to some

---

[10] Macedo, *The Liberal Virtues*, pp. 228-9.

[11] Young, *Personal Autonomy*, p. 8.

[12] Young, *Personal Autonomy*, p. 8.

circumstances that will be beyond their control, whether these be the result of genetic inheritance, birthright, or simply events that no reasonable person could have foreseen. Dworkin acknowledges this requirement when he makes the claim that a person's fate is determined both "by their choices and their circumstances"[13] a central part of his project. If the self is autonomous, it follows that responsibility, of an as yet to be determined degree, can be attributed to the individual for her actions. Insofar as these actions than affect her circumstances, the self can be said to be responsible for those circumstances. Conversely, the self cannot be said to be responsible for events that are beyond its sphere of reasonable preparedness. This essential but limited responsibility is at the heart of Dworkin's ambition-sensitive, endowment-insensitive ideal that he hopes is embodied by his conception of equality of resources.

How the Liberal Self Differs from Other Conceptions of the Self

How does the conception of the self as sketched by the three aforementioned elements—autonomy, adaptability, and finitude—differ from the conceptions of self that Rawls, Nozick and Dworkin have offered? Rawls's antecedently individuated self in both his earlier and later works is immediately ruled out, because the entire person is ultimately a collage of morally arbitrary factors, and as such there is no meaningful way for the individual to exercise the two moral powers Rawls attributes to persons. This is a serious problem for Rawls, because the exercise of the two moral powers is central to the Rawlsian

[13] Dworkin, *Sovereign Virtue*, p. 322.

position. Yet the moral powers are themselves ultimately arbitrary in two senses: first, no one does anything to deserve having these powers, and second, the exercise of these powers is contingent upon a host of other equally morally arbitrary factors (the "natural lottery" in Rawls's terminology). And at no point does Rawls offer an explanation of how exercising these two morally arbitrary moral powers is meaningful in the sense that responsibility can then be attributed to an individual for her actions. Rawls could avoid this result if he were to take the stance developed here: that even though individuals may be initially composed of morally arbitrary factors, through critical self-reflection they attain a certain distance from and control over these factors. As a result, although persons may not be born autonomous, they have the potential to become so.[14] The developmental self also rejects Nozick's naïve conception of the self as being born fully autonomous and not subject to the vicissitudes of fortune. For Nozick's conception of the self does not acknowledge the fact that autonomy is the result of a process that involves, among other things, critical self-reflection and the presence of others, both in the sense of specific individuals and a wider

[14] For an example of an argument for a similar conception of the self, albeit from a very different corner of philosophy, see *Playing God? Genetic Determinism and Human Freedom* (New York: Routledge, 1997), pp. 6-7, in which Ted Peters argues on both ethical and theological fronts that the advancements in genetic engineering do not infringe on human freedom, because although scientists are discovering with greater certainty how determined individuals are by their genetic make-up, the possibility now exists to determine that make-up. In short, as a race, human beings now possess the ability to become self-determining. In Peters's terminology, Rawls maintains a *puppet determinist* view, in which there is no human self that transcends the genetic code, and persons are ultimately the beneficiaries or victims of their genetic inheritance. Contrast this with the *Promethean determinism* that resonates with Taylor's dialogical self: "Promethean determinism seems to entail the unspoken trust that some sort of decision-making entity, perhaps the human self, has gained a degree of critical distance from its own genetic make-up. This self is presumed without question to exist, and it can't be exhaustively reduced to its genetic determinants. The self is in charge, not the genes. The genes determine the human future, but the human race determines the genes." p. 7.

social backdrop of institutions and norms. The liberal conception of self captures the essence of Dworkin's failed quest for an ambition-sensitive redistribution scheme, and indeed, promises to provide him with a coherent conception of the self to replace his own inadequate one. However, it should be noted that adopting the liberal conception of self would mean a different redistribution scheme than Dworkin's insurance scheme and graduated income tax.[15] An examination of Taylor and Foucault will reveal a trend of conceptualizing the self that satisfies these demands, and makes greater sense of what a self in a liberal democracy is.

The Problem of the Self According to Taylor

According to Taylor, the self has only recently become problematic, because the conditions that render the self a question are only present in a liberal society. In former, pre-liberal centuries, social hierarchies were an unavoidable aspect of life. The effects of these hierarchies were so pervasive that Taylor claims they actually defined one's identity within society, nullifying any sense that the self is an evolving entity. One's identity was considered fixed by birthright as were the entitlements one could expect; the question of one's identity vis-à-vis the role of fortune in one's lot in life was not yet possible as a political question. However, this all changed with the advent of liberalism; in fact, it could be argued that the problem of the self is a distinctly liberal problem.

[15] In fact, the liberal conception of self requires an entirely different conception of justice than Dworkin's equality of resources. Chapter Four will argue that the only conception of justice that is compatible with the liberal conception of self is a modified form of the starting-gate theory, which

Whereas in a hierarchical society the (essentially) dialogical self was forced to accept the hegemony of society, in effect accepting the identity that society thrust onto it, in an open society subject to less strict hierarchical structures, a dialogue actually began to evolve, and eventually flourished. As social hierarchies crumbled, one's identity became an increasingly open question.[16] Complementing society's diminished ability to tell a person that a given mode of life was their role—effectively who they were—a trend was taking hold, and given expression by Herder, that each person had a unique way of being human.[17] The emerging conception entailed that to be truly human one must be in touch with one's inner voice, and discover one's own mode of life as opposed to accepting what society seeks to impose. Taylor is quick to note though, that despite this development towards an identity derived independently of social hierarchies, Herder thought this unique identity was generated purely inwardly,[18] and hence, Herder falls short of appreciating the true dialogical nature of the self.[19]

---

focuses on equality of opportunity. However, the theory needs to be altered in such a manner as to avoid the self-contradictory nature that Robert Young intuitively observes at work in it.

[16] Charles Taylor, "The Politics of Recognition," *Philosophical Arguments* (Cambridge [MA]: Harvard University Press, 1995), p. 226.

[17] Taylor, "The Politics of Recognition", p. 228.

[18] Herder thought this concept of originality was applicable on two levels; the individual level as one person among other persons, and on a cultural level as one people among other peoples.

[19] See Taylor's "The Politics of Recognition," pp. 229-30 where he states: "But in the nature of the case, there is no such thing as inward generation, monologically understood. In order to understand the close connection between identity and recognition, we have to take into account a crucial feature of the human condition that has been rendered almost invisible by the overwhelmingly monological bent of mainstream modern philosophy. This crucial feature of human life is its fundamentally monological character."

Taylor's analysis reveals that the self is not isolated from society, and cannot invent itself however it pleases, as Nozick suggests.[20] The self is involved in a constant battle to define itself, a battle that can be won or lost, and that requires a horizon of significance, viz., a background of shared language, meanings, norms, and cultural artifacts, etc., which cannot be generated by the individual self alone. This necessary horizon of significance emerges only from the presence of a society that acts as a battlefield. A horizon of significance that is created by a single individual is arbitrary and meaningless, unrecognized by others who are unable to share in it, or give it legitimacy. This is why when one tries to redefine an identity that has been given by society, rebellion against the social norms associated with this identity is often the means chosen. Through flaunting or rejecting norms that others expect from a particular role, one effectively communicates a rejection of the identity the role forces upon one. Such a rebellion typically goes unnoticed because others do not recognize it as a rebellion: it becomes a futile and meaningless gesture.

Societal Obligations

Recognition requires a horizon of socially shared meanings, something that is not available to a lone individual. This renders incoherent Nozick's conception of the self as a free individual selectively choosing associations to which it wishes to belong; the very notion of such choice requires society in both

[20] Taylor claims that even those who retreat from society are in fact in the process of generating a dialogical self. He cites the hermit's relationship vis-à-vis the divine, and the artist's relationship to the work of art as examples of this. See "The Politics of Recognition", p. 231.

the physical sense of providing an infrastructure for these associations as well as in the sense of providing a horizon of significance.[21] Persons do not simply enter the world fully formed with autonomously-derived tastes, preferences, desires, and ambitions; rather these are acquired through interaction with others, and that means not just the select few who may comprise one's immediate family, but also the wide range of others one draws ideas from, identifies with and reacts against. Private associations and the family simply cannot generate a sufficient horizon of significance to make autonomy possible. Although Nozick does concede that persons are partially social products, he rejects the suggestion that this leads to any "floating debt" to society.[22] This seems a failure on Nozick's part to follow through on the implications of his claim, for as Taylor shows, horizons of significance are necessary not only for the creation of autonomy but also for the continued practice of autonomy. According to Taylor, such prerequisites to autonomy entail an obligation to society:

> I am arguing that the free individual of the West is only what he is by virtue of the whole society and civilization which brought him to be and which nourishes him; that our families can only form us up to this capacity and these aspirations because they are set in this civilization; and that a family alone outside of this context—the real old patriarchal family—was a quite different animal which never tended these horizons. And I want to claim finally that all this creates a significant obligation to belong for whoever would affirm the value of this freedom; this includes all those who want to assert rights either to this freedom or for its sake.[23]

---

[21] Taylor, "Atomism" *Philosophy and the Human Sciences: Philosophical Papers 2*. (Cambridge: Cambridge University Press, 1995), p. 206, fn. #7.

[22] Nozick states, "[T]he fact that we partially are "social products" in that we benefit from current patterns and forms created by the multitudinous actions of a long string of long-forgotten people, forms which include institutions, ways of doing things, and language... does not create in us a general floating debt which the current society can collect and use at will." *Anarchy*, p. 95.

[23] Taylor, "Atomism", p. 206.

Taylor's thesis is that the self as a dialogical construct needs this horizon of significance to provide the options from which a person forms their identity. The process of developing a self is analogous to the writing of a philosophy essay: a good essay cannot be achieved by someone simply sitting down and writing her opinions or thoughts about a particular subject, nor by simply regurgitating another's criticisms. A good philosophy paper will require reading the background literature and getting a sense for how the topic has been dealt with by others, and then formulating a response in relation to this horizon of significance. It is not enough to say, for example, that Sandel is right and Rawls is wrong, as this is just mimicking Sandel's position; it is necessary to show why Sandel is right and Rawls is wrong, that is, give a defense of Sandel and a criticism of Rawls apart from Sandel's own arguments. In this way the author of the essay owes some form of debt to Rawls, Sandel, and the others she has read, because her position simply could not even be formulated without her interacting with the writings of others. Likewise, one has an obligation to society, as it is only through society that one's cherished identity is possible. In some instances, this reliance upon others is so extreme that the others become a part of one's identity. Such is the case with *significant others* according to Taylor. He cites the experience of certain goods within the personal sphere involving another person to such an extent that the good can only be appreciated with the other.[24] Playing team sports, engaging in romantic relationships, and having

---

[24] Taylor, "The Politics of Recognition", p. 231.

children all require the interaction of others on varying levels, and although there may be some exceptions where the role of the other can be minimized, the other is still a necessary condition for this good to be achieved. Raz echoes this point, albeit with an emphasis on social conditions, when he argues:

> If having an autonomous life is an ultimate value, then having a sufficient range of acceptable options is of intrinsic value, for it is constitutive of an autonomous life that it is lived in circumstances where acceptable alternatives are present... [and the] existence of many options consists in part in the existence of certain social conditions. One cannot have an option to be a barrister, a surgeon, or a psychiatrist in a society where those professions, and the institutions their existence presupposes, do not exist... it is sometimes overlooked that the same is true of the options of being an architect or of getting married. It is true that one need not live in a society at all to... cohabit with another person. But doing so is not the same as... being married... In many countries a homosexual can cohabit with, but cannot be married to his homosexual partner, since to be married is to partake of a socially (and legally) recognized and regulated type of relationship.[25]

Raz argues further, in much the same spirit as Taylor, that some of these social conditions which generate such options are social goods, and cites specifically the recognized status of homosexual marriages as one such common good.[26] In this way, both significant others and the broader horizon of significance created by society as a whole are necessary conditions of individual autonomy.

The Limits of Societal Obligations

The obligation that Taylor sees entailed by the dialogical nature of the self is not without problems, however. Taylor claims that the commitment persons

---

[25] Raz, pp. 205-6.

[26] Raz, p. 206.

recognize when they affirm their freedom is one to the civilization they developed in, and extends to whatever the conditions of its continued existence may be. For Taylor this means supporting liberal democracies at least by way of endorsing the social and political obligations these regimes impose on their citizens. Here Taylor seems dangerously close to committing the naturalistic fallacy, turning an is into an ought. Simply because liberal democracies have generated the conditions for autonomy does not rule out other political systems from accomplishing this goal. Taylor hedges his bet with the caveat that it if an anarchist society produced autonomous agents he would have to accept them,[27] but this merely thrusts the burden of proof onto the anarchists, and short of radical social engineering the anarchists could never produce the evidence Taylor requires. A stronger line of argument that Taylor employs is that since one's identity and status as an autonomous being depend to a significant extent on the social and cultural circumstances one lives in, one has a vested interest in how these circumstances evolve.[28] In other words, it is in the interest of preserving one's own identity and the ability to make the choice of selective associations that Nozick reveres, that persons have an obligation to participate in and respect whatever type of political society that has given rise to these things; if this be a liberal democracy, then so be it.

This last point proves important in the response to the reductionist approach to the self, an approach evident in the early Rawls. According to Rawls, all inequalities are undeserved because each one can ultimately be

[27] Taylor, "Atomism", p. 208.

traced back to one or more morally arbitrary factors, so no one is responsible for their wealth. As with most reductionist arguments, the causal history of an event cannot be denied, but the consequences that Rawls draws from the morally arbitrary causal lineage are not as undeniable. For example, an advocate of the dialogical self could argue that an individual is responsible for both the conditions of her own life and the conditions of her own autonomy on the grounds that although inequalities in income can be traced back to morally arbitrary natural and or social factors, the individual lives in a society that has generated the conditions which make her autonomy possible. Furthermore, acting as an autonomous agent, the individual can help determine the shape of this society's political, social, and cultural spheres (by participating in political movements or initiating new ones, sponsoring artists, volunteering one's time and skills to a variety of causes, etc.). Thus, the individual exercises a certain amount of control over the conditions of her own autonomy—and since being autonomous allows the individual to intentionally direct the cultivation of specific talents and tastes, and the general direction of her life to a greater extent than the non-autonomous (perhaps merely autarchic) individual, the autonomous person has a stronger claim to the proceeds from the exercise of her natural endowments than does the non-autonomous person.

Political Implications of the Dialogical Self

The dialogical nature of the self becomes further complicated when Taylor expands the process to include the political realm. Not only do significant others

---

[28] Taylor, "Atomism", p. 208.

play a role in determining who a person becomes, but society as a whole also takes part in the formation of the self. In moving from the intimate sphere to the political sphere, Taylor shows his Hegelian leanings, when he shifts from emphasizing the formation of the self as a true dialogical process to its being a process that rests primarily on the legitimate recognition of the other.

Only through the sincere recognition of another can one's identity be affirmed, and conversely, in the absence or perversion of this recognition one's identity can be either crushed or distorted. This notion of recognition by the other is at work in much contemporary social policy. Advocates of affirmative action and employment equity often cite historical misrecognition of particular minority groups as having created such a skewed self-image of those in the group that mere non-discrimination legislation is not enough to truly equalize the playing field, and so they propose that programs capable of helping to create a more positive image for the groups affected are necessary. As the argument goes, steps to actively recruit candidates from minority groups or to use minority status as a tie-breaker in a final decision or to implement quotas will help create the needed image by allowing the minority group as a whole to see one of their own in a position which is esteemed by society as a whole.

Yet recognition cannot be forced if it is to be authentic. Referring to Hegel's master-slave dialectic as a reflection of the old hierarchical social structure, Taylor laments how self-defeating the recognition of the slave is. Both master and slave have a basic human need for recognition from another, but under Hegel's characterization of this need both lose; the slave's loss is complete

for obvious reasons, but the master also loses, because she needs the recognition of an equal, self-supporting being, not the hollow recognition of a dependent underling. As a result, the master's craving for recognition remains unfulfilled, despite her superior position in relation to the conquered other. This points to a weakness in Taylor's own account of the self, namely that it is too dependent on the role of the other: the significant others that exist in one's life and also society as a whole play a part in the dialogical process that produces the self. But here Taylor is perhaps too Hegelian for his own good. The emphasis on the recognition received from the other comes at the expense of the individual's role in the dialogical process. This is to say that if freely-given recognition by others is ultimately a necessary condition of forming one's identity, then the individual lacks the ability to unilaterally shape her identity. Although Taylor may contest having such a claim attributed to him, his presentation of the dialogical self in effect tilts the emphasis of the dialogical process too far towards the recognition by others. This bias can be more clearly seen in the unusual conception of equality of opportunity put forth by John Roemer, which in spirit is a refinement of Dworkin's failed distinction between ambition and endowment, but is also a theory that relies on a dialogical conception of the self.

Roemer's Unusual Conception of Equality of Opportunity

Generic equality of opportunity arguments maintain that competition for a position should not be made on the basis of factors that are beyond the applicant's control. Usually such claims refer only to irrelevant characteristics

such as race or gender, but variations of the theme can include social intervention in an attempt to equalize the opportunities that all candidates have for a given position or goal. Roemer is advocating a different type of equal opportunity position. He wants to devise a scheme that would characterize persons according to types based on factors considered beyond the individual's control and affecting the individual's ability to choose autonomously in regard to a particular action. Membership in such groups would then act as a benchmark for judging their responsibility for their behavior. More specifically, one's position in relation to the statistical averages of the group would determine how responsible one is for given actions. Although fraught with problems, Roemer's proposal is important because it tries to clarify the vagueness of Dworkin's distinction between a person and her circumstances, because it illustrates a serious problem with Taylor's account of the self, and because it sheds light on what responsibility means.

Roemer's position is easily sketched: pick an activity such as smoking, and draw up a list of all the factors that impinge on the purely autonomous choice of whether or not to smoke. Next, identify what individuals are being compensated for, e.g. lung-cancer, or other smoking-related diseases. For the sake of simplicity, Roemer assumes that a consensus could be reached regarding these factors, and that society as a whole would be the arbitrator of disputes about what is or is not a factor beyond one's control.[29] Once a type has

[29] At this point, Roemer makes his argument political as opposed to metaphysical, by stating that the criterion for what counts as *beyond one's control* is relative to different societies, and cites how the differing political attitudes in Sweden and the United States would undoubtedly generate different lists of factors. Although this caveat allows for flexibility, especially when confronted with

been determined, a distribution pattern can then be statistically created for this group. To use Roemer's example, agreed upon factors beyond one's control that influence the decision to smoke could be age, ethnicity, gender, and occupation, which in turn would generate many groups, two of which would be: Black, sixty year old, male steelworkers and White, female, sixty year old, college professors. The distribution for these two groups may be that the steelworkers smoked a median of one pack of cigarettes a day for thirty years, while the college professors smoked one pack a day for only eight years. Roemer's suggestion is that if all the listed factors are beyond the control of an individual, then they should be discounted from that individual's responsibility.

In short, group membership is not within the individual's control, and therefore one should bear no responsibility for the consequences of being in a particular group. However, where one resides within a group's distribution is within one's control and can be attributed to one's own autonomous choice, and so that is where responsibility is to be assessed. Thus, if someone belonging to the above mentioned steelworker-type smoked more than the median one pack a day for longer than thirty years, this excess would be seen as a matter of his own choosing, and he would be expected to bear a greater portion of the expense for smoking-related illnesses as a result. If he smoked less than the median, he

---

new technological developments that shed light on the nature of these factors, it is also a weakness that renders Roemer's theory highly liable to manipulation. For example, if Rawls's reductionist self were plugged into Roemer's theory, the outcome would be the impossibility of all responsibility.

would likewise receive additional compensation in comparison to the benchmark of compensation offered to those who smoked the median amount.[30]

Roemer's Equality of Opportunity v. Dworkin's Equality of Resources

There are many technical objections that could be raised against Roemer's proposal, but they are not relevant to the purposes here. A more useful tactic would be to look at how Roemer's suggestion stacks up against Dworkin's idea that ambitions belong to an individual's person while physical and mental abilities belong to the individual's circumstances. Thus for Dworkin, the tastes with which a person identifies and the actions that follow from them are within the realm of personal responsibility, regardless of whether those tastes were formed or influenced by factors beyond the individual's control; e.g., an individual's conception of the good, although perhaps heavily influenced by an over-bearing parent, is part of her person, not her circumstances. In contrast, Roemer lets the distinction between autonomous and non-autonomous choice be decided by society and not by what the individual thinks. For Roemer, this distinction determines one's responsibility, because unlike Dworkin, Roemer equates control with the distinction between responsibility and non-responsibility. Further, one may argue that Roemer's list of factors that are beyond one's control is just as arbitrary as Dworkin's distinction between "person" and "circumstance", and that each theory runs the risk of having its respective distinctions conflated. Technological advances or a reductionist approach could

[30] John Roemer, "Equality and Responsibility," *Boston Review* 20.2 (electronic media).

enlarge Roemer's list of what lies beyond one's control to the point of excluding autonomous choice completely,[31] and Dworkin's tendency to treat ambition like an endowment, despite pretenses to the contrary, also leads his theory to the unfortunate conclusion that autonomy is an illusion. Yet Roemer's theory seems more plausible, perhaps because it appeals to notions of commonsense in establishing the boundary between one's autonomy and one's circumstances. Whereas Dworkin merely draws a metaphysical line demarcating the person from their circumstances, without giving a thematic treatment of the rationale guiding him, Roemer focuses instead on individual examples and tries to discern what the person has control over in these cases. Although what a person has control over is contestable, defining autonomy in terms of control promises to be less problematic than Dworkin's approach because Roemer's approach offers in effect a political answer, not a metaphysical one. Roemer's approach also has correlates in other areas of philosophy that make it seem somewhat more intuitive than it may actually be. In particular, Roemer's locating responsibility for how one acts within given circumstances in relation to how others would have acted, seems similar to conceptions of liability within the sphere of tort law. Roemer seems to be advocating a decontextualized variant of the "due diligence" theory of liability that holds people responsible for actions to the extent that they took reasonable precautions to avoid harm; if reasonable precautions are defined by what others in the same type of situation have done, e.g. smoke for thirty

[31] Dworkin acknowledges the possible impact of technological advances on judgments of responsibility at *Sovereign Virtue*, p. 287.

years in the case of the steelworker, then one is only accountable for a deviation from that norm.[32]

The Problem with Both Roemer and Taylor

However, Roemer's conception of equal opportunity is plagued by some deep philosophical problems, one of which sheds light on a similar difficulty lurking within Taylor's articulation of the dialogical self. Neither theory offers a solid account of the individual, especially in terms of how one can defy the norm. According to Taylor's conception of the dialogical self, the self can only define itself through interaction with others and against a backdrop of shared linguistic, normative, and cultural meanings. The problem with Taylor's articulation of this dynamic is that he places too much emphasis on the recognition of others and the importance of horizons of significance, leaving little room for the individual to initiate or effect any change in the absence of such recognition. For example, in the political arena, if Taylor is correct and we need recognition for our identities to flourish, he cannot explain how a disenfranchised group such as women could forge an identity for themselves if there were no sympathetic males to encourage or recognize them. An implication of Taylor's emphasis on the recognition received from others is that, as a group, women needed men to recognize them before their identities could be formed. Likewise in the personal realm, someone suffering from misrecognition by an oppressive family situation could never

[32] It may be objected that smoking is a harm to oneself and not to others, however as I will argue in chapters three and four, under the conditions in a liberal democratic regime in which the state makes coercive transfers to provide healthcare, the distinction between harms to oneself and harms to others is less clear than this objection suggests.

escape it, even by running away, because in order to have enough of an identity to rebel, they would need the recognition of the intimate others who are oppressing them (or at the very least other persons such as friends, teachers, etc.). Where there is no recognition by others, no rebellion is possible. And although Taylor would be quick to defend the role of the individual, his presentation of the dialogical self and the "politics of recognition" in effect downplay the individual's status. Roemer's proposal includes an insistence that the distribution of acts within a certain type accurately reflect what options were available to individuals within that type. So, if all the sixty-year-old Black male steelworkers smoked one pack of cigarettes a day for exactly thirty years, then none in this group could have done anything other than this. As Roemer states: "the distribution of years smoked within a group provides us with a way of calibrating the real opportunities of the members of a group... Given one's group, certain choices may be effectively, even if not physically, barred."[33] This is certainly a controversial argument, and not all accept its validity.[34] In the context of Roemer's example, if the distribution were that all individuals in this group smoked one pack a day for thirty years, then no one in that group could choose to do otherwise; but it is implausible that any group of factors beyond one's control could rule out a choice to the extent that it becomes effectively

---

[33] John Roemer, "Equality and Responsibility"

[34] See Thomas J. Scanlon "Comments on Roemer," (*Boston Review* 20.2) who states: "When factors "beyond their control" give people in a given class strong reasons for acting a certain way, a uniform pattern behavior may result, but these people may still be fully responsible for what they do." Also, Eric Masking "Reply to Roemer on Equality," (*Boston Review* 20.2) claims that the steelworker's smoking could be described in voluntary terms due to such desires as wanting to build camaraderie.

impossible. The fact that Roemer thinks such practical impossibility an acceptable consequence of his conception of equal opportunity betrays his lack of concern with the individual, and hence his similarity to Taylor. In each case the identity of the individual is determined respectively by either a horizon of significance or a group-identity linked to a certain type of action. Consequently there is a sense of being a prisoner to one's circumstances in each theory, as neither Taylor nor Roemer gives the individual sufficient power to radically take charge its circumstances. Yet unilateral initiatives do occur: oppressed minorities do demand recognition and establish their own identities, undoubtedly in dialogue with those who they view as oppressors; persons do escape abusive personal situations; and not everyone gives in to peer pressure or has tastes that coincide with that of others in their environment. In short, there are instances of individual defiance in which recognition of the other is not significantly present, and both Taylor and Roemer fail to pay sufficient attention to this important phenomenon.[35]

Roemer's proposal also sheds light on what it means to be responsible for an act. By defining responsibility as how one's actions stack up against the actions of others within a given type, which in turn is determined by factors that are agreed upon as being beyond one's control, Roemer seeks to find the elusive ground between ambition and endowment that Dworkin strove for. Yet at the

---

[35] Not all agree that this oversight is of significance. Robert Young, for instance, maintains that while it is true that some exceed despite readily exploitable talents or unfavorable social conditions, it is not true that all persons in like situations can do so: "it is true *distributively* that each can make it because none is prohibited from doing so, but it is a truth from the *collective* point of view that not everyone can make it." "Autonomy and Egalitarianism," *Political Studies* XXXVI (1988), p. 671. Italics are mine.

same time, Roemer has been accused of using what S. L. Hurley calls the *regression principle*, in that Roemer holds one responsible for an act only to the extent that the person was responsible for particular causes leading up to the act. But this move by Roemer only results in an interminable regression that renders all responsibility an impossibility.[36] For Roemer to get around this objection, he would have to draw an arbitrary limit and claim that responsibility for an act does not require responsibility for all the preceding causes—but is there really a problem with claiming such a limit?[37] The underlying premise of Roemer's proposal, and the reason why it proves intuitively plausible, is that within given circumstances a person has the ability to do or prevent certain things from happening, and what it means for them to be negligent in this context is easily discernable.

Both Roemer and Taylor can be interpreted as giving accounts of responsibility that involve and emphasize the role of the other; in Taylor's case the other is central to the development of the self as an autonomous being, and in Roemer's case the other serves to define the distribution that provides a backdrop against which personal responsibility is gauged. Taylor's arguments that the self is a dialogical entity run into difficulty because Taylor places so much importance on the recognition from others (in both the personal and public spheres) that he cannot give an adequate account of how or why identities change in the absence of recognition from others. If a particular person or group

---

[36] S. L. Hurley, "Troubles with Responsibility," *Boston Review* 20.2 (electronic media).

[37] As will be seen in Chapter Four, this limit cannot merely be causal, but would have to be grounded by a normative principle.

was constantly denied recognition, how could they ever mount a campaign for recognition? Likewise, Roemer's conception of responsibility relies entirely on the background created by the decisions of others within a given group. Obviously the relationship between the individual and the other is misrepresented in these two theories. Fortunately, Foucault's parallel project is capable of providing a moderating influence by stressing the importance of the individual's will vis-à-vis the role of the other.

Foucault's Aesthetic Conception of the Self

Despite the fact that Taylor is critical of Foucault's articulation of the self as a series of power-relations, claiming that it is too anthropocentric and encourages nihilistic tendencies,[38] Foucault's enterprise possesses many affinities with Taylor's project. Both reject monological formulations of the self in favor of dynamic ones, in which selves are born out of cultural and historical processes, and both theorists agree that the self has only recently become a philosophical and political problem largely due to the collapse of social hierarchies. There are significant differences however, most notably in

[38] See Charles Taylor, "In his last interviews, he [Foucault] espoused the ideal of the aesthetic construction of the self as a work of art... what is striking again is the kind of unrestrained, utterly self-related freedom that this ideal entails." *Sources of the Self*, p. 489. Taylor adds further that this "[N]otion of self-determining freedom, pushed to its limit, doesn't recognize any boundaries, anything given that I *have* to respect in my exercise of self-determining choice. It can easily tip over into the most extreme form of anthropocentrism... anthropocentrism, by abolishing all horizons of significance, threatens us with a loss of meaning and hence a trivialization of our predicament." *The Malaise of Modernity* (Concord: House of Anansi Press Limited, 1991), p. 68, and finally for refusing to pass moral judgements on the forms of oppression that Foucault's analysis of power-relations has revealed, see Taylor's "Foucault and Freedom" *Philosophy and the Human Sciences: Philosophical Papers 2*, (New York: Cambridge University Press, 1995), p. 153.

Foucault's emphasis on the role of the self in relation to the role of the other in the development process itself.

For Foucault, only the modern age is truly humanistic. He goes so far as to claim that,

> [b]efore the end of the eighteenth century, *man* did not exist... He is a quite recent creature, which the demiurge of knowledge fabricated with its own hands less than two hundred years ago... it has been only too easy to imagine that he had been waiting for thousands of years in the darkness for that moment of illumination in which he would finally be known.[39]

Thus, despite the elevated status of humanity in such periods as classical Greece and the Renaissance, the concept of man which Foucault locates at the center of Modernity is simply not present in earlier times.[40] Prior to the Modern Age, man was a rational animal among other animals in the Great Chain of Being, but the *problem of man as such* is possible only in Modernity. Much in the same way that Taylor sees the question of identity as being possible only in the absence of hierarchical social structures, Foucault maintains that the study of the subjectivity, the self as a subject, becomes possible only in the Modern Age. There is a striking parallel between Foucault's revelation that the problem of man is only possible in Modernity and Taylor's insight that the problem of the modern self is a result of the uncertainty of the recognition of others inherent in liberal societies.

---

[39] Foucault, *The Order of Things: An Archaeology of the Human Sciences* (New York: Vintage Books, 1994), p. 308.

[40] Foucault, *The Order of Things*, p. 318.

The notion of a fixed human nature acting as a foundation for the self is an illusion according to Foucault, who instead claims that the self is a historical construct formed by the experience of various limits. These limits are the effects of numerous power relations. Some limits, such as the restrictions of existing as a finite being are unchangeable, but many limits are mutable to varying degrees. A person who suffers from an addiction is dominated by the limitations resulting from her addiction. Yet these limits can be overcome. Even if her disposition towards her addiction has been thrust upon her externally by society, to maintain that she is a free being, one must concede that she has tacitly accepted this limit, and despite the difficulty involved, can transgress this limit. Otherwise, the individual ceases to have freedom and becomes the pawn of material influences. Limitations regarding personal conduct concerning oneself and others are alterable, even though they may be firmly implanted. Due to their constant presence, these limits are eventually mistaken as features of oneself—creating the illusion that there is an actual fixed self which manifests itself in ways consistent with those limits.[41] This clash between contingent, yet defining, limits and the will to overcome them is the crisis which allows Foucault's new subjectivity to be responsible and creative. The freedom of this new subjectivity does not consist in removing constraints from a fixed subject, as is the case with notions of negative liberty where all that matters is the lack of external obstacles. Rather, for Foucault, freedom resides in a given subject's ability to challenge and

[41] Lamb, "Freedom, the Self, and Ethical Practice According to Michel Foucault", p. 452.

transgress any of its defining limits which are deemed to have become too rigid, dominating, or otherwise malevolent:

> The analysis of power relations is an extremely complex area; one sometimes encounters what may be called situations or states of dominance in which the power relations, instead of being mobile, allowing the various participants to adopt strategies modifying them, remain blocked, frozen... In such a state, it is certain that practices of freedom do not exist or exist only unilaterally or are extremely constrained and limited.[42]

Important to note is the fact that for Foucault power relations are not necessarily negative, as they can be either prohibitive or prescriptive, nor are power relations imposed solely by external entities. For example, in considering oneself to be an honest person one is placing a limitation upon oneself, the limitation to tell the truth and not lie; similarly, the addict adheres to the unnecessary limitation to need the object of her addiction. What is involved always is a constant process, not so much of reinventing oneself, but of tending to one's self.[43]

Foucault contra Taylor

Not only does Taylor emphasize the recognition of others over the individual in his own dialogical account of the self, but he is highly suspicious of any theory that elevates the individual to a position of primacy. This

---

[42] Michel Foucault, "The Ethics of Concern for Self as a Practice of Freedom," trans. P. Aranov and D. McGrawth, Ed. Paul Rabinow. *Ethics: Subjectivity and Truth* (New York: The New Press), p. 283.

[43] In *The History of Sexuality Vol.3: The Care of the Self*, Foucault maintains claims, " "Spend your whole life learning how to live" was an aphorism—Seneca cites it—which asked people to transform their existence into a kind of permanent exercise. And while it is good to begin early, it is important never to let up", p. 48, and he emphasizes the communal aspect of this when he claims that "[a]round the care of the self, there developed an entire activity of speaking and writing in which the work of oneself on oneself and communication with others were linked together.", p. 51 (Trans. Robert Hurley, New York: Vintage Books, 1986).

predisposition against individualist theories of the self stems from a fear that if individualism is endorsed, then the conditions of autonomy will begin to decay. As discussed earlier (Chapter Two, *Social Obligations*), Taylor charged Nozick with advocating an incoherent anarchism, for precisely this reason, and now he alleges that Foucault makes the same error, claiming that Foucault's emphasis on the individual as creating a "self-determining freedom" threatens to lead to "an extreme form of anthropocentrism, by abolishing all horizons of significance".[44] That is to say, if the self is allowed to invent and act on its own private meanings and norms, independent of the horizons of significance (constituted by publicly shared linguistic, normative, and cultural meanings of the community), then these horizons of significance will begin to erode and may collapse entirely. Horizons of significance bind a community together precisely because they are *shared*, even by those who may rebel against parts of them. What Taylor fears is that the privileging of the individual over horizons of significance—Foucault's claim that the self can *and should* reinvent itself however it pleases, treating the self in effect as if it were a work of art in continual progress—will dissolve all horizons of significance. Hence, the community would have nothing to bind it together.

However, when the affinities between Foucault's conception of the self as the convergence of a series of power relations and Taylor's notion of the self as a dialogical construct are examined, it becomes evident that Foucault's aesthetic conception of the self does not erode horizons of significance. According to Foucault, our interactions with others create the power relations which establish

---

[44] Charles Taylor, *The Malaise of Modernity*, p. 68.

a large number of the limits which constitute our identities. This is similar to Taylor's claim that interactions with significant others play an important role in forming our identities. These power relations provide us with a horizon of significance against which Foucault's aesthetic project of the self can take place. So while Taylor's suspicions of Nozick were confirmed, they appear misguided in the case of Foucault, for Foucault's aesthetic conception of the self does not abolish all horizons of significance nor does it result in a severe anthropocentrism. Foucault is further criticized by Taylor on the ground that his view of power and the self leaves no aspect of human life that is not tainted by the presence of some power-relation;[45] an ironic criticism, considering that Taylor places so much emphasis on the power of the other in the dialogical formation of the self. In his defense, Foucault states that power relations exist in every facet of human life, but that their presence is not necessarily a negative predicament. Only when limits which are the effect of power relations become stagnant and rigid does domination arise and freedom become curtailed, and even then freedom still exists:

> I scarcely use the word *power*, and if I use it on occasion it is simply as shorthand for the expression I generally use: *relations of power*... in human relationships... power is always present... I am speaking of relations that exist at different levels, in different forms; these power relations are mobile, they can be modified, they are not fixed once and for all... These power relations are... mobile, reversible, and unstable. It should also be noted that power relations are possible only insofar as the subjects are free. If one of them were completely at the other's disposal and became his thing, an object on which he could wreak boundless and limitless violence, there wouldn't be any relations of power.[46]

---

[45] Charles Taylor, "Foucault and Freedom", p. 153.

[46] Foucault, "The Ethics of the Concern for Self as a Practice of Freedom", pp. 291-2.

Thus Taylor actually misunderstands what Foucault means by power relations, erroneously assuming that the existence of power excludes the existence of freedom, an assumption Foucault rejects as being "absolutely inadequate"[47] and not attributable to him. Furthermore, the fact that there exists a will to transgress these limits implies an unspecified minimum amount of freedom inherent in the self, regardless of what the situation may be.

The Liberal Conception of Self

Taylor and Foucault articulate the understanding of a developmental self, of the sort of self which is a prerequisite to meaningfully participating in a liberal democracy. Although deeply rooted in the dialogical approaches employed by both Taylor and Foucault, the liberal conception of self differs from both Taylor's and Foucault's position in that it recognizes the importance of both the individual and the other. This is to say that the liberal conception of self acknowledges both sides of the dialogical process—the self and the recognition of others—as being crucial to the formation of one's identity in particular, and personhood in general. The liberal conception of the self takes Taylor and Foucault to be equally necessary components of the self's development, in that while Taylor emphasizes the importance of the recognition of others and the horizons of significance, Foucault underscores the necessity of the individual in this dialogue. In recognizing both aspects of the dialogical process, the liberal conception of self and avoids the error here diagnosed in both Taylor and Foucault of treating

one factor as primary at the expense of its counterpart. In this sense, Taylor and Foucault should be seen as not only complementary but necessary to the articulation of a self that is capable of meeting the demands placed upon the self by a liberal democracy.

This should not be surprising, however, as these two thinkers mirror the spectrum of distributive justice epitomized by Rawls, Dworkin, and Nozick. Although the dialogical conception of the self is very different from Rawls's antecedently individuated self, the dialogical conception of self has implications that are similar to those that flow from the conception of the self as antecedently individuated. On Rawls's scheme, all the characteristics that make up oneself are (or should be thought of as) morally arbitrary, and since there is no meaningful self that exists apart from these factors, the individual is reduced to a phenomenon generated by and limited to historical conditions. Taylor's dialogical self suffers the same fate, as his account of the individual's role is so weak compared to the need for recognition from the other that one's identity can only evolve and flourish if this recognition is given first. In short, on Taylor's account, the cultural and historical processes within a given society are the morally arbitrary forces that create selves. Obviously such forces play an important role in the formation of the self, as Taylor aptly notes in his writings, but he neglects the self far too much to strike the necessary balance between self and these forces. Ironically, Taylor's project is reminiscent of Dworkin's failed attempt to find a balance between Rawls's inclination towards morally arbitrary factors and Nozick's insistence that all is a matter of free will. Dworkin did not succeed,

---

[47] Foucault, "The Ethics of the Concern for Self as a Practice of Freedom", p. 293.

because he had no coherent account of the person to support his distinction between persons and their circumstances, and Taylor likewise cannot hold the middle ground because his account of the person is so other-dependent that it has the same consequences as Rawls's antecedently individuated self does. This is to say that while Rawls's antecedently individuated self cannot be responsible because all of its attributes are both morally arbitrary and separate from it, Taylor's dialogical conception of self also negates responsibility because one's identity is dependent on morally arbitrary and separate horizons of significance.

Unlike the original spectrum that remained polarized by Rawls and Dworkin on the one side and Nozick on the other, Taylor and Foucault are not so oppositional, in fact they are complementary as indicated. The demands that a liberal democracy places on a self are that the self be autonomous, that it possess the ability to act in a creative manner and not merely a reactive one, and that the self be capable of altering its behavior or conceptions of the good. The corollary principle to this is a declaration that the self be responsible for these modifications, and in like manner, for its situation in life to the extent that these autonomous decisions have had an effect. Considering the trend regarding the self that Taylor and Foucault herald, this vague sketch of the self becomes clearer. The primary characteristic of the developmental self is that contra Rawls's antecedently individuated self, the possibility of autonomy, and hence responsibility, is inherent within the self. But this does not mean, as Nozick would maintain, that persons as such are simply autonomous. Autonomy, like

Taylor's analysis of recognition, is something that has to be fought for. There is a difference, however, namely that the recognition depends on the actions of others, and while autonomy can be stifled by others, autonomy is ultimately a personal act. Autonomy begins with an acknowledgement that the dialogical pattern that has molded one's identity is not a fixed, immutable law of nature. This insight can occur within the context of the relationship with the other as well as on a more existential level within one's own introspection, and requires some amount of reflective capacity. Essentially, this involves making the leap from being an autarchic individual who operates within the confines of the "self"—that is to say, an individual that chooses and reevaluates specific plans and desires, but never questions the sources of action that form the self—to being an autonomous individual who is capable of deep, probing, self-critical introspection. What this means, unfortunately, is that those who have not developed their ability to critically reflect upon their lives can have very little freedom. The battered spouse who grew up in an abusive family situation stays because she does not truly acknowledge the malleable nature of the abusive patterns that have helped create her identity. Similarly, persons who constantly make the same types of mistakes in life—e.g. giving in to a quick temper—never seem to act freely because they always end up caught in the same rut, even though in hindsight they do not want to be there. Neither has the reflective capacity to understand the nature of the limits they perceive as fixed.

Autonomy for All

Regardless of how mired in a series of oppressive power relations (whether enforced by specific individuals or by broader horizons of significance) a person, maybe all persons, all have to be treated as if possessing the possibility of full autonomy. This is important for political reasons on two fronts. First, without that premiss of how people are to be treated, the fine-tuning of the definition of and testing for autonomy are issues that would pose serious dangers to a liberal democracy. The danger resides in the possibility of starting down a slippery slope to some type of society that harbours a conception of the good which prizes autonomy and in which those who were supposedly "in touch" with themselves most had disproportionate rights over those who were less reflective. Secondly as Foucault maintains contra Taylor, any self, by definition, has some element of free will, for if it did not it would be merely an object.[48] So even those who may be trapped within an oppressive situation, or who exhibit very little reflection have freedom—not an empty hypothetical freedom either, but a real, albeit undeveloped and possibly unrecognized, freedom. The task of social institutions is to encourage individuals to recognize and develop this freedom, this autonomy, as much as possible. This underscores the Kantian relationship between autonomy, agency, and equality (which will be dealt with further in Chapter Three), namely, that in order to treat others as ends-in-themselves, as opposed to treating them merely as a means (a causal thing to be used), one must treat them with equal concern, that is, one must treat them as agents like

[48] Foucault, "The Ethics of the Concern for the Self as a practice of Freedom", p. 292.

oneself, balancing their interests against one's own.[49] In short, the premiss that autonomy is possible, that there is some mode of being greater than the sum of one's morally arbitrary characteristics, is a necessary condition of equality in a liberal democratic regime, and of morality in general.

The concept of autonomy reveals how far Taylor is from Foucault on the issue of the self. While Foucault would maintain that all should be treated as autonomous because to do otherwise invites various forms of oppression, Taylor's response to the question of treating others with the respect appropriate to an autonomous being, even when it is debatable as to whether they are autonomous, is much less confident. He merely states that others are afforded the benefit of autonomy because society sees, and in the case of psychotics chooses to see, the capacity of autonomy in them.[50] The respect that society has for such coherent capacities demands that even the comatose and lunatics be treated as capable of autonomy, and hence of having rights, even if that capacity is obviously not functioning properly at present. This is hardly a ringing metaphysical endorsement. Paradoxically, Taylor also sounds very much like Foucault in places. In response to Nozick's individualism, he claims there are two important obligations that follow from our acknowledging the worth of autonomy; the first is the negative injunction not to interfere with this capacity in

---

[49] See Arthur Ripstein's comments to the effect that this Kantian notion underlies the due care standard in "Equality, Luck, and Responsibility," *Philosophy & Public Affairs* 23.1 (Winter 1994), p. 9.

[50] Taylor, "Atomism", p. 196.

oneself or another, and the second is the affirmation of autonomy by encouraging its growth wherever the capacity may be found.[51] Taylor states:

> The view that makes freedom of choice this absolute is one that exalts choice as a human capacity. *It carries with it the demand that we become beings capable of choice, that we rise to the level of self-consciousness and autonomy where we can exercise choice, that we not remain enmired through fear, sloth, ignorance, or superstition in some code imposed by tradition, society, or fate which tells us how we should dispose of what belongs to us.* Ultra-liberalism can only appear unconnected with any affirmation of worth and hence obligation of self-fulfillment, where people have come to accept the utterly facile moral psychology of traditional empiricism, according to which human agents posses the full capacity of choice as a given rather than as a potential which has to be developed.[52]

So autonomy is a capacity that needs to be developed. Hence the resonance with Foucault's aesthetic conception of the self and the major implication of the developmental nature of the liberal self: although all persons are capable of it, not all are free, and thus the task of a liberal democratic regime is to create the conditions that will foster as much as possible the autonomy of its citizens.

The Liberal Conception of Self and Free-Space

There is a second implication to the developmental self that will help elucidate it as an alternative to the problematic conceptions of the self as seen in Rawls, Nozick, Dworkin, and others, namely, that as an individual's autonomy increases, a *free-space* emerges in which responsibility becomes possible. This free-space, or its conceptual equivalent, is what is missing in Rawls and Dworkin.

---

[51] Taylor, "Atomism", pp. 194-5.

[52] Taylor, "Atomism", p. 197. Italics are mine.

As here meant, free-space is the area where a being, whose characteristics can ultimately be traced back to some set of morally arbitrary original conditions, can by virtue of evolving autonomy perform acts that are free. No one would deny the causal lineage of these acts, but the free-space that an autonomous being creates for herself is one in which acts are imbued with a uniqueness capable only through her individual autonomy. As such, one is capable of being responsible for these acts and their consequences. Furthermore, free-space would make Dworkin's idea of ambition-sensitivity feasible, because ambition as the "condition of having any plans at all"[53] only has real meaning within a free-space, otherwise it is merely another natural endowment, morally arbitrary, and undeserving of merit.

Although Rawls does not specify it, he does open the door to this notion when he makes the transition from a metaphysical to a political conception of the self. In stopping short of the factual claim that one's characteristics are morally arbitrary, Rawls allows for the possibility that some qualities that require development may be the result of one's self. One's talents and social situation may be morally arbitrary and undeserved, but what is done with these talents through one's own sense of autonomy is a separate issue. Fortune still may play a role here, but not the all encompassing role that Rawls assigns it. Assuming that Rawls does not want to revert to his metaphysical leanings to refute this line of attack, the objection can be raised that since the political conception of the self

[53] Dworkin, "What is Equality? Part 1: Equality of Welfare", p. 207.

as antecedently individuated is held for political reasons, the notion of the developmental self can be justified for these same reasons.

Conclusion

The problem addressed at the outset of this dissertation was that none of the mainstream theories of justice were grounded by plausible and coherent conceptions of the self. This was first shown in Chapter One through critiques of Rawls's antecedently individuated self and his ideal of public reason, as well as of Nozick's conception of the self arriving full-blown into the world, and of Dworkin's untenable distinction between ambition and endowment. It was demonstrated that both Rawls and Nozick harbor surprisingly radical positions, namely that all of one's actions were attributable to either morally arbitrary factors or independent, voluntary acts respectively, and this makes the views unattractive. Dworkin's aspirations to an ambition-sensitive theory of justice promised to allow for the roles of both choice and circumstance. Unfortunately, even in light of his most recent writings, Dworkin still lacks a coherent conception of self that is a necessary foundation for his project.

Seeking to remedy this deficiency, this chapter sought to articulate a distinctly liberal conception of the self that delivers on Dworkin's promise. This articulation was more of an excavation, because philosophical anthropology has a tainted image among liberal political theorists, who fear that if they engage in such a project, they will be accused of relying on or advocating conceptions of the good. Thus, the supporting evidence for conceiving of the self in this way

does not currently constitute a position in the literature, but rather a growing trend in which more and more thinkers acknowledge the developmental nature of the self, even if they do so imperfectly. Proceeding on the assumption that this liberal conception of self as being autonomous, adaptable in a creative way, and yet subject to some forces beyond its control is at least provisionally acceptable, it remains to be seen what level of responsibility such a conception of self can ground, and what the consequences of all this is for egalitarian concerns in distributive justice.

Chapter 3: Responsibility

Even after the articulation of the developmental self discussed in the last chapter, the task of trying to balance autonomy and responsibility remains a daunting one. That an individual who has intentionally cultivated a raw natural endowment, turning it into a real, effective talent, is responsible for, and hence has a stronger claim to, the proceeds of that talent than do other persons who have not contributed to the development of that talent is an intuitive claim that carries considerable weight in the minds of many. However, justifying this intuition is not easy. For, a plethora of accounts of responsibility exist in the literature and there is no agreement as to which is best. Desert-based theories of responsibility seek to locate responsibility outside of a social context. Causation-based theories of responsibility attempt to trace responsibility for an action along the line of historically antecedent causes leading up the action. Alternative possibility theories of responsibility determine responsibility according to whether the agent had a genuine alternative possibility open to her, that is to say whether she could have acted differently. Control-based theories, maintain that responsibility is to be found in the limits of what an individual has control over, e.g., preferences as opposed to addictions. And duty-based theories of responsibility locate responsibility only within duties to others. All these are leading candidates for explaining why someone is or is not responsible for a particular action. In the political arena, e.g. when debating gun control, or penalties for convicted criminals, few people are clear about which version of responsibility they adhere to, and so they argue past their adversaries, who

likewise have adopted a particular version of responsibility without being fully aware of which theory they are relying upon. Both sides believe that persons should be held accountable for their actions, but the various theories of responsibility differ on what actions an individual should be deemed responsible for. All of these versions seem intuitively plausible, and the result is often a stalemate based upon differing conceptions of what responsibility is. A current example of this is the debate surrounding employment equity and affirmative action programs: one side argues for simple non-discrimination, the other argues for a form of reverse-discrimination. Both sides of the debate want persons to be treated equally, but each side holds a different, mutually exclusive conception of equality.[1] So a necessary step to discerning the limits of responsibility is to examine these alternative theories and see which, if any, is suitable for the task. The question that must be dealt with in this chapter is more specifically, which theory of responsibility can be justified by the dialogical concept of self articulated in Chapter Two?

Before proceeding any further, it will be useful to acknowledge a distinction Thomas Scanlon makes between responsibility as attributability and substantive responsibility. These two senses of responsibility differ in that the former seeks to attribute an act to an individual in order for it to be the basis of a moral appraisal while the latter expresses a substantive claim regarding what

[1] A parallel debate exists in the broader political arena of self-determination of peoples. See Taylor's "The Politics of Recognition," for a discussion in terms of the two incompatible conceptions of equality that caused a stalemate during Canada's attempted constitutional reformation at Meech lake. The Anglo-Canadian perspective centered on individual rights, while Quebec sought a more collectivist position, but neither rejected equality as such.

obligations exist between individuals.[2] This distinction is important to keep in mind here, because often people will assume that simply because an act can be attributed to someone the full consequences of that act become that individual's burden (or benefit). Each of the following accounts of responsibility is examined from the standpoint of responsibility as attributability, viz., whether or not a specific act can be legitimately attributed to a given individual. It will be argued that only a duty-based conception allows for the coherent attributing of responsibility; desert-, causation-, alternative possibility-, and control-based accounts all fail primarily because they in effect seek a phenomenon that exists only in a preinstitutional context, and as argued in the exposition of the dialogical self, persons cannot be formed, personhood cannot come into existence, in such a non-social context. Important to this analysis will be some comments on responsibilities towards oneself, specifically on the relevance of Kant's distinction between duties to oneself and duties to others, to the question of responsibility in a liberal democratic regime which practices coercive transfers.

Desert-Based Responsibility

The notion of desert, as a preinstitutional claim of a given individual to something, whether this be one's natural talents or the economic advantages that these talents allow the individual to amass, is an unpopular notion among liberal political theorists. This is evident from the fact that none of the major theorists of the last thirty years has given the notion of desert any significant role in their

[2] T.M. Scanlon, *What We Owe to Each Other*, (Cambridge [MA]: Belknap Press, 1998), p. 248.

theories at the level of a fundamental principle.[3] Rawls's conception of the self as antecedently individuated rules out desert altogether, because all of one's talents are the result of the morally arbitrary natural lottery. However, Rawls does allow for legitimate expectations; an individual may have a legitimate claim to a particular income or retention of accumulated assets based on how a justly structured society values talents through codified rules. But the individual has no claim outside of these rules to any income or asset based on a natural endowment. Critics of Rawls do not make use of desert in their theories either. Communitarians such as Sandel criticize Rawls for his inadequate conception of the self, but Sandel does not give desert a significant role. Neither does the libertarian Nozick, who instead focuses on the notion of entitlement. Utilitarians who value desert do so only for its social utility, as an institutional instrument for generating greater positive outcomes. Thus, utilitarians have no problem saying that those who have performed in accordance with public expectations deserve the rewards attached to the fulfillment of such expectations; but this is not the same as treating desert as a normative principle (e.g., as a preinstitutional claim) worthy of playing an important role in the design of social institutions.[4]

This is a curious phenomenon, because as Samuel Scheffler observes, while the philosophical defenders of liberalism seem unwilling to make use of a preinstitutional notion of desert in any significant way, political opponents of liberalism have little reservation about utilizing the concept of preinstitutional

---

[3] Samuel Scheffler, "Responsibility, Reactive Attitudes, and Liberalism in Philosophy and Politics," *Philosophy & Public Affairs*. 21.4 (Fall 1992): 301. Alasdair MacIntyre also observes the absence of desert in the cases of Rawls and Nozick in *After Virtue*, p. 249.

desert and a corresponding traditional conception of responsibility to attack liberalism.[5] There are several reasons why theorists are avoiding reliance upon desert. Scheffler cites the first reason as being:

> the idea that human thought and action may be wholly subsumable within a broadly naturalistic view of the world... [and] the prevalence of the often unstated conviction that a thoroughgoing naturalism leaves no room for a conception of individual agency substantial enough to sustain such a notion [of preinstitutional desert].[6]

A scientific understanding, what Scheffler refers to as "a broadly naturalistic view of the world," has permeated conceptions of human nature, and has been gaining acceptance from political theorists over recent decades, even if it fails to receive full public endorsement.[7] Advances in neuroscience have increasingly pushed back the space in which theorists are willing to consider that there is something special or noumenal about the person. Instead, the assumption is made that humans are simply part of nature and *in principle* human action can be explained by natural laws—even if science cannot presently furnish us with such

---

[4] Scheffler, pp. 305-8.

[5] Both Rosenberg and Appiah acknowledge the prevalence of the common intuition regarding preinstitutional claims to desert: Rosenberg maintains that "[t]he reason behind these intuitions [that acquired traits be treated differently from hereditary ones] appears to be that acquired talents and disabilities are "earned" or "deserved" while hereditary traits are not..." (pp. 4-5). And Appiah claims that "some argument needs to be offered against the prevailing view in our society, which is that that we are as much entitled to the rewards of our talents as we are to our character and ambitions" (p. 64) if Dworkin's theory of equality of resources is to stand; of course, Dworkin has an answer to this prevailing view, but neither Appiah nor myself find it satisfactory.

[6] Scheffler, p. 309. Richard A. Epstein elaborates on this point when he claims that: "In its most extreme version, the thesis [concerning the role that luck plays in one's life] is that all human accomplishment is the product only of good fortune. Even for those persons who labor diligently, luck is decisive because genetic fortune and a receptive environment give them the wherewithal to make the advances and contributions for which they are rewarded. All gains therefore become in some sense "unearned windfalls," and luck becomes the dominant, indeed sole determinant of success and failure." in "Luck." *Social Philosophy and Policy* 6.1 (Autumn 1988), p. 18.

an explanation. The fact that a naturalistic conception of the self *seems* objective and disconnected from any particular comprehensive doctrine only serves to increase its appeal to many who have followed Rawls's thought and have embraced his ideal of a political liberalism.

A further reason why desert is not utilized by liberal theorists may be the result of the difficulties in trying to institutionalize desert-responsiveness. Social institutions typically do not make decisions based upon deservingness, at least in the sense of what Arneson calls fine-grained deservingness. Such a strategy for deservingness would involve measuring a person's responsibility against their specific circumstances, much in the way that Roemer's conception of equality of opportunity sought to do through its broad categorizing of persons according to types. However, instituting such a scheme is undesirable, because attempts to do so would undoubtedly be very costly, logistically difficult, and in many cases intrusive of personal privacy. Difficulty also exists in actually measuring deservingness in such a way that comparisons between cases could be done coherently and consistently. These various problems "exert pressure to forgo the attempt to make treatment of individuals responsive to desert a major consideration in social welfare policy directed towards poverty relief."[8]

Yet another reason for the avoidance of the notion of desert is Rawls's notion of a political liberalism as opposed to the comprehensive liberalism which he advocated in his earlier writings. Rawls's political liberalism calls for a strict

---

[7] An example of the stature that modern science enjoys among political theorists is Rawls's statement in *Political Liberalism* that the values of public reason include "accepting the methods and conclusions of science when not controversial." p. 139.

neutrality within liberalism; that is, political liberalism cannot rely on or include any comprehensive doctrines. The result is that preinstitutional notions of desert will be dismissed on the grounds that they necessarily involve a comprehensive doctrine. This leads Scheffler to claim that the "defense of political liberalism [liberalism as a political position, not Rawls's conception of it] would therefore appear to require either a liberal theory unlike those that dominate contemporary political philosophy or a frank repudiation of traditional ideas about responsibility [and desert]."[9] The latter course of action promises to be politically contentious, because most persons are reluctant to give up the traditional notions of responsibility and desert.

Part of this unwillingness, according to Scheffler, stems from *reactive attitudes* that play a fundamental role in human relationships. "Reactive attitudes" is Strawson's term for the emotions and attitudes (e.g., gratitude, resentment) expressed by the moral practices of praise and blame. These reactive attitudes are an essential part of human relationships. If an individual is deemed incapable of participating in a normal relationship due to severe psychological dysfunction, these reactive attitudes that individuals express towards her cease and are replaced by an *objective attitude*. An objective attitude is clinical in spirit, and views the subject as someone, or something, to be managed or controlled. To stop using reactive attitudes or even to openly relegate them to the lower level of social utility is to threaten a whole range of

---

[8] Richard J. Arneson, "Egalitarianism and the Undeserving Poor," *The Journal of Political Philosophy* 5.4 (1997), p. 350.

[9] Scheffler, p. 311.

human relationships by turning persons who were previously interacted with as equals into "patients" who are to be managed, manipulated, and controlled as need be.[10] Employing reactive attitudes in a thoroughly instrumental way, as utilitarians would want to use them (such that praise and blame are institutional tools to help generate greater outcomes) turns reactive attitudes into objective attitudes, and undermines a host of human relationships that require reactive attitudes. The distinction between reactive and objective attitudes is important here, because it explains why many resist the notion of institutionalized versions of desert, such as Rawls's legitimate expectations. There is a sense in Rawls that legitimate expectations are there to persuade persons to do things—e.g., develop their natural endowments and help the least well off members of society—which they would otherwise have little desire to do.

The reverence which the notion of desert receives in the contemporary mind is further illustrated by Arneson's example of the drone versus the laid-off worker. Both are without work, are needy, and can be helped by state-mandated transfers of income. But the drone is in this predicament by choice, while the laid-off by circumstances which to some extent are beyond her control—e.g., regardless of how culpable she is in regard to her being unemployed, if offered a job she would seize the opportunity to generate income while her counterpart would not. The reaction that assisting both would evoke in the common person reveals how powerful the notion of desert is; most people would object to transferring income to both the drone and the laid-off, because to do so is to treat

---

[10] Scheffler, p. 312.

them as equals in this respect when they clearly are not.[11] In short, because they are in the same situation for different reasons, they should not be treated the same. However, because it is difficult to discern deservingness, Arneson shuns this approach in favor of modifying the aid offered to take the form of work opportunity so that the drones are unlikely to siphon off aid intended for the needy, laid-off individuals.

Another reason for the lack of attention to the notion of desert could simply be the influence of traditional theories that now form part of the intellectual background of liberal cultures, such as Locke's theory of labor and Marx's doctrine of alienation. For Locke, one gains entitlement to an object by infusing it with one's labor. Likewise, for Marx, one's labor is literally projected into the object through exercising one's capacity for freely creative labour. To be told that one does not deserve that product, or what one can trade it for, seems intuitively like saying that one does not deserve one's talents, and even though Rawls holds this position, few find it satisfactory. As discussed in Chapter One, Rawls's position stems from his early conception of the self as antecedently individuated, and even he himself has had to soften his position, as is seen in the tone of *Political Liberalism*.[12] Preinstitutional notions of desert are still ruled out, but in this latter work they are ruled out by a political rather than metaphysical conception of the self. Scheffler never defends the preinstitutional notion of

---

[11] Arneson. "Egalitarianism and the Undeserving Poor", p. 331.

[12] However, Kymlicka claims that the communitarian criticisms of Rawls's conception of the antecedently individuated self are sufficiently weak that Rawls did not need to go this route. *Liberalism, Community, and Culture*, p. 58.

desert nor any of the traditional conceptions of responsibility that are based on it, assumedly because the position is simply not viable in a modern liberal-democratic context, despite the refusal of individuals to give up these notions.[13]

Desert-based responsibility is a poor candidate for an acceptable account of responsibility for the simple reason that such an account requires reference to preinstitutional notions, and such notions have been suspect on numerous grounds as far back as Rousseau's criticism of persons in the Hobbesian and Lockean states of nature as being too much like English gentry suddenly cast adrift on a deserted island (equipped with language, skills, and a great degree of rationality). More recently, Charles Taylor, among others, has argued that the notion of an autonomous person existing outside of the context of a social framework is simply incoherent. Building on Taylor's position, it has been argued here that the self is the result of a dialogical process, and thus, that any attempt to locate a person's responsibility outside of social a framework is at best speculation subject to severe criticism, and at worst is an exercise in futility.

Causation-Based Responsibility

Even though desert in the preinstitutional sense is no longer discussed seriously in liberal political theory, forms of post-institutional desert are. These discussions have largely taken the form of Rawls's view of legitimate expectations and the libertarian claim to entitlement. Rawls maintained that

---

[13] According to Scheffler, the only major intellectual to recently advocate desert has been Alasdair MacIntyre in *After Virtue*, but there he does so at the cost of rejecting "the modern political order". Scheffler, pp. 308-9.

because persons cultivating their talents is in the interest of society as a whole, society was justified in setting up social arrangements which encourage and reward persons for developing such behaviour. Persons can, therefore, legitimately expect the benefits society has deemed appropriate for certain talents. However, the expectation is derived from social arrangements designed to persuade individuals to cultivate their talents, not from any preinstitutional right the person possesses over the talents themselves. The concept of legitimate expectations is problematic in that it requires a just basic structure to society if it is to be legitimate, and places too much emphasis on society as opposed to the individual in terms of determining the moral consequences of an action. This is to say that a specific person has developed one of her natural endowments into a talent may be agreed upon by all, but what claim she has to this talent and the benefits that can be had from exercising it are determined by social institutions. Furthermore, as Scheffler has argued, treating claims to talents as purely instrumental mechanisms as opposed to the foundations of social institutions, threatens to undermine the reactive attitudes essential to human relationships. The libertarian claim to entitlement seems more clear-cut, but even here, there are significant problems to be overcome, especially in determining who in particular is entitled to a benefit or must accept a burden.

The libertarian claim to entitlement rests on two separate premises. The first is that persons possess self-ownership, including ownership of all their characteristics, whether these be recognized as marketable talents or not. The second libertarian premise is the belief that for any effect of human agency within

the world, the effect can be traced back causally to a single individual.[14] In other words, any state of human affairs can be traced back to individual actions, which were performed by individual persons, who in light of owning all of their characteristics also own those actions and whatever positive or negative effects flow from them. However, aside from the criticism that the claim to self-ownership itself is morally arbitrary, the preceding notion of causation is troubling for another reason, namely, that causation alone does not tell us where responsibility lies. What can be called questions of scope cannot be satisfactorily addressed without referring to normative criteria, because there is no place in a strictly causal chain of events that has any special status allowing it to be singled out as being *the* place to stop. Thus, there is no non-normative way to tell who has caused an event.[15] So while Lee Harvey Oswald may have been the person who shot Kennedy, every person who came into contact with Oswald previously to this act also has a causal link, even if extremely remote, to the Kennedy assassination. The problem for strictly causal-based theories of responsibility is that they cannot locate differing amounts of responsibility along the chain of causes leading up to the assassination. Hence, Oswald's kindergarten teacher is just as responsible as Oswald for the assassination of Kennedy. Likewise with the consequences of an action, the principle of causation by itself provides no reason to stop at a given point. The result is that what a person chooses to give their child for breakfast when the child is five years old can be followed along a

---

[14] Stephen R. Perry, "Libertarianism, Entitlement, and Responsibility," *Philosophy & Public Affairs*. 26.4 (Fall 1997), p. 353.

[15] Ripstein, pp. 5-6.

chain of cause and effects to the child's career choice as an adult. This is obviously a counterintuitive and undesirable implication of strictly causation-based theories of responsibility, but the situation worsens when it is acknowledged that strictly causation-based theories cannot prevent an infinite regress from occurring. It appears as though a causation-based account of responsibility leaves one powerless to assign responsibility to anyone for anything. Scheffler makes this observation, and blames the problem on the prevalence of naturalism, or the assumption that an event can be explained solely in terms of natural laws (e.g., causation). Scheffler claims that naturalism has led to the "unstated conviction that a thoroughgoing naturalism leaves no room for a conception of individual agency substantial enough to sustain such a notion [of preinstitutional desert or the corresponding traditional conception of responsibility]."[16] In contrast, Arthur Ripstein cites the occurrence of accidents, and argues that "a thoroughgoing naturalism does not exactly eliminate responsibility as much as place it everywhere."[17] An illustration for this is the blaming of victims for their alleged part in bringing about a crime. The argument that a person somehow deserved or "asked" to be sexually assaulted because of what she was wearing when the crime took place relies on the notion that the victim contributed to the causal chain leading up to the crime through her attire or behaviour. In short, if causes are all that matter, then responsibility for an act can be spread widely, because causes can be found everywhere. This leads

---

[16] Scheffler, p. 309.

[17] Ripstein, p. 6.

Ripstein to argue that it is simply not possible for a strictly causal account of responsibility to say which causes are more relevant. To assign responsibility, the causal account must include a normative principle, but then the causal account is no longer strictly causal. Whether responsibility is eliminated or spread across everyone, causation models are incapable of meaningfully attributing responsibility to a single person for a given outcome. Stephen Perry summarizes the problem succinctly when he states:

> [s]tandard accounts of causation... do not pick out a single person as *the* cause of a given harm. But nonstandard accounts of causation [those including normative considerations]... that do generate unique attributions of harm appear inevitably to give up normative neutrality."[18]

Thus strictly causation-based accounts of responsibility are unable to focus their scopes sufficiently without additional normative criteria, the presence of which would compromise the objectivity of this species of theory. In terms of the dialogical self, a strictly causal account of responsibility is unable to discern where the self ends and the influence of others begins, and hence, either renders responsibility impossible or spreads it everywhere.

"Alternative Possibility"-Based and Control-Based Responsibility

Two other popular conceptions of responsibility, also intuitively plausible, are based on "alternative possibilities" and on "control". As the argument for alternative-possibilities goes, an action is free and hence one can be held responsible for it only if the agent had a genuine alternative possibility open to

---

[18] Perry, pp. 383-4.

her at the time she acted. Such an argument is unlikely to satisfy those who hold a thin conception of the self. As I have argued, thin conceptions of the self such as Rawls's antecedently individuated self, stripped of attributes to the point of being translucent, imply a strict causal determinism. Not only are all of one's attributes morally arbitrary, but in conjunction with one's social position they determine one's entire life. On this view, there can be no meaningful alternative possibility which is open to an agent. At best there can only be the trivial observation that she could have done otherwise because there were no external impediments to her doing so. In effect, any deterministic world view maintains that the internal determinants of one's being eliminate any meaningful sense of alternative possibilities. In light of a naturalistic world view, the alternative possibility-based conception of responsibility seems doomed to failure.

There is no consensus on the necessity of alternative possibilities for responsibility though. In a line of argument that resonates with the one I employed in the preceding paragraph, Susan L. Hurley argues that alternative possibilities are irrelevant to responsibility because the action is caused by the agent's disposition in the actual sequence of events leading up to the event. If no other possible world existed in which she could do otherwise, there would be no difference to whether or not responsibility could be attributed to her.[19] This line of criticism serves to undermine alternative possibility-based theories of responsibility, no matter what conception of the self is adopted.

---

[19] Susan L. Hurley, "Responsibility, Reason, and Irrelevant Alternatives," *Philosophy & Public Affairs* 28.3 (Summer 1999), pp. 207-9.

John Martin Fischer resists the conclusion that determinism implies the failure of the alternative-possibility theory, by arguing instead that the real issue underlying the alternative-possibility thesis is control, and that the problem of causal determinism hinges upon how one conceives of control, e.g. as regulative control or guidance control. Regulative control, on Fischer's account, occurs when an agent chooses to do something freely, and she has a genuine alternative possibility open to her, that is, one that she could have actually chosen and fulfilled. Thus, she could in fact have done other than what she actually did. Guidance control differs from this, in that it occurs when an agent does something that she chose to do (without external interference), but does not have a genuine alternative possibility open to her.[20] On this latter account of control, the existence of alternative possibilities becomes irrelevant, because the agent's choice was to do as she did. On the surface, this is intuitively plausible, for if a person orders eggs Florentine for breakfast because she wants eggs Florentine, it really is irrelevant to her that, unbeknownst to her, it is the cook's first day on the job and the only thing he knows how to make is eggs Florentine. Even if the waitress should come clean and reveal the cook's extremely limited repertoire, this would make no difference to the customer, because she ordered what she wanted in the first place. This view assumes, as does Dworkin,[21] that one's tastes and desires belong to one's person and are not determined by external factors. In this way, it is argued that alternative possibilities are not

---

[20] John Martin Fischer, *The Metaphysics of Free Will: An Essay on Control.* (Oxford: Blackwell, 1997), pp. 132-3.

[21] Dworkin, "What is Equality? Part 2: Equality of Resources", p. 302.

necessary to responsibility, because they would not have been chosen anyway. However, the link between wanting to do what one is doing and being responsible for one's actions is questionable if this wanting is itself determined. Further, if, as advocates of thinly constituted selves maintain, all aspects of oneself are determined by natural or social influences that are ultimately morally arbitrary, then one can easily deny ownership of particular tastes and desires. The real problem with Fischer's argument is that guidance control seems to amount to persons doing what they want from their own perspective, but if this perspective is itself constituted by morally arbitrary forces, how can this amount to anything more than a shallow responsibility? For example, someone who has been subjected to severe socialization or conditioning techniques may choose to act in a given way, and be quite happy to do so, but few would claim that this person can be meaningfully said to be doing what they really want, because the status of their desires as being the product of an autonomous agent is questionable.[22] The appeal of the alternative-possibility thesis lies in the notion that one could have done otherwise, and where that applies one is responsible for whatever choice one made, because *one did not have to choose*, as a result of internal forces that are unwanted by their possessor (e.g., an addiction) or

---

[22] Scanlon claims that having determined tastes does not rob us of responsibility unless we are also robbed of the ability to make judgments at all (pp. 255-6). He states: "Being a rational creature is a matter of having a coherent psychology of a certain kind: of there being the right kind of stable and coherent connections between what one says, does, and how things seem to one at the time, and what one says, does, and how things seem to one at later times... These processes presumably have some causal basis in our nervous systems, which is affected in turn by causes "outside us," through sight and hearing for example. What distinguishes cases like hypnosis and brain stimulation is thus not that they involve causal influences but rather the fact that these causal influences are of a kind that sever the connection between the action or attitude and the agent's judgment and character." (p. 278). However, this still leaves unanswered cases of severe socialization.

external forces, what one actually chose. The notion of guidance control, however, does not offer an alternative to this appeal, because it amounts to a tautology. As long as one is content with what one is doing, one has guidance control and is responsible for one's actions, but if one is unhappy with what one is doing (in the sense of not wanting to perform an action but nevertheless doing so, and is unhappily aware of this fact) then one lacks guidance control and cannot properly be held responsible. What this account of responsibility ignores is the problem that if one's tastes are themselves morally arbitrary, guidance control cannot generate moral responsibility. Guidance control also contradicts the way persons normally speak of responsibility and autonomy, for it does not allow us to distinguish between an addict and a non-addict. If naturalism prevails and causal determinism is true, then both persons are compelled to do things by determinants (albeit of different kinds) and can live happily that way. But no one would consider even a happy addict to be autonomous or responsible for her actions, while they would hold even an unhappy non-addict responsible for her actions.

Wider conceptions of control promise more substance than Fischer's guidance-control but are also problematic, as is seen when examining the traditional distinction between active and passive agents that is used to defend such arguments. This distinction stemmed from the libertarian metaphor of a bordered piece of land. If someone trespasses, they are responsible for the outcome and have a duty to pay any necessary compensation, because they were the active party. However, persons are significantly unlike land in several

key respects, most notably in that persons are mobile whereas land is not, but also in that while land is inherently passive, persons are inherently active. In fact, persons have no choice but to be active within the world,[23] and once this is recognized, the entire notion of a control-based responsibility becomes incoherent, much in the same way as Ripstein argued that naturalism spreads responsibility everywhere. This is to say that just as naturalism allows responsibility to be spread throughout any causal chains that intersect with an event, so too does the untenable distinction between active and passive agents allow responsibility to be spread to every person involved with an event. For in a very real sense there is no such thing as a passive agent, and in the absence of a normative principle capable of determining what type of activity makes one individual more responsible for an event than another, anyone involved with an event—instigator and recipient, assailant and victim—becomes responsible for the event. One does not have to appeal to dramatic examples such as the sexual assault victim being blamed for provoking her attacker to illustrate this point. Even if an individual decides to merely sit down on the ground and be as still as possible, this is nonetheless a decision to do something—and if another person trips over her, she has no claim to having been a purely passive agent, because it was her decision to sit there. As such, if two persons interact, the distinction of active agent versus passive agent simply does not hold, because there is always some reason why the allegedly passive agent was there to begin with. So again, without introducing normative criteria regarding the causal histories of the agents, one cannot determine that one agent's causal chain led to

[23] Perry, pp. 385-6.

the outcome any more than the other did. Thus, there is no way to distinguish either agent as active or passive. In terms of the dialogical conception of self, which emphasizes the self being actively engaged in its own development, accepting the collapse of the active/passive distinction would result in an individual always bearing some responsibility for whatever happens to them. Not only is such a consequence counter-intuitive, but in many cases (e.g., the sexual assault example), it is morally repugnant.

Responsibility, Duty, and Equality

Being forced to concede that an agent has no real choice but to act suggests that any control-based account of responsibility will be inherently flawed. Recognizing this problem, some maintain that control is not necessary for responsibility at all. In his treatment of responsibility, Arthur Ripstein argues, albeit on a more legal and less metaphysical level, that responsibility and duty cannot be conceptually separated, and if this is correct, then control is largely irrelevant to responsibility. The fact that a person has the ability to prevent an incident from occurring is meaningless apart from that person's having a duty to do so. What determines responsibility, then, is not the presence of an alternative possibility or one's ability to control the situation, but a moral standard of care. For example, suppose a person is head over heels "in love" with an acquaintance, and after much summoning of courage makes a romantic overture to her. Unfortunately for this would-be suitor, the object of his affection is totally disinterested in him. She has it within her power to prevent her admirer's

feelings from being hurt—she could say yes, *but why should she?* Persons do not have a duty to be romantically engaged with other people, no matter how nice or sincere or wonderful the other person may be. She may have an unspecified moral duty not to be cruel to him in her refusal, but no one could reasonably blame her for the hurt feelings of her admirer, should she politely dismiss him. The standard of care is important here, because it is based on the Kantian notion of equality; as Ripstein claims,

> So long as others are treated as agents rather than objects, one is not responsible for the effects one's actions have on their fortunes. But if one treats another as a mere thing, by failing to exercise due care, one becomes responsible for whatever bad luck may bring.[24]

So treating other persons with the same consideration required under due care, and not any notion of control, is what determines responsibility according to Ripstein. This is essentially a version of Kant's second formulation of the categorical imperative to treat others as equals. If applied to the context of state-mandated transfers of resources, this standard of care has a profound impact upon the distinction in Kant's philosophy between duties to oneself and duties to others, because neglect of the former can result in willfully becoming dependent upon others, in effect, using them as solely as a means. As I have argued, conceiving of the self as the result of a dialogical process involves acknowledging the importance of the influence of others within one's own development, and implies to an extent that one owes something to these others, be they specific individuals or society as a whole. In a basic form, this debt is best expressed as the duty of due care: treating others with the same respect

---

[24] Ripstein, 9.

that is deemed appropriate for any autonomous agent. In a society that interlinks the actions of individuals through state-mandated transfers of resources, treating others with respect means fulfilling certain duties to oneself, namely, the cultivation of talents to the minimum level of maintaining self-sufficiency.

Duties to Oneself and Duties to Others

Kant maintained that there was a distinction between duties to others and duties to oneself. The former are part of the doctrine of right, and are concerned with how one's actions affect others; these duties are narrow, that is to say they are specific, negative (injunctions), and perfect in nature in that they are either fulfilled or they are unfulfilled (e.g., it is not possible to keep a promise in half measures), and are often institutionalized by the state as a set of laws, enforced through a system of positive or negative incentives of a prudential sort. The fact that such duties are always either fulfilled or unfulfilled, allows them to be the bases of laws. However it is important to note that being enforceable through laws by and large transforms their fulfillment from being a matter of morality into a matter of prudence. For Kant, it is important that a moral act be done because it is the right thing to do, and not because it is in any way advantageous, pleasurable or in one's self-interest; as such, having rewards and punishments attached to actions via external laws ultimately transforms morality into prudence. The duty not to break promises is an example of duties to others, and illustrates well the qualification of being narrow, for there is only one way in which to honor the promise, that is, to keep it; negative, because it is a duty *not* to do something,

namely, break the promise made; and perfect, for this duty can only be fulfilled or not, there is no middle ground (and fulfillment of this duty is necessary for moral perfection).

The second class of duties, those to oneself, fall within the sphere of the doctrine of virtue, or ethics proper, and are characterized as being wide: that is to say unspecific; positive, in the sense that they require the agent to initiate an action as opposed to refraining from one; and imperfect, in that their fulfillment can never be complete, nor is their fulfillment necessary for moral perfection. As such, duties to oneself occur outside of the influence of state-generated laws, for if they were subject to laws, compliance would be motivated not by duty but by prudential concerns, diminishing the moral worth of the actions in question. The development of one's talents is an instance of a duty to oneself, and likewise illustrates the qualifications that accompany this class of duties. The development of one's talents is a wide duty because there exist a variety of talents and numerous means of developing each specific talent. This duty is also positive because it instructs the individual *to do something* rather than simply to *avoid doing something*, and is an imperfect duty, because its fulfillment consists almost entirely of middle ground. That is to say, because there are so many ways in which the duty to develop one's talents can be fulfilled, whether or not this duty has been fulfilled cannot be discerned with the ease of the either/or logic that oversees the fulfillment of perfect duties. Rather the fulfillment of imperfect duties remains a matter of degree, and as such can never be complete.

Kant's characterization of duties to others as narrow and negative on the one hand and duties to self as wide and positive on the other sheds further light on why one set of virtues is public and the other private. Negative or narrow duties are perfect insofar as they are specified injunctions that do not depend on contingent conditions (there is only a single way in which they can be fulfilled).[25] However positive duties are wide, hence imperfect, because they require the agent to perform an action, and as Kant claims,

> if the law can prescribe only the maxim of actions, and not actions themselves, this is a sign that it leaves a playroom (*latitudo*) for free choice in following (complying with) the law, that is, that the law cannot specify precisely in what way one is to act and how much one is to do by the action for an end that is also a duty.[26]

In reference to the cultivation of talents, which is of primary concern to this discussion concerning redistributive justice and responsibility, Kant not only argues that persons have an imperfect duty to develop their talents, stating that "it is a command of morally practical reason and a *duty* of a human being to himself to cultivate his capacities..."[27] but also that the agent is free to decide how to proceed:

> No rational principle prescribes specifically *how* far one should go in cultivating one's capacities (in enlarging one's capacity for understanding, i.e., in acquiring knowledge or skill). Then too, the different situations in which human beings find themselves make a man's choice of the occupation for which he should cultivate his

---

[25] Onora O'Neill's observes that negative perfect duties, such as refraining to promise falsely or commit suicide, cannot come into conflict because conflict can only occur between two or more duties that require positive action. See O'Neill's "Instituting Principles: Between Duty and Action," *The Southwestern Journal of Philosophy* vol. XXXVI, *Supplement* (1997), p. 86.

[26] Immanuel Kant, *The Metaphysics of Morals*, trans. Mary Gregor. (Cambridge: University of Cambridge Press, 1998), p. 153 [6:390].

[27] Kant, *The Metaphysics of Morals*, p. 194 [6:445].

> talents very much a matter for him to decide as he chooses.—With regard to natural perfection, accordingly, there is no law of reason for actions but only a law for maxims of actions, which runs as follows: "Cultivate your powers of mind and body so that they are fit to realize any ends you might encounter," however uncertain you are which of them could sometime become yours.[28]

However, this freedom or latitude does not allow an agent to neglect her talents. Kant vehemently maintains that, "a wide duty is not to be taken as permission to make exceptions to the maxim of actions but only as permission to limit one maxim of duty by another..."[29] which in effect serves to increase the range of opportunities in which an agent can fulfill such a duty. Kant conceives of the agent's capacities as consisting of three kinds of powers: powers of spirit that are exercisable only through the use of reason, that is, a priori principles as opposed to experience, powers of soul, which consist of tools for the understanding such as memory and imagination, and powers of the body, those physical requirements that are necessary to realize one's ends. But even here Kant does not emphasize one type of power over the others, instead leaving the decision as to how to develop oneself to the agent's free choice.[30]

Duties to Oneself *are* (in a sense) Duties to Others

I shall now argue that the distinction between duties to oneself and duties to others largely collapses within the context of a liberal democratic regime. Kant

---

[28] Kant, *The Metaphysics of Morals*, p. 155 [6:392] and again at p. 195 [6:446] Kant states: "[A] human being's duty to himself regarding his *natural* perfection is only a wide and imperfect duty; for while it does contain a law for the maxim of actions, it determines nothing about the kind and extent of actions themselves but allows a latitude for free choice."

[29] Kant, *The Metaphysics of Morals*, p. 153 [6:390].

[30] Kant, *The Metaphysics of Morals*, pp. 194-5 [6:445].

was able to separate the two types of duties because he belonged to a classical liberalism that saw the role of the state as primarily concerned with enforcing the protection of freedoms, not ensuring the welfare of its citizenry.[31] However, when the state coercively redistributes resources from one individual to another, the distinction between duties to oneself and duties to others collapses, because whether (and how) one fulfills duties to oneself now has a direct impact upon others. Thus in a state that practices redistribution of resources, when a person decides that she wishes to pursue leisure and avoid any type of responsibility for her material welfare (e.g., she may decide to play sports all day, but refuse to take jobs that involve this activity such as coaching or becoming a professional athlete), she is creating a burden on her fellow citizens. In effect, failure to fulfill duties to oneself is a failure to fulfill duties to others, specifically the duty not to willfully create burdens for others without just cause. Likewise, fulfilling such duties is at the same time fulfilling a duty to others, for if this same person were to find employment that involved this activity (so she would still largely be doing what she enjoyed) she would not be imposing a burden on other citizens.

There is significant support for this claim in Kant's writings. Most notably, the merging of duties is consistent with the spirit of Kant's ethical project. Returning to Ripstein's earlier remark,

> So long as others are treated as agents rather than objects, one is not responsible for the effects one's actions have on their fortunes.

---

[31] "Since its laws are either derived from or consistent with the categorical imperative, the aim of the just state, like that of the moral law, is only to ensure a condition of right—not, as people generally believe today, to assume responsibility for the welfare and happiness of each and every citizen." Roger J. Sullivan, introduction, *The Metaphysics of Morals*, by Immanuel Kant. trans. Mary Gregor. (Cambridge: Cambridge University Press, 1998), p. xvi.

> But if one treats another as a mere thing... one becomes responsible for whatever bad luck may bring.[32]

Although Ripstein is writing in the context of assigning responsibility in the case of accidents, his point is pertinent to the present discussion. By willfully neglecting the cultivation of one's talents, in a society that practices state-mandated transfers of income, one in effect willfully becomes dependent on others. This amounts to treating others as a means to the subsidization of one's own pleasures, because the redistributed income serves to enable the receiving individual to further pursue her own pleasures, possibly at the cost of a continued neglect of cultivating her talents. As a result, one is responsible for the burdens caused. In the context of a liberal democratic regime this would most likely take the form of coerced transfers.

Treating others as means in the above way clearly violates the notion of due care present in Kant's second formulation of the categorical imperative. There is another important implication to willfully allowing oneself to become dependent on others, namely that to do so undermines one's autonomy. Specifically, through indulging in certain activities (e.g. gluttony, drunkenness, or drug-abuse) one undermines one's ability to be autonomous, at least temporarily.[33] On a more general level, failure to develop one's talents likewise leads to a decrease in autonomy, as Arneson observes when he states that: "There is some reason to believe that the conditions that produce destitution and long-range prospects of low well-being also erode individuals' sense of judgment

---

[32] Ripstein, p. 9.

[33] Kant, *The Metaphysics of Morals*, p. 180 [6:427].

about what is best for themselves, what life strategies make sense."[34] Amartya Sen stresses that such harm can extend beyond a mere loss of autonomy to the point of widespread social problems and reduced life-expectancy:

> There is plenty of evidence that unemployment has many far-reaching effects other than loss of income, including psychological harm, loss of work motivation, skill and self-confidence, increase in ailments and morbidity (and even mortality rates), disruption of family relations and social life, hardening of social exclusion and accentuation of racial tensions and gender asymmetries.[35]

At a minimum, the effect of such a loss of autonomy is an increasing dependence upon the others (under the guise of the state) for one's subsistence. Kant did not approve of state-sponsored aid to individuals, on the grounds that this would infringe on duties to oneself, leading to personal stagnation and neglect of talents, and would further encourage a lack of respect for those who receive the benefits of such aid. However, when one transplants Kant's ideas into a liberal democratic regime that practices coerced transfers, the opposite conclusion is reached; that is, the cultivation of autonomy through the development of talents is not undermined by coerced transfers, but rather is made a matter of public concern.

Kant also openly encourages the development of natural endowments throughout the *Metaphysics of Morals* on the grounds that an individual's circumstances are constantly changing and at any moment in time an individual has a plethora of ends available as options. Thus, cultivated talents are always

---

[34] Arneson, "Egalitarianism and the Undeserving Poor", p. 348.

[35] Sen, *Development as Freedom*, p. 94.

useful (even if they do not appear so at present) in that they expand one's opportunities. While discussing duties of virtue as being wide duties, Kant states

> No rational principle prescribes specifically *how* far one should go in cultivating one's capacities (in enlarging or correcting one's capacity for understanding, i.e., in acquiring knowledge or skill)... With regard to natural perfection, accordingly, there is no law of reason for actions but only a law for maxims of actions, which runs as follows: "Cultivate your powers of mind and body so that they are fit to realize any ends you might encounter," however uncertain you are which of them could sometime become yours.[36]

And later in the same work,

> A human being has a duty to himself to cultivate... his natural powers (powers of spirit, mind, and body), as a means to all sorts of possible ends.—He owes it to himself (as a rational being) not to leave idle and, as it were, rusting away the natural predispositions and capacities that his reason can someday use.[37]

So Kant clearly holds that while there is no determinate rule as to *which* natural endowments one should develop, *how* one should go about cultivating them, or *what level of development* one should strive for, he also holds that individuals have a moral duty to make some sincere effort to develop their natural endowments.

Lastly, an analogy can be drawn between Kant's view of obligations concerning procreation and the upbringing of children and his view of the imperfect duty to oneself to cultivate one's talents. In the *Metaphysics of Morals* Kant places procreation and the upbringing of children under the doctrine of right, making it a matter of public concern, claiming parental obligation is a right

---

[36] Kant, *The Metaphysics of Morals*, pp. 154-5 [6:392].

[37] Kant, *The Metaphysics of Morals*, p. 194 [6:444].

directed by law,[38] and further that the stability of society requires the transmission of social values from generation to generation.[39] Not only are parental obligations to a child somewhat similar to duties to oneself, but also Kant's reasoning here is the same reasoning offered earlier in favor of collapsing the distinction between duties to oneself and duties to others: just as society would deteriorate if parents abandoned or neglected their children en masse, so too would a liberal democratic society decline if the vast majority of its citizens failed to fulfill the imperfect duty to develop their talents to the point of becoming dependent upon others for their survival.

Three implications flow from the collapse of duties to oneself into duties to others. The first two are interrelated: the first implication is that it is now possible to have duties towards others that are wide and imperfect in nature, and the second implication is that the state must take an active part in encouraging the development of talents, and consequently self-sufficiency, as virtues. Clearly, Kant's moral philosophy cannot have formal duties to others that are imperfect in nature, as this amounts to a contradiction in terms. So even though it makes sense for us to articulate the conclusion that the development of one's talents has a direct bearing on others by saying it involves a duty to others, a different solution must be found within Kant's philosophy to account for or express this conclusion.

---

[38] Kant, *The Metaphysics of Morals*, p. 64 [6:280-1].

[39] Sullivan, p. xiv.

At this point a distinction within Kant's philosophy, made explicit by Peter Berkowitz, is extremely useful. Berkowitz suggests that a more fruitful understanding of Kant's philosophy involves distinguishing between virtues that are relative to human perfection, and "virtues of a lesser order", or qualities of mind and character that serve less prestigious ends.[40] Berkowitz argues that practical anthropology, the informal part of Kant's ethics that deals with the contingent, empirical aspect of ethics, is a necessary part of Kant's moral philosophy for two reasons. First, the application of universal moral principles to particular cases requires the exercise of a practical judgment that is grounded in a variety of kinds of empirical knowledge. Second, the means for cultivating the dispositions which enable individuals to overcome inclinations that distract them from the moral law is also an empirical matter.[41] Although these qualities of mind and character, or lesser virtues, are often neglected in interpretations of Kant's philosophy, as Berkowitz has argued, they play a crucial role. How important a role they play is made evident by Berkowitz's analysis of Kant's famous "intelligent devils" passage, where Kant states that "As hard as it may sound, the problem of setting up a state can be solved even by a nation of devils..."[42] Of course, despite common misinterpretations, Kant is not proclaiming that liberal republics can operate without a virtuous citizenry in the ordinary sense of the word, but rather is drawing a distinction between virtue in the sense of purity of

---

[40] Peter Berkowitz, *Virtue and the Making of Modern Liberalism*, (Princeton: Princeton University Press, 1999), p. 110.

[41] Berkowitz, pp. 114-116.

[42] Immanuel Kant, "Perpetual Peace" in *Kant's Political Writings*, trans. H.B. Nisbet. ed. Hans Reiss. (Cambridge: Cambridge University Press, 1992), p. 112.

motive in obedience to the moral law, which is not necessary for a state to exist, and those qualities of mind and character often referred to by the lay person as virtues, that are necessary for any state to function.[43] The state has a vested and legitimate interest in cultivating these qualities in its citizenry. The liberal view, as indicated by Kant, is that the reasons for inculcating virtues must always be about virtues leading to conduct that will insure basic duties towards others or rights they have; the reasons cannot be about virtues leading to conduct that improve one's own character for its own sake or create a certain type of personality without regard for the effect on others. Applying this distinction to the development of one's talents, the duty in regard to oneself cannot, after all, be classified as a duty to others under Kant's system (even though ordinary language would express the point in this manner). However, the development of talents does qualify as one of the lesser virtues, the possession of which by citizens is necessary if a state is to survive. This link is made more clear by Sen's claim that prolonged unemployment causes "disruption of family relations and social life, hardening of social exclusion and accentuation of racial tensions and gender asymmetries."[44] Any of these effects, if widespread, would undermine the stability of a state. Hence, the state has a large and legitimate stake in encouraging its citizens to develop their talents. This view is not limited to Kant, but is also present in Mill, who distinguishes between behaviour that

---

[43] Berkowitz, p. 126.

[44] Sen, *Development as Freedom*, p. 94.

wastes one's own life, which liberalism must tolerate, and behaviour that wastes one's life and leads to the dereliction of duties to family or other responsibilities.

The third implication that stems from the collapse of the distinction between duties to oneself and duties to others (the latter taken in the vernacular sense) is that if state-sponsored aid is to be offered to those who have need of it, the type of aid that is given must be of a sort that is designed not to create dependence. To this end, Arneson suggests that aid be in the form of work opportunities in state sector jobs requiring little skill, and that offer training, supervision, and the chance to meaningfully contribute to society.[45] There are two reasons for stipulating the type of aid required: one, not being self-sufficient (either through circumstance or choice) within a liberal democratic regime that practices coerced transfers harms those who have resources taken from them,[46] and two, there are benefits that come with self-sufficiency that simply cannot be obtained through transfers of income, whatever the source may be. These benefits include self-respect, social status, and the further development of talents. Although there is an element of *quasi-paternalism* present in this reasoning, as Arneson freely admits, it is justified:

> There are... culture of poverty considerations... The marginally employable individuals of society, buffeted about by the labor market, tend to seek solace and consolation in attitudes that are adaptive for a life that does not revolve around work but nonadaptive for taking best advantage of employment opportunities... [furthermore] Paid employment gives structure to one's life, provide opportunities for earned respect, and tends to

[45] Arneson, "Egalitarianism and the Undeserving Poor", p. 349.

[46] Arneson makes a similar point about persons who willfully become destitute and then beg strangers for money, as harming the strangers if they have an obligation to help out. See his "Egalitarianism and the Undeserving Poor", p. 338.

> provide opportunities for solidarity and social contact with work-mates.[47]

However, there is a great deal of unwarranted optimism in Arneson's proposed work-aid. The demands he places on the jobs are implausible. For instance, Arneson wants these jobs to be socially beneficial, but considering that many jobs which require little skill can be done more quickly and cheaply by machines, it remains to be seen what low-skilled jobs Arneson could offer, beyond glorified make-work projects that would do little for the self-esteem of those involved. The skepticism surrounding Arneson's requirement that these jobs be socially beneficial is fueled in part by his insistence that they be state-sector jobs; if there were a demand for the jobs to be performed in the first place, there would already be a private sector market for them. Since there is no private sector demand for them, the suspicion that these jobs are make-work projects, or "invented jobs" is strengthened. This is not meant to denounce state-sector jobs as meaningless, but merely to point out that there are reasons why some jobs are retained by the public sector. Concerns for impartiality within the public service, that governments have the resources to perform certain tasks without relying on outside groups, and the moral authority of public institutions, e.g. polices forces and the military, all justify certain jobs being retained by the public sector. Unfortunately, low skilled jobs generally do not meet these criteria.

This Kantian-based conception of responsibility that conceives of responsibility as being inextricably linked to duty mirrors the dialogical conception of self. For while the dialogical conception of self acknowledges that the self is

---

[47] Arneson, "Egalitarianism and the Undeserving Poor", p. 348.

only possible through interaction with others, and against the backdrop of a horizon of significance consisting of shared linguistic, normative, and cultural meanings, the duty-based conception of responsibility acknowledges that responsibility is only possible within a social framework. This is not to say that society simply draws up a set of rules as to what constitutes responsibility. Rather, one has duties to others because these others are a necessary condition of the self's development. Furthermore, because the development of the self will affect the development of other selves, duties that cover the cultivation of one's self ultimately have a material impact on the development of others as well. Hence, duties to oneself can be duties to others.

Conclusion

Let me sum up my project to this point. It has been argued that various the contemporary theories of justice dominate the philosophical horizon are plagued by problematic conceptions of the self. Despite this, it has been suggested, there is an increasing trend towards recognizing what has here been called a liberal conception of self, one that is dialogical in nature. This developmental self, as we also called it, promises to make sense of liberal egalitarian concerns regarding the influence of morally arbitrary factors that generate inequalities, and also of the common intuition that to some extent persons are responsible for their own circumstances in life. Grounding responsibility in this liberal self can only be done through acknowledging that responsibility and duty are necessarily intertwined concepts. Thus, responsibility

can only be found within a social context, and all attempts to locate responsibility strictly within the natural world, as desert-, causation-, alternative possibility-, and control-based conceptions of responsibility do, are fundamentally misguided. And within the context of a liberal-democratic regime that practices state-mandated transfers of resources, the claim that responsibility and duty are connected has a significant impact on the distinction between duties to oneself and duties to others. For the development of one's natural endowments is in a very serious way a virtue of sorts, even if not a genuine virtue for Kant, and is an obligation to others, in that one's fulfillment of this wide, imperfect duty (in Kant's terminology) has a direct impact on other persons in states that mandate transfers of income, and that duty can make the difference between treating others as ends and treating them as a means. Furthermore, the fulfillment of these responsibilities has a profound impact on the preservation of the state itself.

The next step is to see what distributive scheme can be justified by the dialogical conception of self, while still allowing for responsibility. This is to say, what theory of justice can hold individuals accountable for their actions, while still maintaining a commitment to equality of opportunity?

Chapter 4: Equality of Opportunity

The Tension between Equality of Autonomy and Equality of Outcomes

As the analysis of the various accounts of responsibility has shown, the only way to make sense of responsibility is to conceive of it within a social context, inextricably linked to the notion of duty. Preinstitutional claims of responsibility in the form of desert are simply untenable considering the social framework that moral concepts such as responsibility (even in the form of desert), personhood, and justice, require. Causal accounts fail because they need further normative principles, the presence of which already presupposes a social framework, to provide the criteria to determine in which directions (causes, consequences, and broader lateral considerations) and to what extent the causal history of an act should be traced. In the absence of such normative criteria, one is left with the unacceptable conclusions that either an implausible number of persons are responsible for an act or that no one is capable of being responsible for anything. Alternative-possibilities prove to be a dead space as well, since if naturalism is correct, causal determinism is a reality and alternative possibilities not only do not exist, but are irrelevant. Attempts to circumvent this problem by turning the issue into one of control or of distinguishing between active and passive agents are also problematic as they are plagued by the same types of problems that affect causation-based accounts.

Given that the only way to make sense of responsibility is to conceive of it within a social context, inseparable from the concept of duty, the problem now becomes: if treating persons as autonomous involves respecting their choices,

how should society deal with the consequences of autonomy, when the outcome of doing so can itself undermine the conditions of autonomous choice? To a certain extent, this simply raises the question of what type of equality is appropriate, e.g., equality of autonomy or equality of outcomes (be the outcome interpreted as resources, income, or welfare, etc.). As Sen observes, "...every normative theory of social arrangement that has at all stood the test of time seems to demand equality of something..."[1] A further question that needs to be answered here is to whom this equality is extended.[2] The seeming discrepancies between different theories, viz., how different theories can result in varying schedules of outcomes, can be explained by the fact that there is a variety of spaces in which equality can take place: different theories privilege different spaces as being worthy of equality, inevitably at the expense of other spaces. Thus on the right, Nozick maintains that equality should be in terms of (libertarian) rights: as long as all receive equal protection by the state against interference with these rights, egalitarianism of a sort holds. And on the left, a host of liberals argue otherwise, including Rawls who argues that equality should exist in the space of primary goods. Dworkin advocates an equality of resources, and Robert Young claims that egalitarianism of outcomes (e.g. income, material wealth, etc.) is a prerequisite for the autonomy of all.[3]

All these theories are marred by problems with their conceptions of the self; for these conceptions involve implications for responsibility and result in

---

[1] Amartya Sen, *Inequality Reexamined* (Cambridge [MA]: Harvard University Press, 1992), p. 12.

[2] Macleod, p. 370.

theories of justice that are misguided and ill founded. In the case of Rawls, his conception of the antecedently individuated self effectively negates responsibility and results in the unsatisfactory difference principle. And although Dworkin wants to hold persons accountable for their choices in life, his inability to distinguish meaningfully between a person and her circumstances renders his purportedly ambition-sensitive conception of equality of resources unable to hold people responsible. Nozick's account of the self effectively denies the influence of society in the formation of tastes and talents in particular and identity in general. As a result, libertarian conceptions of responsibility typically seek to use notions of causation or the active/passive distinction to ground responsibility. However, as was argued in the preceding chapter, these attempts ultimately are incapable of focusing responsibility on a single individual (or even a small group of individuals) without the help of some normative principle.

At first glance, the variety of spaces, or senses, in which theories can claim equality threatens to render equality a moot concept, unable to give any meaningful direction as to how to organize social arrangements. However, Sen sees this multiplicity as indicative of a deeper diversity regarding what sorts of things we value. In particular, if one values autonomy, as I have maintained one should, the spaces in which equality is sought will be those that produce conditions of equality of autonomy. In this chapter I will argue that the distributive theory which best secures the conditions of equality of autonomy is a revised version of the starting-gate theory, a form of equality of opportunity. This is to

---

[3] Young, "Autonomy and Egalitarianism", p. 664.

say society should insure conditions in which individuals all have the same opportunity to obtain given benefits, e.g., income, wealth and resources, insofar as their results depend on the actions of others. Hence, opportunity is here taken in a weak sense. The revised starting-gate theory allows for redistribution of income only to ensure that the initial conditions of equal opportunity are approximated as much as possible. For just as distributive schemes that call for state-mandated transfers of income disrespect the autonomous choices of all individuals by interfering with the consequences of those choices, so too the traditional starting-gate theory disrespects autonomy of some individuals by allowing the consequences of voluntary acts to generate inequalities severe enough to undermine the conditions of autonomy.

The question of what should be equalized in society is obviously contentious. Main candidates for answering this question include, but are not limited to, equality of welfare, equality of resources, and equality of opportunity, and the host of sub-theories that fall under each of these labels. I have argued in this dissertation that autonomy is of paramount concern for any distributive scheme that values responsibility. That is to say, if persons do not make autonomous decisions, then in a very real sense, they cannot be said to be responsible for these decisions. Consequently, equality of autonomy, which I argue is best embodied by the revised version of the starting-gate theory sponsored here, is the most appropriate distributive scheme for a liberal democracy. Aside from this general argument that autonomy is a prerequisite of responsibility, there are several reasons enumerated by Scanlon as to why

choice is something that should matter to persons as individuals: choice is instrumental in relation to one's desires, is representative of the individual's preferences and beliefs, and is symbolic in both the eyes of the individual and others.[4] Thus, when an individual makes a decision to get married, she has reason to want the outcome to depend on her choice of partner—certainly she would be disappointed if her intent was to marry a stable supporting partner who shared all her values and wanted to have children, only to discover after the wedding that she had married an abusive alcoholic who also hated children. Not only does such incongruency between her decision and the outcome render her unable to function (if in general the outcomes of her decisions had no relation to her intentions she would not be able to implement any plans), but also it does not reflect her person either. That is to say, her family might think her emotionally or psychologically troubled herself for having chosen such a person. Finally, there is a symbolic dimension to making choices for oneself. It would be humiliating if after a quick divorce from this partner, all her family and friends considered her unable to choose an appropriate partner, and constantly subjected her to a dual torture of skepticism regarding any romantic prospects she brought home combined with a never-ending parade of their own choice of suitors. So there is a clear case for wanting outcomes to be related to the decisions individual's make, and in the sphere of distributive justice this translates into the selection of opportunity as the space in which equality must be achieved—even if this results in inequalities in other spaces.

---

[4] Scanlon, *What We Owe to Each* Other, pp. 252-253.

Theories of distributive justice that focus on equality of outcomes tend to be haunted by the problem of responsibility, that is, how can an individual be held accountable for the effects of her choices if these effects are distorted (for better or worse) by the intervention of a coerced transfer? Chapter One maintained that contemporary theories of justice that call for or ban such redistributive measures are problematic because they all lack a fully articulated, coherent conception of the self. Chapter Two sought to provide such a conception. Chapter Three argued that given the developmental nature of the self as the product of an ongoing dialogical process and given that responsibility and duty are intertwined concepts, personal responsibility and social responsibility collapse in a society that practices coerced transfers. It remains to be seen what framework could be used to implement a theory of justice that would respect equality of circumstance, that is, not allow for inequalities severe enough to undermine the initial conditions necessary to secure equality of opportunity, and still hold persons accountable for their decisions.

Although Rawls's emphasis on equality of primary goods and Dworkin's focus on equality of resources can be seen as constituting moves in the direction towards an equality of freedom (or opportunity),[5] they both fall short. This is due to the fact that a discrepancy still remains not only between freedom and the actual achievements that persons can generate from such opportunities, but also between freedom and the means to freedom, be they primary goods or

[5] Sen claims that "While this [Rawls and Dworkin's emphasis on an individual's command over resources] has been a move in the right direction (as far as freedom is concerned), the gap between *resources that help* us to achieve freedom and the extent of *freedom itself* is important in

resources. Arneson's notion of equality of opportunity for welfare is a little more promising, and by Arneson's own admission equality of opportunity for welfare is closely related to Sen's capability approach, which falls within the family of equality of opportunity views[6]. The two theorists disagree, however, over what type of and how much information is necessary to the development of an overall index. Sen maintains that all morally relevant information should be taken into account (the emphasis being not on the resources or primary goods the individual receives, but on the individual's ability to transform them into capabilities to function in various ways that are deemed to be objectively valuable), even if doing so complicates things and makes having a complete understanding impossible. In contrast, Arneson thinks that this leaves Sen's capability approach vulnerable to the same type of indexing problem that Sen sees Rawls's view as suffering from, and maintains that only a small subset of one's functioning capabilities are necessary, but Arneson never specifies which ones. Arneson rejects Sen's capability approach because, he claims, it requires judging a person's capabilities apart form their (ideally considered) preferences concerning those capabilities, and this, Arneson maintains, presupposes a hidden and indefensible perfectionist doctrine.[7] However, Arneson opens the door to such a doctrine when in a footnote he states:

> [I]t should be noted that filling out a preference-satisfaction approach to distributive equality would seem to require a normative

---

principle and can be crucial in practice. Freedom has to be distinguished not merely from achievement, but also from resources and means to freedom." *Inequality Reexamined*, p. 37.

[6] Richard J. Arneson, "Equality and Equal Opportunity for Welfare" *Philosophical Studies* 56 (1989), pp. 90-1.

[7] Arneson, "Equality and Equal Opportunity for Welfare", p. 92.

> account of healthy preference formation that is not itself preference-based. A perfectionist component may thus be needed in a broadly welfarist egalitarianism... The development and exercise of various capacities might be an important aspect of healthy preference formation, and have value in this way even though this value does not register at all in the person's preference satisfaction prospects.[8]

Thus, the necessity of a perfectionist doctrine of some sort may be inevitable, and prove to be a bridge to the issue of liberal virtues, which figure prominently in the conception of equality of opportunity that is being advocated here.

In this chapter I will use Sen to help develop and clarify a concept of equality of opportunity, and by means of examining Young's analysis of how unchecked autonomy can result in problems with conceptions of equality of opportunity, will look at ways in which the conditions of equality of opportunity can be preserved without unduly restricting autonomy. Finding such a way or ways will be the key to resolving of the conflict between equality of autonomy and equality of outcomes. Autonomy has to take precedence as the space in which equality is protected (because forced transfers after the fact mitigate the effects of autonomy), but a necessary condition of autonomy is that all participants have an equal opportunity to exercise their autonomy. Consequently, inequalities must be minimized as much as possible, but attempts to do so should be incorporated into the structure of society to equalize the conditions of equality of opportunity. Equalizing the conditions of opportunity, I shall maintain, requires universal access to health care and education, and the stressing of certain

---

[8] Arneson, "Equality and Equal for Opportunity for Welfare", p. 93, fn. #19.

virtues, rather than after the fact remedies in the form of state-mandated transfers of income.

Sen's Capability Approach

In *Development as Freedom*, Sen tries to overturn the bias of analyzing development in strictly economic terms. Sen instead favours of a more comprehensive approach based on capabilities. Capabilities include the rights, freedoms, and resources an individual has at her disposal, and constitute her ability to pursue the kinds of options she values. For the most part, Sen's discussion takes place on the macroeconomic level, that of development programs on the national level. However, present purposes require that Sen's comments be applied to the microeconomic level of distributive theories of justice. Despite this change of focus, most of Sen's analysis remains appropriate to the development of the individual, both in terms of the cultivation of talents and the formation of the self's identity.

There are three areas in which Sen's analysis conflicts with the dominant tradition in economic analysis. First, Sen rejects as misleading the lofty stature which traditional economists have given to the role of income. Secondly, Sen's approach relies on an assumption about the nature of substantial freedoms and social goods different from that of traditional economic analysis does. And lastly, Sen draws attention to the informational bases that all analyses must use, and cites the differences between his and traditional information bases to show how these latter approaches skew data. An information base determines what

qualifies as relevant information for the purposes of decision-making, and consequently any information base will affect the resulting analysis. Sen's criticism is that the information base of traditional economic theory, income, results in a severely distorted analysis.

A. Income

The main trend in analyzing development is to focus on income or related standards (e.g. GNP per capita). This is a trend with which Sen disagrees on the grounds that income is only a relative indicator. According to income, one may be richer than individuals in poor nations, yet still experience poverty in relation to the citizenry of one's own, wealthier nation. Hence, one can find oneself at a considerable disadvantage in—even to the point of exclusion from—participating in society.[9] As a result, income provides little meaningful information about the type of life one is capable of leading, beyond the truism that more income allows for greater opportunities (although social factors such as discrimination and physical factors such as handicaps and high mortality rates can limit these).

B. Assumptions about Substantial Freedoms

One of the assumptions of the income approach has been to conceive of freedom as the end, as opposed to the means, of development. Underlying this

---

[9] Sen, *Development as Freedom*, pp. 5-6. This can even go so far as mortality, as is seen by the case of African Americans as compared to the poor in China (African Americans are relatively deprived in relation to Caucasian Americans in terms of income, but are absolutely deprived in relation to the Chinese in terms of life-expectancy), p. 21, and is shown further in the example of U.S. slavery, in which slaves enjoyed a higher standard of living defined by commodity bundles than urban non-slave laborers did (p. 28).

view is the presupposition that development must be a laborious process, with goods such as health care and education being the prize to be won through much hard work and sacrifice. Sen's approach, however, operates on the assumption that development is a less intimidating process, consistent with social programs, and relies upon the substantive freedoms which the former approach sees as the rewards of effort to fuel the development process. Sen rejects the idea that development pits aggregate economic growth against a general standard of living, political freedoms, and human rights. He maintains, "Human development is first and foremost an ally of the poor, rather than of the rich and the affluent."[10] This is to say, substantive freedoms are part of the process of development, and not the consequence of the process.

C. Information Bases

One of the key factors that differentiates theories of justice, according to Sen, is their informational base, that is, what is or is not taken to be relevant to the decision-making process.[11] Looking at the implications of Sen's choice of information base will demonstrate how Sen's capability approach differs from other theories of justice. For example, the utilitarian information base focuses on the aggregate amount of consequences to the exclusion of the distribution of

---

[10] Sen, *Development as Freedom*, p. 143

[11] This includes two sets of criteria. The first are comprised of the *relevant personal features* that are selected, and the second is the choice of *combining characteristics*. E.g. utilitarians use utilities as the relevant personal characteristic and summation of utilities as the combining characteristic. *Inequality Reexamined*, p. 73.

these consequences or the processes used to achieve them.[12] Clearly, this is unacceptable, as the greatest aggregate outcome can plausibly be the result of an extremely unequal distribution. The information base underlying libertarianism is precisely the opposite, concentrating solely on the procedures of transactions, while discounting all consequences.[13] This too is unacceptable, as the procedures are silent even when they result in severely unequal outcomes. The information bases of redistributive proposals such as Rawls's difference principle and Dworkin's insurance-scheme solution, despite being more inclusive, still ignore the conversion differential, that is, the different rates at which different people can convert resources or income into quality of life:

> Differences in age, gender, special talents, disability, proneness to illness, and so on can make two different persons have quite divergent opportunities of quality of life *even when* they share exactly the same commodity bundle. Human diversity is among the difficulties that limit the usefulness of real-income comparisons for judging different persons' respective advantages.[14]

This conversion rate depends on numerous personal and social contingencies. Some are as basic as persons having different needs, e.g., resulting from handicaps and variables of where one lives, which can create the need for warm clothes in colder climates. Sen observes that even additional resources may not be able to compensate for some differences such as handicaps. Other contingencies are more communal, such as the character of the society one lives in. They can include the local crime rate, the strength of

---

[12] Sen, *Development as Freedom*, p. 62.

[13] Sen, *Development as Freedom*, pp. 66-7.

[14] Sen, *Development as Freedom*, pp. 69-70.

social programs and community relations, and how distributions occur within the family. Important to note is that the latter usually occur along the lines of age and gender. And of course, there is still the factor of how wealthy one's nation is. One may have an income that places one above many individuals in third world countries, although this may still leave one poor or with a diminished capacity to participate in the community life of one's own society.[15] For example, in North America owning an automobile is often an expensive necessity if one is to hold down a job that requires late or odd hours, or is not located near public transit facilities. Thus, when judged by income one may appear better off than one's counterparts in another country. However, the fact that one must devote a large amount of that income to maintain the necessary means—namely the automobile—to that income, can result in one having a lower quality of life in terms of education, nutrition, and healthcare, than those counterparts in a less prosperous country. And failure to hold this job can in turn have an impact on one's ability to participate in a host of other economic, social and political activities. The powerful tendency to overlook interpersonal differences is fueled by a desire to keep principles of distribution simple and permit the rhetoric of equality, e.g., that "All men are created equal".[16] What results is the false impression that there are seamless transitions between income or resources and well-being or freedom. The mentality that this tendency is indicative of has led to such biases as the exclusive focus on income in welfare analysis.

---

[15] Sen, *Development as Freedom*, pp. 70-1.

[16] Sen, *Inequality Reexamined*, p. 30.

A more striking example of how traditional informational bases skew results is the plight of women. The poor of the world, both within developed and developing nations, are increasingly women and children.[17] Yet information bases which focus on income or procedures, but exclude the personal conversion rates and the distribution of income, claim a much higher status for women and children than is true in reality. This paradoxical result stems from the fact that income is usually measured by household or GNP per capita, and not by individual person. Consequently, on paper women may enjoy a high quality of life, and yet may in fact suffer severe deprivation of such things as independence, literacy, and longevity, due to gender-bias within the family. These deprivations then encourage other forms of discriminatory attitudes, by denying women the ability to participate in setting the public agenda and even curtailing their ability to effect the family agenda within their own homes. As Sen observes, when a woman's substantive freedoms increase through activities such as employment outside the home, not only does she herself benefit, but so do others in her family. As a result of her outside employment, which is a more visible contribution to the fortunes of the family than domestic contributions, the woman gains a greater voice and is thus capable of counteracting such injustices as gender-bias and child neglect.[18] It is an obvious failing of a theory of distributive justice if an entire section of society, indeed the majority of society, suffers poverty that is not reflected in the analysis.

---

[17] Will Kymlicka, *Contemporary Political Philosophy: An Introduction* (Oxford: Clarendon Press, 1990), p. 89. Written in 1990, Kymlicka claims that by 2000 all those below the poverty line in the United States will be women or children.

Sen's analysis, however is not immune from criticism. The quality of jobs available to women in any society, not just developing nations, is questionable. The fact that pay equity is an issue in North American economies suggests that even in nations where women enjoy considerable substantive freedoms, there are sociological factors that lead women to tend towards a narrow number of low paid job categories. The situation does not promise to be any better for women in developing nations, and this phenomenon may mean that Sen's approach is unduly optimistic.

Implementation of Development as Freedom

For Sen, there are five types of interwoven freedoms that are instrumental and that influence the capacity of a person: political, economic, social, transparency guarantees and protective security.[19] Political freedoms refer to the abilities that individuals have to influence those who govern (e.g., freedom of speech, freedom of the press, democratic election). Economic freedoms are constituted by the opportunities that individuals have to use economic resources to consume, produce or exchange. Social freedoms are composed of the arrangements that a society implements in terms of basic education and health care. These social arrangements are significant because they not only affect one's ability to live well (e.g. to be free from illness), but also have an effect on one's ability to participate in economic relationships with others. For example,

---

[18] Sen, *Development as Freedom*, p. 191.

[19] Sen, *Development as Freedom*, pp. 38-40.

insufficient education is a barrier to many jobs, and illiteracy is for the most part a barrier to participation in the labor force and politics. Transparency guarantees refer to a basic sense of trust in the processes that govern society, for if individuals cannot trust that contracts will be honored, or that they will be treated fairly by the authorities, they will not want to participate in society. Protective security is the safety net that is to save those members of society who have been negatively affected by unusual or unforeseen hardships (e.g., lay-offs, downturns in a particular industry caused by environmental factors, etc.) from suffering to the point of extreme deprivation.

These various freedoms which Sen identifies build upon one another. For example, political freedoms promote economic freedoms, which in turn make social opportunities such as health care and education possible, further enhancing economic growth and freedom, which in turn reduces poverty and crime, leading to greater security and freedom for all. All of these freedoms contribute to the individual's general capacity. An example of this is the different fortunes of China and India in terms of economic growth. Both countries have been encouraging an internationally active, market-oriented economy, but China has been more successful despite its obvious intolerance of political freedoms. Sen attributes China's success to the implementation of social programs consisting of basic education and health care decades earlier. Due to an elitist attitude towards education and health care, India by contrast still has a high illiteracy rate and more restricted access to health care.[20]

Developmental as Freedom and the Liberal Self

Sen's conception of development as freedom resonates with the notion of a liberal self outlined in the second chapter on two distinct but interrelated fronts. As argued in Chapter Two, Taylor and Foucault provide analyses of the self that are complementary (despite their many differences, and despite Taylor's rejection of Foucault's account of the subject). Taylor focuses on the social nature of the self as a dialogical construct; this means that the self requires horizons of significance consisting of publicly shared linguistic, normative, and cultural meanings, against which to define itself. Foucault accentuates the ubiquity of power within all relationships, and maintains that the key to an ethical account of the subject required the individual possessing the means to change power relations (both internal and external) that dominated the individual. Sen's conception of development as freedom mirrors these two emphases. Although Sen does not deal with the same sorts of issues that Taylor and Foucault do, he can be interpreted as possessing an affinity with their key points. Specifically, Sen's analysis coincides with Taylor's stressing of the notion and importance of horizons of significance. Centrally indicative of this are Sen's attaching great weight to the role of public goods, and, as a result of this, Sen's conception of freedom as a symbiotic process between the individual and society. Sen's analysis also possesses a striking affinity with Foucault's emphasis on power relations. According to Sen, poverty is not a result of a lack of income, but stems from a lack of substantial freedoms, much in the same way that Foucault

---

[20] Sen, *Development as Freedom*, p. 42.

maintained that freedom is denied whenever one is helpless to change existing power relations.

A. The Social Nature of the Development and the Liberal Self

The capability approach resonates well with the notion of a developmental self outlined in Chapter Two. Sen states: "The exercise of freedom is mediated by values, but the values in turn are influenced by public discussions and social interactions, which are themselves influenced by participatory freedoms."[21] Here Sen acknowledges the symbiotic relationship that exists between the developmental self and society. Not only does the self need society to provide it with horizons of significance against which it can define itself, as Taylor claimed, but in defining itself in such a manner, Sen argues, the self contributes to those horizons. This contribution in turn adds to the individual's development, and the cycle continues.

Sen reiterates this claim later, when he argues that substantial freedoms increase one's ability to change one's situation for the better. Altering one's situation on a societal level, through democratic processes that are not only tolerant of basic freedoms but also include freedoms to participate in democracy via debating and helping determine public policy, creates a two-way, symbiotic relationship between the individual and society[22] And on the individual level, there is an obvious link between a person having enhanced abilities and their

---

[21] Sen, *Development as Freedom*, p. 9.

[22] Sen, *Development as Freedom*, p. 18.

being able to command a higher income, which in turn creates more opportunities to participate in society.[23]

B. Public Goods

The assertion that substantial freedoms link the individual with society in a symbiotic relationship is further supported by the existence of public and semi-public goods. Certain goods such as cultural and economic activities cannot be consumed in isolation. Other goods, such as a clean environment are consumed by all. The contribution that such goods make to the capability of all persons needs to be recognized Sen argues. Instances of mixed goods, e.g., education and health care, although distributed to one person in particular, have a substantial ripple effect on the public in general: in addition to health care preventing the spread of infectious diseases, both health care and education increase economic productivity.[24] Healthy workers are more productive, and economic growth relies on education; in the most extreme case, literacy is a prerequisite of all mass production processes,[25] but even in developed economies, education is key to growth and stability. This is seen when specific industries, especially those based on natural resources, are hit by lay-offs or otherwise become endangered (e.g. Atlantic fisheries) due to poor management of the particular resources. The impact on these workers is severe, because most of them lack the necessary education to do other work; a fisherman may be

---

[23] Sen, *Development as Freedom*, p. 90.

[24] Sen, *Development as Freedom*, p. 128.

able to do other jobs requiring similar skills or performing unskilled tasks, but he is unlikely to become an accountant or journalist. Government intervention in such matters is premissed on recognizing that education is essential to enhancing the abilities and opportunities of persons, hence social benefits are often tied to retraining initiatives. However, for a variety of reasons (lack of demand for the services persons are trained for, stigmas attached to such programs, etc.) there is good reason to be skeptical of the effectiveness of these programs.

Both development as freedom and the conception of equality of opportunity to be sponsored in this chapter agree in rejecting the position of traditional economists which assumes that social programs such as education are a luxury to be enjoyed only after economic development has occurred. On the contrary, both development as freedom and this dissertation maintain steadfastly that certain types of social programs such as, education and health care, are a necessary condition of development. And the importance of such public and semi-public goods in enhancing the substantive freedoms of all persons in society shows the inadequacy of the traditional approach.

Poverty as Domination and Capability Deprivation

Sen's claim that freedoms enhance one's development, is in the spirit Foucault's claim that rigid power relations curtail one's freedom and dominate,

---

[25] Sen, *Development as Freedom*, p. 39.

that the absence of freedoms is a form of domination.[26] Echoing Foucault's claim that the freedom of the self rests on one's ability to transcend stagnant power-relations, Sen argues that "[d]evelopment consists of the removal of various types of unfreedoms that leave people with little choice and little opportunity of exercising their reasoned agency. The removal of substantial unfreedoms, it is argued here, is *constitutive* of development..."[27] So an affinity exists between Sen and Foucault, revolving around domination by power-relations that one cannot change. Here, Sen employs the distinction between positive and negative liberties, albeit in a slightly different context. For Sen, freedoms in the sense of negative liberties, or the processes such as protection of voting privileges and other political and civil rights, are necessary for development but are empty and meaningless unless accompanied by the opportunities requisite to exercising them. That is, the positive liberties such as protection against premature mortality or starvation. These are the minimal opportunities that individuals have for achieving goals which all persons have reason to value, and are necessary to any meaningful sense of freedom. The implication of this conception of freedom as development is clear: the opportunities for exercising freedom are not luxuries, but are necessities, and their absence can amount to a form of oppression. As Sen states,

> Unfreedom can arise either through inadequate processes (such as the violation of voting privileges or other political or civil rights) or through inadequate opportunities that some people have for

---

[26] Sen states: "Since political freedoms are constitutive elements of human freedom, their denial is a handicap in itself." Sen, *Development as Freedom*, pp. 16-7.

[27] Sen, *Development as Freedom*, p. xii.

> achieving what they minimally would like to achieve (including the absence of such elementary opportunities as the capability to escape premature mortality or preventable morbidity or involuntary starvation).[28]

A second implication of Sen's analysis is that poverty is not simply the result of a lack of income, but can be caused by a lack of capabilities. This is made clear by the fact that while low incomes can be supplemented, lack of capabilities cannot. That capabilities cannot be supplemented is seen in the European response to unemployment, which has resulted in high levels of unemployment assistance, but not in an increase in the capabilities of persons on this assistance.[29] This is due to the fact that:

> There is plenty of evidence that unemployment has many far-reaching effects other than loss of income, including psychological harm, loss of work motivation, skill and self-confidence, increase in ailments and morbidity (and even mortality rates), disruption of family relations and social life, hardening of social exclusion and accentuation of racial tensions and gender asymmetries.[30]

The problems associated with poverty such as the deterioration of motivation, self-confidence, skill, and self-esteem are alleviated through an individual becoming empowered. This is best accomplished through providing a social framework that provides individuals with substantive freedoms, not merely by supplementing an individual's income. Poverty is thus more accurately viewed in terms of capability deprivation, rather than as a lack of income, although a deficiency in income obviously curtails one's freedom to a degree. In fact, a low income may be a significant cause of capability-deprivation, but Sen's indictment

---

[28] Sen, *Development as Freedom*, p. 17.

[29] Sen, *Development as Freedom*, p. 95.

of the traditional tendency to place the blame on low income as opposed to lack of substantial freedoms is correct.[31] Income is meaningless without some of the substantial freedoms that have a bearing on one's ability to control one's life and determine one's well-being.[32] Thus, freedoms and capabilities, and not income as such, are the key to poverty.

Recipients v. Agents

The capabilities approach that Sen advocates clearly requires conceiving of persons as agents who possess some stewardship over their own destinies within the economic and social order as opposed to merely being dependent on paternalistic aid. This resonates strongly with the spirit of Foucault's analysis of power relations, which favors empowering individuals to overcome whatever particular power relation they may find oppressive, as opposed to perpetuating these power relations. As Sen states:

> The people have to be seen, in this perspective [of development as freedom], as being actively involved—given the opportunity—in shaping their own destiny, and not just as passive recipients of the fruits of cunning development programs. The state and the society have extensive roles in strengthening and safeguarding human capabilities. This is a supporting role, rather than one of ready-made delivery."[33]

---

[30] Sen, *Development as Freedom*, p. 94.

[31] Sen, *Development as Freedom*, p. 87.

[32] This focus on capabilities as opposed to merely income is shared by Philippe van Parijs, who argues that "the way in which our economies are organized, the most significant category of assets consists in jobs people are endowed with. Jobs are packages of tasks and benefits." *Real Freedom for All: What (if anything) can justify capitalism?* (Oxford: Clarendon Press, 1997), p. 90.

[33] Sen, *Development as Freedom*, p. 53.

On Sen's view, persons therefore play a central role in their own development. But this role requires their being provided with an environment that fosters the substantial freedoms and capabilities of individuals.

On the social level, this means that public policy must be focussed on enhancing the capabilities of citizens, rather than merely giving them aid. Such encouragement of citizen's capabilities will encompass not only education and health care, but also the democratic freedoms that are necessary to developing one's capabilities, such as the ability to participate in economic and political activities: "Central to this approach is the idea of the public as an active participant in change, rather than as a passive and docile recipient of instructions or of dispensed assistance."[34] Viewing the public as an active participant in the process of development (both on the micro and macro levels) requires organizing social institutions to enable the necessary substantial freedoms to flourish.

The social level is linked to the individual level, because no matter what a government does to try and foster an individual's capabilities, ultimately it is up to the individuals to change their own situation. "Understanding the agency role is thus central to recognizing people as responsible persons: not only are we well or ill, but also we act or refuse to act, and can choose to act one way rather than another. And thus we—women *and* men—must take responsibility for doing things or not doing them."[35] This does not, however, place all the praise or blame for an individual's situation on the individual alone. Sen argues that one's

---

[34] Sen, *Development as Freedom*, p. 281.

[35] Sen, *Development as Freedom*, p. 190.

capabilities are by and large dependent upon the existing social relations of a community. He states, "[t]he capabilities that a person does actually have (and not merely theoretically enjoys) depend on the nature of social arrangements, which can be crucial for individual freedoms. And there the state and the society cannot escape responsibility."[36] Thus the relationship that gives rise to the development of one's capacities is truly symbiotic. As a result, responsibility for the development of capacities can be located in both the state and the individual: while the state has the duty of ensuring the conditions conducive to the development of capabilities, it is ultimately the responsibility of the individual to develop these capacities within the state-sponsored framework that makes such development possible.

Those who focus on freedom primarily in terms of outcomes, as Rawls and Dworkin largely do (viewing freedom as a function of the primary goods or resources one commands), undermine the responsibility of the persons involved. Others, such as Nozick, conceive of freedom only in terms of the processes (viz., one's freedom is seen as the ability to engage involuntary actions without interference, force or fraud on the part of others), but in doing so fail to acknowledge that outcomes of extreme inequality can pervert the processes in question. In response to the latter's conception of responsibility, Sen maintains that "[t]he arbitrarily narrow view of individual responsibility—with the individual standing on an imaginary island unhelped and unhindered by others—has to be

---

[36] Sen, *Development as Freedom*, p. 288. And similarly, "...the substantive freedoms that we respectively enjoy to exercise our responsibilities are extremely contingent on personal, social, and environmental circumstances... Responsibility *requires* freedom." pp. 283-4.

broadened not merely by acknowledging the role of the state, but also by recognizing the functions of other institutions and agents."[37]

Recognizing that both individuals and society have roles to play in deciding the fate of persons is important, not only because it provides a deeper and more comprehensive understanding of central issues such as poverty and responsibility, but because acknowledging the complexity of these issues prevents the emergence of stereotypes that blame individuals or groups for their problems. Examples of such racially biased explanations for social problems are Britain's response to the Irish potato famine and Winston Churchill's comments regarding the cause of the 1943 Bengal famine. Important to note is that the latter occurred under British rule, but Churchill blamed the famine on the reproductive habits of the colonized population.[38] Such stereotypes take complex causes of a problem and reduce them to a single, often inaccurate, sometimes nonexistent, trait among the group suffering. Certainly, such fallacious reasoning has no place in guiding public policy.

The Starting-Gate Theory of Justice

Given the insights of Sen's analysis, the type and extent of aid offered are crucial. What is needed to support such insights and his analysis is a theory of distributive justice that makes it possible to equally respect the autonomy of all individuals, without eroding the conditions of equality of opportunity that are necessary for the exercise of autonomy. I shall argue that equality of

---

[37] Sen, *Development as Freedom*, pp. 284-5.

opportunity, also known as the starting-gate theory, is the most appropriate candidate. However, as Robert Young's critique of Nozick will show, unchecked equality of opportunity is ultimately a self-defeating proposition. Therefore, certain modifications will have to be made to the conception of equality of opportunity sponsored here, so as to rectify the inherent contradiction that Young has located within it.

Young and Nozick on Equality, Accountability, and Outcomes

For Robert Young, autonomy involves the capacity to formulate one's own ends and that requires both the negative liberty of a lack of external restraints in pursuing one's ends and the positive liberty of the means in relation to others to pursue these ends. This is to say that one must have the ability to compete effectively against others if one is to be able to exercise autonomous choice in the marketplace. Hence, Young maintains contra Nozick, that egalitarianism is a prerequisite to a like autonomy for all. In other words, given the natural inequalities in persons and their circumstances, the unchecked, cumulative result of diverse abilities would effectively erode the autonomy of specific persons, whom other individuals, capable of effecting a better return on their activities within the marketplace, would come to have influence over. In time, this is likely to go beyond mere economic advantage, and take the form of civil and political domination:

> [I]t is serious inequalities that are most apt to undermine the effectiveness of formally guaranteed civil and political liberties... Because serious inequalities give rise to differential power, they

[38] Sen, *Development as Freedom*, p. 174.

> can and do undermine the effectiveness of the civil and political liberties of individuals. Attempts to break down inequalities, accompanied by proper protection for the individual agent against tyranny in the very process used to bring about greater equality, can thus be seen as our best hope of ensuring that such liberties are fully effective.[39]

Thus for Young, the proper function of the state is to reverse existing inequalities and prevent new ones from taking hold in a way that will not result in violating the rights of individuals. According to Young, persons have no real opportunity to acquire their talents. This is so for Young since he treats acquired talents as similar to natural ones, because even if two individuals born with identical natural endowments purposely turn their natural endowments into talents, they will face unequal opportunities in being able to do so. As such, it is unfair to allow significant advantages to be conferred on those who possess the talents, if these advantages enable serious inequalities to arise. Thus, autonomy is contravened by a social structure that rewards talents.[40] Here it becomes evident that unchecked outcomes can lead to economic oppression as well, as is seen in Young's emphasis on the paradox that Nozick's Wilt Chamberlain example leads to: Assuming a just initial distribution of assets (which Young would normally reject, but here concedes it to expose the inherent flaw in Nozick's example), if Wilt Chamberlain is allowed to contract his services out with the only limit being what others are willing to pay in return for seeing him play basketball, he will have more wealth than any of them individually, and in time he will have more wealth than many of them viewed even as groups. The result of this is that he is

---

[39] Young, "Autonomy and Egalitarianism", p. 668.

[40] Young, "Autonomy and Egalitarianism", p. 671.

now in a better bargaining position to extract even more for himself when contracting his services, because he is less dependent on those with whom he enters into contracts. Basketball is not a matter of serious social concern, but the significance is obvious if Chamberlain were instead a doctor whose talents people clearly needed as opposed to merely desired.[41] The situation worsens, according to Young, if Chamberlain decides to take some of his wealth and invest it in the means of production.[42] He graduates from simply capitalizing on the scarcity of his talents to outright tyranny, because he now has the ability to influence not just what others will pay for his services, but what they will be able to make from exercising their own talents in the marketplace. If Chamberlain can do this, then there are undoubtedly other talented persons who can do so as well, creating the prospect of classes of differing wealth and power emerging within this society. Although this may leave Chamberlain with an enhanced autonomy, the power he now has over others diminishes their autonomy to the point where they cannot compete with him for all sorts of things, and may not even be able to pursue their own goals. This is simply unacceptable on Young's view, because the only type of autonomy that matters is a like autonomy for all.

---

[41] Two issues are raised by this. The first is that inherent in Young's argument is the claim that if inequalities are allowed to amass unchecked, monopoly control is, if not inevitable, extremely likely. And monopoly of control in any area will undermine conditions of equality of opportunity to compete in that area. The second issue is that some professions that are of importance to all, e.g. medicine, should be public and not private, because a monopoly in such an area not only affects all persons (no one will die if all basketball stars go on strike, but some most likely will die if all doctors withhold their services), but due to the service being so valuable, breaking such a monopoly becomes more difficult.

[42] Young, "Autonomy and Egalitarianism", p. 675.

Although he does not make this claim explicitly, Robert Young's argument goes far beyond merely catching Nozick in a paradox. Young is claiming that the implication of Nozick's theory is actually self-defeating, that unchecked outcomes generate conditions of such great inequality that they result in undermining the very notion of fair competition, which requires that all possess a like autonomy. Of course, there is support for Young's argument in anti-trust laws which seek to prevent monopolies from occurring in the marketplace, but the support is limited, as such legislation does not tell companies what they can charge for their product (unless it has been established that they are artificially fixing the price of the goods), nor does it call for them to be taxed more heavily than other corporations, rather it merely reinterprets the rules of competition given the corporation's activities within the context of the given industry, economy, etc.

Young and Rawls on Causal Determinism

Despite his insightful critique of Nozick, Young's argument suffers from problems that are typical of many liberal approaches to the tension between responsibility and autonomy. This is especially evident when he tries to define his own position against that of Rawls. He begins by stating that "Rawls has conceded too much to the 'hard determinists' who believe that the processes of human socialization and conditioning require us to view people's endowments and their actions as on a par, viz. as being beyond the control of the individuals who have them or do them."[43] And he goes on to claim that, "even if true, as it

[43] Young, "Autonomy and Egalitarianism", p. 670.

surely is, that individuals have no control over their inherited natural talents, it is another matter entirely to claim that none of their actions (including those that have to do with what they make of their natural endowments) are under their control."[44] But the problem here is that Young arbitrarily assumes that "on some occasions people do act autonomously and that we can distinguish such occasions from those where they act heteronomously (because they are in these latter instances subject to the will of others or to the coercive impact of their environment)."[45] For such a claim to be taken seriously, Young would have to provide a theory of the self capable of satisfying the causal determinists in order to ground the distinction between autonomous and nonautonomous action. But Young never manages to offer any compelling criteria that would enable one to distinguish between autonomous and heteronomous actions.

Restricted Autonomy

Crucial to Robert Young's proposal is the distinction between *occurrent* and *dispositional* autonomy. The former refers to acting autonomously in specific situations, while the latter refers to the level of overall autonomy within a person's life such that they can say that they are in control of their circumstances.[46] When Young speaks of restricting the autonomy of someone like Wilt Chamberlain, he means Chamberlain's *occurrent* autonomy, and he advocates this for the sake of the *dispositional* autonomy of all. This is to say that Young thinks it is just to

---

[44] Young, "Autonomy and Egalitarianism", p. 669.

[45] Young, "Autonomy and Egalitarianism", p. 670.

restrict Chamberlain's autonomy in the sense of curtailing his ability to collect whatever money he can on his talents, if this is done for the purpose of ensuring that others remain able to compete fairly against Chamberlain in the marketplace. Thus, Young sees nothing wrong with the idea of restricting the autonomy of some in certain cases if this will increase the dispositional or overall autonomy for all.[47] This is not surprising given Young's conception of equality: "A free society is not one in which people can do what they want without restriction but one in which people can do what they want compatibly with others doing what they want."[48] However, this reveals Young's thesis to be a version of Rawls's difference principle centered around autonomy as opposed to primary goods. As long as restricting the occurrent autonomy of some increases the dispositional autonomy (including the means to exercise this capacity) of those who find themselves under the influence of others or their circumstances at the expense of their own autonomy, such restrictions are morally permissible. Young's autonomy-based difference principle is an improvement on Rawls's. Rawls required a controversial conception of the self and the hypothetical apparatus of the original position and veil of ignorance to show how individuals

---

[46] Young, *Personal Autonomy*, p. 8.

[47] This is not a new philosophical position, and much of Young's thesis is shared by Philippe van Parijs in his book *Real Freedom for All: What (if anything) can justify capitalism?*

[48] Young, "Autonomy and Egalitarianism", p. 678. It should be noted though that this formulation of Young's is problematic, in that it makes a free society sound like one that has to be based on equality of welfare, viz., if I want to be a world class novelist but cannot because Robertson Davies and Mordechai Richler have set standards which I cannot live up to, then society is no longer free. In light of this, if we read Young literally, Davies and Richler should not be allowed to practice their skills, so that I may—but then this is an imposition on what they *want* to do with their lives. I suspect what Young means, and I will interpret him as saying, is that a free society is one in which no person or group of persons are allowed to mass inequalities serious enough to create a monopoly situation, as doing so curtails the autonomy and equal opportunity of others.

would choose his difference principle. Young's strategy is simply to privilege dispositional autonomy over occurrent autonomy. However, the problem in doing so is that the greater the restrictions on occurrent autonomy are, the less meaningful dispositional autonomy becomes.[49] For example, the state can mandate vaccinations against infectious diseases, perhaps even contrary to the will of some individuals, and persons will still have a meaningful measure of dispositional autonomy. But if the state told persons that there was a ceiling to what they could make in a chosen profession, or what they could do with their savings, e.g., restrictions on what stocks one could own, then these persons have a less meaningful amount of dispositional autonomy. Despite this serious flaw in Robert Young's theory and his problematic conception of self, his argument for restricted autonomy shows how the unlimited outcomes approach is self-defeating, and to this extent needs to be regulated if the maintenance of a rational society is to be had.

Revising the Starting-Gate Theory: Securing the Conditions of Equality

The key insight in Robert Young's analysis is that unchecked inequalities will lead to monopoly situations that undermine the conditions of equal dispositional autonomy. Young's solution of restricting the occurrent autonomy of

---

[49] David Braybrooke offers somewhat different reasons for why this contradiction should be feared, not just by Chamberlain's fans, but by other individuals whose skills, like Chamberlain's, command a high economic rent. Braybrooke argues that even among the highly skilled there will still be bigger and smaller players, and those who are smaller or weaker will always enter into negotiations on an uneven footing. Thus, in his terminology, even Ants have reason to want protection from a real, unchecked market. "Preferences Opposed to the Market: Grasshoppers vs. Ants on Security, Inequality, and Justice." *Social Philosophy and Policy* 2:1 (Autumn 1984), p. 113.

some so as to protect the dispositional autonomy of all is not satisfactory though, as he never specifies how or to what extent autonomy should be restricted, and when he does talk about such restrictions he tends to focus on the outcomes rather than the conditions of equal autonomy. Any theory that tries to rectify inequalities after the fact is doomed to disrespect the autonomy of the participants, and make a mockery of equality of autonomy, analogous to taking points from the winning team and awarding them to the losing team at the end of a hockey game (under the laughable guise of not trying to change the outcome, but only to lessen the inequality between the teams). The distributive theory of justice that best embodies the ideal of allowing individuals to exercise autonomy (in Young's dispositional sense) equally is equality of opportunity. However, as Young clearly demonstrates, forms of equality of opportunity (such as the starting-gate theory) that allow for inequalities to accumulate unchecked, while respecting the occurrent autonomy of all, ultimately undermine dispositional autonomy of specific individuals. Thus, any theory of equality of opportunity that respects dispositional autonomy must focus on removing the inherent contradiction within such conceptions of equal opportunity. This can best be done by ensuring that the initial conditions of equality of opportunity remain intact.

Dworkin rejects the starting-gate theory on the grounds that it applies two standards inconsistently; the first being equality of resources, and the second being a laissez-faire theory of Lockean appropriation. As argued in Chapter One, Dworkin misconceives the starting-gate theory via a misunderstanding of Locke's

theory of appropriation (Locke's theory applies only to unowned resources, and the laissez-faire component of the starting-gate theory does not begin until all resources have been distributed, viz., are owned. Thus his arguments do not damage the actual starting-gate theory. As Cohen notes, it is ironic that Dworkin objects to the starting-gate theory "on the ground that it distinguishes an initial just distribution from later distributions justified as voluntary transformations of that initial one"[50] because Dworkin's own theory of equality of resources possesses the exact same structure. In fact, the structure of Dworkin's theory is the key to why it disrespects autonomy. Dworkin's strategy is similar to Robert Young's privileging of the dispositional autonomy of all over the occurrent autonomy of any individual or group of individuals. And while Young's strategy threatens to sap the meaning out of dispositional autonomy, so too does Dworkin's constant redistribution of resources threaten to undermine the autonomy of persons by not holding them responsible for their decisions.

Important to note here is that the starting-gate theory *is not* the same as the Nozickian state. As Chapter One showed, Nozick is committed to a first-come, first-serve principle that rests on a questionable understanding of Locke's "enough and as good" proviso. The starting-gate theory of justice, however, requires an initially equal distribution of all resources, and only then allows for inequalities to accrue due to voluntary transactions. Nozick's theory assumes all external resources to be initially unowned, and allows for the creation of inequalities in the process of appropriation itself.

---

[50] Cohen, *Self-ownership*, p. 111, fn. 32.

If it is appropriately modified to ensure that the conditions of equal opportunity are maintained, the starting-gate theory of justice is capable of respecting the autonomy of persons. There are three areas that need to be addressed if this is to happen: health care, education, and virtues.

A. Health Care

Health care is one of the flash points of inequality between persons. This is one reason why egalitarian theorists spend so much time trying to deal with it: Dworkin's auction would be a much smaller project if handicaps were not present, and Sen's capability approach gains much of its originality from trying to rectify deficiencies in Rawls's and Dworkin's theories by dealing with physical differences (including illnesses and handicaps) in the ability to convert resources or primary goods into functionings.

The surest way to minimize the effects of differences in the physical health of individuals (including handicaps) is to simply make universal health care a basic social principle. The mechanics of such a system are negotiable, in the sense that minimal user fees could be implemented to discourage abuses of the system, and some distinction between legitimate physical ailments versus mere cosmetic ones could be made. Such details are manageable, as is demonstrated by countries like Sweden, and to a lesser extent Canada, which have effectively dealt with such problems in their implementation of health care. A public health care system should not trouble liberals who want government to remain uninvolved in the economy, because far from an intrusion that would

undermine equality of opportunity, universal health care helps to guarantee the conditions of equal opportunity. An objection to this proposal might be that universal health care would impose limits on what doctor's could charge for their services. However, this objection is overstated. Instead of negotiating with individual clients regarding fees, doctors in a system of universal healthcare would have to bargain with their sole client, the state, as to what they could charge. Such a change of focus does not necessarily entail the state imposing a fee schedule on doctors, although a possible effect of those negotiations might be lower doctor's fees. The lowering of fees would result from the strength of the bargaining unit individual doctors (or their associations) would have to deal with, and also from the fact that the distance the state from persons who are ill and potentially desperate for cures, allows for a greater objectivity in determining the worth of a doctor's services.

If all individuals had equal access to health care, then the only problems of differences in physical constitution that would remain would be severe handicaps and varying natural endowments. The latter will be dealt with over the next two sections. Handicaps, however, are problematic because some are so severe that equality of opportunity is completely ruled out by them. That is to say, some handicaps simply make any sense of fair competition for certain things (e.g., specific jobs) impossible. Sometimes, even equality of welfare in principle is ruled out by them, viz., even if the handicapped person had more wealth, resources, primary goods, etc., than the non-handicapped person, she still would not be as happy or content as others due to the particular nature of her condition.

Since this exception cannot be resolved, all society can do for such a person is see to it that she receives adequate medical care and other resources as a matter of justice, leaving the door open to additional transfers on compassionate grounds. It is unlikely that Rawls or Dworkin would object to these provisions.

B. Education

Equal opportunity also requires that education be turned into a public service. Equal access to education is a central part of the conditions of equality of opportunity for reasons that build upon universal health care. If it can be assumed that universal health care would level the physical playing field in terms of handicaps and illnesses as much as is feasibly possible, then the only differences that remain are differences in natural endowments, talents, and differences in socialization. The latter will be dealt with in the next section, but differences in talents can be rectified to a large extent by universal education.

This is due to the fact that all persons have natural endowments, and if full educational opportunities became accessible to everyone who wanted them, individuals would have as much opportunity as possible to turn their natural endowments into the talents they wish to have. This is not to claim that everyone will be able to pursue their choice of career though, or to suggest that standards of education should be allowed to decline. If a person wants to be a doctor, she will still have to meet the necessary standards in terms of grades and prerequisites. If she cannot, then that avenue will be closed to her. But that career should not be closed to her due to a lack of financial means. Having

universal education would also help ease the transition of persons who have been displaced from their jobs via lay-offs or advances in technology, because a greater variety of retraining options would be open to them.

Simply making education accessible would not result in severe abuse of the system either, because to continue one's education one would still have to support oneself with a part-time job or rely on family members or a partner, for example, for support. Thus there would be some hardship involved, but not of an insuperable sort which would help to ensure that ambition is what makes the difference. Only those who wanted their education badly enough to take on certain burdens would do so. All individuals would have an equal opportunity to develop whatever natural endowments they have into marketable talents, and although some may wish they had other natural endowments (enabling them to cultivate other talents), very few are so totally devoid of natural endowments that they could become destitute without being culpable. It is doubtful that either Rawls or Dworkin would object to the idea of universal education and health care because such measures mitigate the influence of morally arbitrary factors, a task central to both of their theories. They would, however, disagree over the conception of equality of opportunity that is here used to justify implementing universal education and health care.

C. Virtues: Ambition, Autonomy, and Independence

The issue of ambition brings the discussion back to the problem of socialization. A damaging objection that can be raised against Dworkin's

ambition-sensitive conception of equality of resources is that he never accounts for ambition; specifically, that the development of ambition is subject to social influences. Even if ambition were distributed equally among all members of a society, its manifestation would sill be subject to social forces. Ambition is an important resource for a liberal democracy. However, it is what gives persons the courage to conceive of new conceptions of the good and pursue these goals in the light of adversity. A virtue closely related to ambition, namely prudence, also enables individuals to mitigate the effects of brute bad luck by making provisions when they have the opportunity to do so. Thus, virtue should not be dismissed simply because Dworkin never offers an adequate defence of it. It can thus be possible for one to overcome a lack of developed talents, even handicaps, and transitional disruptions in life (e.g., lay-offs) through making the appropriate provisions; specifically, developing the virtues of independence, autonomy, and ambition.

Some will object, and rightly so, that traits like independence, autonomy, and ambition are either inborn, are a form of natural endowment, or the product of socialization. Trying to equalize inborn differences is doomed to failure, because doing so across the board is impossible. And while the egalitarian will maintain that doing so is necessary because the talented person did nothing to deserve her talents, the objection can be raised that the talented person has likewise done nothing to deserve being restricted for the sake of others. Since natural endowments require a social setting to be developed, the problem becomes more complicated because differences in socialization are a factor as

well. The typical objection is that the family is the locus of the creation of such virtues as independence, autonomy and ambition in early life. And often within families these early creations or reinforcements occur along gender lines. Further, some persons have the luck of being born into wealthier families than others or families in which attitudes towards work are different than others.

Obviously, a society in which families are unduly interfered with is undesirable, so any attempt to mitigate socialization processes must take place within the public domain. This raises several issues, most notably whether or not a liberal state can advocate virtues without violating its commitment to neutrality, and secondly, what traits would constitute liberal virtues?

Many liberal theorists recognize that some form of virtues are necessary to the functioning of any state, including a liberal state. Berkowitz's masterful analysis of Hobbes, Locke, Kant, and Mill shows that this acknowledgement is implicit from the very beginnings of modern liberal theory.[51] But which virtues are compatible with liberalism is still a hotly debated topic, as is seen by the differences between thinkers such as Stephen Macedo and William A. Galston.

Both Macedo and Galston agree on a wide range of virtues that are compatible with liberalism, but they do so for different reasons. Galston upholds virtues that are necessary to every form of government, such as courage, law-abidingness, and loyalty. Courage, for Galston, is the willingness to defend one's country to the death if the need arises. Law-abidingness is necessary if the society is to pursue common social goals through the use of the law. And loyalty

---

[51] See Berkowitz, *Virtue and the Making of Modern Liberalism*.

is the developed capacity to understand, accept, and act on the core principles of one's society.[52] Galston goes on to enumerate several virtues that are key to liberal states in particular. These liberal virtues stem from the two features inherent in any liberal state, individuality and diversity. Independence, or "the disposition to care for, and take responsibility for, oneself and to avoid becoming needlessly dependent on others"[53] corresponds to the liberal emphasis on individuality, while tolerance is the virtue that is linked to diversity. These virtues can imply the need for other virtues, as Galston notes when he claims that the family is the greatest force in creating independent persons, and that the existence of stable families requires certain virtues such as fidelity and genuine concern for the welfare of children. Macedo would have little problem with any of these virtues being touted as part and parcel of a liberal regime.

The difference between Galston and Macedo arises in how they derive their respective accounts of liberal virtues. Galston analyses virtue from two perspectives: the first perspective is virtue as an instrument of preserving the state, the second is virtue as derived from the liberal theory of the good. In general, Galston thinks the liberal theory of the good can be used to generate a range of instrumental virtues, but he does not think that there exists a coherent liberal conception of excellence that can ground liberal virtues. There are certainly candidates for the position—Locke's conception of rationality as self-direction, Kant's articulation of the capacity to act in accordance with the

---

[52] William A. Galston, *Liberal Purposes: Goods, Virtues and Diversity in the Liberal State* (Cambridge: Cambridge University Press, 1991), p. 221.

[53] Galston, *Liberal Purposes*, p. 222.

precepts of duty, and Emerson's, Thoreau's, and Mill's conception of excellence as the expression of individuality. All these options share a common core of "a vision of individuals who in some manner take responsibility for their own lives"[54], but these notions remain distinct, to a large degree unreconcilable, and all in some way lie in tension with the commitments of the liberal citizen. For example, the prospect of violating the virtue of law-abidingness is necessary when unjust laws exist, and Lockean self-direction does not coincide well with going to war and possibly dying for one's country, and the Emersonian emphasis on individualism views any type of laws as a constraint on individuality.[55]

Macedo, in contrast, believes that there exists "a distinctive liberal character"[56] and that "[s]ubstantive virtues and forms of human excellence are implicit in liberal justice, justification, constitutionalism, and citizenship."[57] Macedo maintains that certain virtues are required in a liberal regime, virtues such as tolerance, the disposition to persuade rather than coerce, and the willingness to subordinate personal goals and ideals to the impersonal rule of liberal justice. These virtues have an effect on the private lives of individuals, and engender a self-reflective capacity that leads to the ideal of the autonomous individual:

> Liberal persons are distinguished by the possession of self-conscious reflective capacities. Further developing these reflective

---

[54] Galston, *Liberal Purposes*, p. 230.

[55] Galston, *Liberal Purposes*, pp. 231-2.

[56] Macedo, *Liberal Virtues*, p. 259.

[57] Macedo, *Liberal Virtues*, p. 255.

> capacities leads one toward the ideal of autonomy and that ideal is the source of other liberal virtues... To develop these powers is to cultivate aspects of the liberal form of excellence.[58]

Thus according to Macedo, the virtues that are required by a successful liberal democratic regime lead to the ideal of autonomy. Macedo goes on to characterize this ideal of autonomy:

> Striving for autonomy involves developing the self-conscious, self-critical, reflective capacities that allow one to formulate, evaluate, and revise ideals of life and character, to bring these evaluations to bear on actual choices and on the formation of projects and commitments. To flourish as an autonomous person is actively to develop one's individuality. Autonomy implies the capacity to reflect critically and to act on the basis of these reflections; it implies the possession of what we might call 'executive' virtues: initiative, independence, resolve, perseverance, diligence, and patience.[59]

Here there is a partial agreement with Galston, who cites the similar virtues of imagination, initiative, drive, and determination, as well a healthy work ethic that "*combines the sense of obligation to support personal independence through gainful effort* with the determination to do one's job thoroughly and well"[60], the capacity for moderate delay of gratification, and adaptability, viz., "the disposition to accept new tasks as challenges rather than threats and the ability to avoid defining personal identity and worth in reference to specific, fixed occupations..."[61]

---

[58] Macedo, *Liberal Virtues*, p. 269.

[59] Macedo, *Liberal Virtues*, p. 269.

[60] Galston, *Liberal Purposes*, p. 223. Italics are mine.

[61] Gaslton, *Liberal Purposes*, p. 224.

This is not to suggest that Galston and Macedo are in agreement on much else. Galston himself distinguishes his view from Macedo's in a later essay, in which he labels Macedo an autonomy liberal as opposed to a liberal committed to diversity as he himself is.[62] What sets the two apart is the issue of whether or not there is a form of human excellence that can be identified as liberal. Macedo thinks there is while Galston does not. Whether there is a form of human excellence within liberalism is a question that goes beyond the scope of the immediate discussion, but what is important is that there seems to be a consensus that certain traits concerning the industriousness of individuals are virtues central to liberalism, and that this view can be traced back at least as far as the progenitors of modern liberalism, Kant included.[63]

Assuming that this consensus stands, the problem remains of how to inculcate these virtues. Most theorists agree that family is the most crucial forum for the development of virtues. However there are significant inequalities between different families in a variety of respects. While monetary transfers may go some distance toward equalizing rich and poor families, little can be done to change the fact that some parents will read to their children more than others, will be willing to make more personal sacrifices than others, and may simply be better at parenting than others. Any attempt by the state to institute equality in these respects would be met with considerable resistance, because such action would amount to interfering with the family not just in the name of protecting the

---

[62] William A. Galston, "Two Concepts of Liberalism", p. 521.

[63] Please see the discussion of Kant in Chapter Three.

welfare of children, but in the form of a very specific and controversial conception of what the family should be. Despite the almost unanimous acknowledgment of the general significance of the family, sociological developments over the last twenty years have diminished the importance of the family considerably: over half of all new marriages end in divorce, single-parent families are on the rise, dual-parent families often require both partners to work, and children are increasingly raised by a combination of television sets and day-care agencies. The result is a cross between what Galston calls the "pessimistic" and "neutral" hypotheses. In short, tacit socialization is failing to engender the necessary liberal virtues, and institutions that have claims to moral authority (e.g., the family, schools, religions, political leaders, and even the media) must come to understand that they have a responsibility to help encourage these virtues, lest liberal virtues become completely undermined.[64] Macedo agrees that the family is the primary source of virtue, but he also acknowledges the playground, friends, and the political arena as other very important sources too.[65]

If family is not only an unequal, but failing, locus of liberal virtues, and other arenas such as the playground and friends are contingent upon the family then a threat exists for liberalism in general. This threat extends to any attempt to compensate for the effect of disparate social circumstances on the development of natural endowments among different individuals. The most effective method of circumventing problems with the family would be to advocate

---

[64] Galston, *Liberal Purposes*, p. 233.

[65] Macedo, *Liberal Virtues*, pp. 273-4.

a public set of liberal virtues. Despite their disagreement on whether or not there exists a form of human excellence underpinning these virtues, neither Macedo nor Galston would object to this suggestion, as they both acknowledge a similar set of virtues as being necessary to the preservation of liberal regimes. They would, however, disagree on the extent of virtues to be included in such a public set of virtues, and the means of instilling them. Macedo clearly favors the development of self-reflective capacities in addition to tolerance, independence, initiative, resolve, perseverance, and diligence; in short, autonomy is the chief virtue for Macedo. In contrast, Galston rejects autonomy on the grounds that it interferes with diversity, and spells the end to various forms of life, most notably certain religious and cultural groups:

> Diversity-respecting state action distinguishes between the practices internal to ways of life and the movement among ways of life. Accordingly, the state must safeguard the ability of individuals to shift allegiances and cross boundaries. But it should not seek to reconstruct practices within subcommunities in light of principles governing movement among subcommunities.[66]

In other words, diversity should take priority over autonomy as long as freedom of movement is protected. Otherwise, Galston would argue, the state is directly influencing the practices within these subcommunities by inculcating virtues in their membership that are antithetical to the ways of life sponsored by these groups. And while Macedo would undoubtedly be in favor of a robust educational system that emphasized critical reflection, giving all citizens the

---

[66] Galston, "Two Concepts of Liberalism", p. 522.

ability to be critically minded quasi-philosophers,[67] Galston insists on a bizarre skeletal education that seeks to downplay these qualities for fear of undermining diversity, although it is somehow supposed to engender a strong system of tolerance.[68] Galston never explains how this particular feat is supposed to be accomplished,[69] and instead simply endorses the use of "reverse exception"—the removal of all forms of otherwise applicable public encouragement and favour for a type of action—as a means of publicly discouraging certain forms of behavior.[70]

The most effective and least intrusive method of having state-sponsored, public virtues permeate the private lives of liberal citizens would be to rely primarily on the education system. The tool of reverse exception seems to be of use only under certain circumstances, and even then, will only help in curtailing the socially unacceptable practices of those who require public assistance with their projects. If the rich choose to support Bob Jones University or send their children there, reverse exception will have little effect on their behavior and

---

[67] It should be noted, however, that Macedo also expresses reservation against wholesale attempts at inculcating any virtue, including autonomy, in persons. He states: "The "politics of difference" is unfocused but not entirely misguided. It could be taken as a useful warning against the aspiration of even some liberals to a politics that would directly promote ideals (such as autonomy) in all spheres of life." in "Liberal Civic Education and Religious Fundamentalism: The Case of God v. John Rawls?" *Ethics* 105 (April 1995), p. 470.

[68] Galston, "Two Concepts of Liberalism", p. 528.

[69] Although his comments are directed at Rawls, and not Galston, Callan expresses a degree of skepticism similar to my own when he states that "autonomy... cannot be confined to the sphere of politics but will pervasively affect our lives outside politics as well." p.11. It is simply implausible that virtues should only exist in our political lives, and it is equally implausible that virtues exist in isolation from one another—tolerance breeds self-reflection, possibly self-doubt, and encourages the development of autonomy.

[70] Galston, "Two Concepts of Liberalism", p. 532. Galston refers to the case where Bob Jones University, which forbids interracial dating of students on religious grounds, was denied reinstatement of its federal tax exemption, on the grounds that the state's interest in ending racial discrimination outweighed the burden that the lack of tax credit placed on the religious exercise of those attending the university. The diversity was respected by the court, but not endorsed.

attitudes. In effect, this is reminiscent of the definition of justice that Thrasymachus sponsored in Book I of the Republic, that justice is the advantage of the stronger. Although Galston is leery of using the education system to advocate liberal virtues, his own list of virtues largely coincides with Macedo's, and it is unclear how an education that stressed tolerance (as Galston's conception of education does) could do so without simultaneously encouraging self-reflective capacities and sowing the seeds of autonomy, even if indirectly. Reverse exception can also be implemented, if deemed necessary, by withholding certain minor forms of social support to those who willfully allow their autonomy to erode and so become dependent on others. This would express society's non-approval of that particular lifestyle, while respecting the individual's choice to live that way. However, as argued, reverse exception is a tool of extremely limited use, and offers no way of changing behaviour in individuals who are determined to engage in a given practice.

Inculcating the virtues of autonomy, independence, and ambition, is therefore a legitimate concern of the liberal democratic state for two reasons. If the state fails to inculcate these virtues in a sufficient number of its citizens, it will jeopardize the stability of society. Furthermore, instilling these virtues in citizens is crucial to egalitarian concerns; the only way the state can equally respect the autonomy of all citizens is to ensure that it has approximated the initial conditions of equality of opportunity as much as possible. Albeit for different reasons, Callan makes a similar claim when he states that "[w]hat we sometimes forget is that the vitality of the political order depends on an education that is dedicated to

specific ideals of character... liberal politics is a politics of virtue in this sense: creating virtuous citizens is as necessary an undertaking in a liberal democracy as it is under any other constitution."[71] Thus, these virtues are a necessary condition of a liberal democratic regime's survival.

Implementation of the Revised Starting-Gate Theory

Before concluding this chapter, a few words must be said about how the revised starting-gate theory of equal opportunity argued for here could be implemented, specifically the financing of it. Universal education and health care are laudable goals, but someone has to pay for them, and the question is who pays how much, and can this be justified? Contrary to Dworkin's proposal of a graduated income tax, the most appropriate way of funding the conception of equal opportunity put forth by this project is a flat tax on all forms of income.

Problems with Graduated Tax Schemes

Dworkin maintained that the most just way of financing his proposal for equality of resources would be to use a graduated income tax. His reasoning for this stems from his insurance scheme. Just as persons would insure against handicaps, so too Dworkin argued, they would insure against a lack of economic rent on their talents. Persons would not ensure on their not having any talents, but rather they would ensure for their having economically useless talents, or talents that were in plentiful supply throughout the population, and hence could not command a decent economic rent. The premiums for such an auction would

---

[71] Callan, p. 3.

not be of a fixed amount for the simple reason that a hundred dollars represents a different burden to one who is poor than it does to one who is rich. So Dworkin suggests that the premium take the form of an increasing percentage of the income persons actually would earn. Persons would avoid buying high coverage, because if they lost their insurance gamble, and found out that their skills could earn a million dollars a year, they would become slaves to their talents—or more accurately, to their insurance company—and have to work long hours and sacrifice much else in life just to make enough to subsist *and* pay their premiums. The rational course of action, according to Dworkin, is to buy a modest amount of insurance. This way, if one loses the insurance gamble, the premiums are small enough to avoid being an insurmountable burden, and if one wins the gamble, then one is laughing.[72]

Despite his justification for it, the idea of a graduated income tax poses problems on two fronts. The first problem is conceptual in nature. A graduated income tax by definition disrespects autonomy and responsibility. If one has a natural talent that requires little or no development, then the case for a higher tax is strong; but in most cases talents require development, and the more development that goes into a talent, the weaker the case for a higher tax rate. In fact, the converse would seem to apply—the more one puts into developing a talent, the stronger the claim one has on the benefits that flow from it, and hence, a lower tax rate should apply. This is of little consequence here though, because Dworkin's conception of the self has already been laid to rest because of his inability to coherently and consistently separate persons from their

[72] Dworkin, *Sovereign Virtue*, p. 100-2.

circumstances, and further, as seen in the argument by Young, any egalitarian scheme that seeks to equalize outcomes is doomed to disrespect autonomy. The second problem is empirical in nature. There is of course the standard objection that the unemployed will forgo employment opportunities; that is, persons in low paying, low-skilled jobs will not seek to develop their talents or advance their positions simply because they dread the thought of putting in more labour only to lose it because they are now in a higher income tax bracket. Although there is some truth to this type of objection, it assumes that the only reason people do anything is financial, making persons out to be little more than Benthamite calculators. Philippe van Parijs makes a more appropriate criticism, when he states that,

> [w]hat deters people in the poverty trap from looking for a job or taking one is arguably less that they would not have a higher income, or a significantly higher income, at work than out of work, but even the liquidity gap and the uncertainty involved in renouncing a safe and regular benefit as a result of taking up a job which they may soon prove unable to keep or to bear.[73]

The solution to this problem that van Parijs suggests is an unconditional basic income be provided to all citizens, regardless of their employment status or how wealthy or poor they may be. Whether this option is viable, given the fact that van Parijs makes the basic income depend on the productivity of the society, is questionable. One can only wonder what the break-even point would be. In other words, if the society were highly productive the unconditional basic income would be high, and thus attractive enough that some might rely on it solely. However, the more persons rely solely on it, the less productive the society

---

[73] van Parijs, p. 36.

becomes and the less the amount of basic income. If persons rely on the basic income for a long time, and let their skills deteriorate, they would be in the position of not being able to regain employment at their previous levels (or if they never were employed, would be at a complete loss of what to do and at the mercy of the shrinking basic income). Perhaps a natural balance would occur among those who relied solely on the basic income and those who did not, in effect stabilizing the level of the basic income, or perhaps it would swing from one extreme to another, causing social havoc in its wake. In all likelihood, the former would happen, and if combined with a flat tax on all income and a relatively level playing field (constituted by universal health care and education, and the advocating of the liberal virtues of autonomy and independence), there would be little incentive for persons to rely solely on the basic income, although a few surely would.

The Consequences of a Flat Tax

The alternative to a graduated tax would be a flat tax. The implementation of a flat tax brings with it three consequences. The first consequence is the protection of autonomy. If all are taxed at an equal percentage of all forms of income, then the decisions of all are treated equally. This would also cut down on manipulation of tax schemes. Many persons can hide their wealth in different sorts of assets, trusts, and tax shelters. This allows some who earn more than others to actually pay less tax than those who earn less. Furthermore, graduated tax schemes are plagued by the fact that the bulk of people who are the most

heavily burdened by graduated income taxes are the middle-class, not the richest members of society, and by the fact that graduated income taxes have ceilings to them. Those who make enormous sums of money still only pay the same percentage as some of those who make considerably less. So the system is not even consistent. This is reaffirmed by Dworkin's treatment of buying insurance as a "bet", and reveals his graduated income to be merely the replacing of one form of morally arbitrary luck with another.

The second desirable consequence of a flat tax concerns the common objection that graduated tax schemes act as a disincentive to the development of skills or to the unemployed to find work. If a flat tax were implemented this objection would simply cease to have a target.

The third consequence of a flat tax relates to the concern that the cost of universal health care and education may be all too great. Admittedly, under a graduated income tax scheme the average person may pay *x-percent* of her wages in taxes, the flat tax that may be necessary to fund these programs that are supposed to level the playing field may be *x-plus-ten-percent* of the average person's income. Without an expensive empirical study, it is not possible to pinpoint the cost of leveling the playing field, but it is likely to be more costly than these programs are in their current structures. However, this added cost should not be a deterrent, as the justification for any tax scheme in a liberal democracy should not be primarily determined by the objective to simply pay the least possible but by considerations of justice. A flat tax requires all to pay, but all benefit from it in the sense that the tax is required to maintain the free

competition of equal opportunity. And the payments required are dictated by how much the system requires at any given time, so all are treated with equal consideration.

Conclusion

In conclusion, the tension between equality of autonomy and equality of outcomes can only be resolved in one satisfactory way, namely, the priority of autonomy. Sen's analysis of substantive freedoms in the role of the development process coincides in significant ways with the liberal self. Specifically, Sen's analysis mirrors the dialogical nature of the self as the result of a symbiotic relationship with society. As such, Sen's theory can locate responsibility both in the individual and society. However, the flaw with equality of opportunity is that unchecked inequalities will undermine the initial conditions of equal opportunity. Thus, the initial conditions of equality of opportunity must be protected by rigorously defending the revised version of the starting-gate theory here sponsored by implementing universal health care, universal education, and a strong program of liberal virtues. A flat tax is the most just form of implementing this conception of equal opportunity, because it both respects the autonomy of individuals by not penalizing them for developing their talents, and by holding all persons accountable for their decisions to an equal degree.

Conclusion

This dissertation sought to be both critical and constructive. The critical object was to show that major liberal (and libertarian) theories of distributive justice are unsatisfactory because they rely on highly problematic conceptions of the self. In effect, and for a variety of reasons, none of them can support a proper conception of individual autonomy and personal responsibility. Constructively, the project therefore sought to outline in broad terms a conception of the self that would reconcile as far as possible individual autonomy, and personal responsibility, with egalitarian concerns in distribution. The practical outcome has been the advocacy of a revised version of the starting-gate theory, that is, the theory holding that a just distribution of wealth can only be achieved through restricting inequalities in earnings and wealth by the need to preserve ongoing conditions of equality of opportunity, but by no more than that.

The most general theme of the dissertation has therefore been the foundational role of theories of the self for conceptions of economic distribution; the connecting element and argumentative strategy centered, both critically and constructively, on notions of individual autonomy and personal responsibility.

In particular the dissertation addressed the seeming impossibility of contemporary liberal egalitarian theories to provide a meaningful account of how autonomy and responsibility can be reconciled. This inability stems largely from the fact that all the major theories lack coherent conceptions of the self that can satisfactorily make sense of persons being responsible for their actions. Rawls's

antecedently individuated self, for instance, not only distances the self from all of its specific attributes to the point where one's entire being is ultimately a morally arbitrary accident, but it also implies a strict causal determinism that rules out any form of responsibility whatsoever. Nozick's appraisal of the situation is different in that he claims all of one's powers, although perhaps undeserved, are attached to one's person. Therefore, others have no claim to them. Consequently, on Nozick's conception of the self, inequalities that flow from voluntary transactions must be honoured. However, such a claim ignores a host of morally arbitrary factors that are beyond the individual's power or consent and create inequalities. This renders Nozick's conception of the self unrealistic and intuitively unfair in its implications. Dworkin tries to strike a balance between Rawls, who, citing the morally arbitrary foundations of actions, denies all responsibility, and Nozick, who fails to acknowledge the influence of such forces at all. Dworkin's proposal of an ambition-sensitive theory purports to compensate for inequalities stemming from endowments while honouring those that stem from ambition. If successful, Dworkin's conception of equality of resources would respect autonomy and hold persons responsible by allowing for inequalities that could be traced to an individual's choices. Grounding this ambition-sensitivity is Dworkin's distinction between a person and her circumstances; to the former Dworkin assigns tastes and ambitions, and to the latter physical and mental powers. Unfortunately, a close examination of what ambitions are, and how Dworkin speaks of them, shows that ambitions *are* endowments. This undermines Dworkin's distinction between a person and her circumstances, rendering his conception of the person

incoherent. The problem is further complicated for Dworkin when the notions of natural endowments and talents are subjected to a rigorous analysis, because it becomes evident that the turning of a natural endowment into a talent or a disability often is dependent upon both social circumstances and individual choice.

By way of method, this project sought to build on the common incompleteness shared by all these theories, namely, the lack of a coherent conception of the self that makes sense of our moral experience. In doing so, the emerging trend toward a liberal conception of self was sketched. Although not attached primarily to any particular theorist or political position, this liberal conception of self allows for both personal responsibility and the role of morally arbitrary factors, salvaging the middle ground that Dworkin could not. Furthermore, this liberal conception of the self is compatible with a theory of justice, namely, the starting-gate theory, and leads to a solution to the problem of reconciling autonomy and responsibility.

Articulations of the liberal conception of self can be found in such writers as Taylor and Foucault, although other thinkers such as Macedo and Sen seem to flirt with it in their writings too. In particular, Sen's theory of development as freedom resonates with important aspects from both Taylor and Foucault. On the one hand, Sen acknowledges the necessity of a horizon of significance for the development of the self; for Sen this backdrop consists of public and semi-public goods, and social programs, which are necessary for persons to develop their capabilities. On the other hand, and in sympathy with Foucault's conception

of freedom as the ability to reorient power relations that have become too rigid and stifling, Sen argues that deprivations of some of the substantive freedoms such as political freedoms and the freedom to not be subject to high morbidity rates, act as a form of domination. The basic characteristics of this liberal self (advocated here, and apparently supported by Sen) are that it is dialogical in nature, it requires a social context by which it allows the self to be defined through interaction with specific others and against a backdrop of publicly shared linguistic, normative, and cultural meanings. In the process of defining itself, the self contributes to the horizons of significance. So, despite Taylor's Hegelian preoccupation with the role of the other, the liberal self is not dominated by the recognition of others entirely, and always has the ability to change this self-definition. The capacity for freedom is always latent within the liberal self, even if it remains undeveloped.

The dialogical nature of the self also sets the stage for the attributing of responsibility, because as an analysis of the different theories of responsibility shows, the only way in which responsibility can be linked to an individual is through a social context. Responsibility is inseparable from the concept of duty. Other theories that try to trace responsibility along the, allegedly, normatively neutral pathways of causation or control are incomplete and as such have no way of focussing responsibility on any particular individual because these theories either cannot locate responsibility in a specific individual or group of individuals, or else they spread responsibility across an implausibly large number of individuals. In order to attribute responsibility to individuals, these theories

must include some sort of normative criteria, in effect bringing in the social context. And theories that try to exclude the social context altogether, as do preinstitutional claims of desert, tend to be incoherent, because they conceive of agents without the presence of the horizons of significance that are preconditions of agency. Likewise, alternative possibility proposals, all ultimately involve reference to a possible world, but *not the one* in which the actions in question actually occurred. The fact that different worlds with different horizons of significance could produce different conditions and different results is irrelevant to what occurs *in this world.* Thus the same social process that makes the self capable of being responsible in the first place, namely, the individual's defining interaction with horizons of significance that are normatively loaded (that is, not neutral) is at play in theorizing about responsibility.

As argued, responsibility is inseparable from the concept of duty. Yet this only serves to reinforce the question of how one can be held responsible for one's choices in a society that practices redistribution of resources. That is, if the state redistributes income from one citizen to another in an attempt to equalize their circumstances, or their resources, or their current opportunities to live the lives they want to live, how can the state claim to respect the autonomous choices of these individuals? Neither individual, it seems, is held responsible for the decisions they made, and neither has to deal with the consequences of those decisions. Further, this claim about responsibility being inseparable from duty casts doubt on the Kantian distinction between duties to others and duties to oneself. For failing to develop one's talents to the extent that one becomes

dependent on others is in a sense needlessly placing a burden on others, and if sufficiently widespread, could undermine the stability of the state.

The starting-gate theory promises to rectify this problem, because it holds individuals accountable for the consequences of their actions, while giving them equal consideration on two distinct levels. The first way in which it treats all individuals the same is what distinguishes the starting-gate theory from Nozick's theory of entitlement. Whereas Nozick is committed to a first-come, first-serve theory of appropriation, the starting-gate theory equally distributes all resources at the beginning on the theory. And because appropriation applies only to unowned resources, the starting-gate theory cannot properly be said to include a theory of appropriation. The second manner in which persons are treated equally by the starting-gate theory is that all inequalities that flow from voluntary exchanges after this initially equal distribution are allowed to stand. However, the starting-gate theory has an internal flaw: if left unchecked, inequalities will amount to such an extent that the initial conditions of the theory itself, namely, equality of opportunity, will become corrupted. Equality of opportunity is here a shorthand expression meaning that all individuals have an equal chance to generate and retain benefits from their natural endowments, to the extent that their actions stack up against the actions of others, viz., they have an equal chance to compete with others under fair conditions.

To preserve the initial conditions of equal opportunity, three qualifications must be made to the starting-gate theory. The first is universal health care. This is designed to mitigate the effects of handicaps as much as any theory possibly

can, and to minimize the effects of bad fortune (e.g. accidents, illness) on the health of individuals. The second qualification to the starting-gate theory is universal education, through which individuals will be able to develop whatever talents they have, such that their skills and ambitions, rather than financial obstacles are their only limits. Given these two modifications to the starting-gate theory, few persons in society will be able to complain of a lack of marketable skills. Lastly, a program of liberal virtues should be sponsored, because ambition still plays a role in the creation of inequalities, and should be allowed to do so. Since ambition *is* in many ways an endowment, and the family as the traditional locus of engendering virtues, is quickly eroding, this last measure promises to lessen the effects of different socialization experiences on the development of the ambition of different persons.

The most just form of financing such a system would be a flat tax on all forms of income, the rate of which would be determined by the costs incurred by the system. This percentage may in fact turn out to be higher that what average persons currently pay under graduated tax income schemes, but it is the fairest way of spreading the cost and promises to reduce, if not remove, the problem of disincentives.

These three modifications should protect the initial conditions of equal opportunity that ground the starting-gate theory. And if they do, then there can be no moral objection to the resulting inequalities, because they will have stemmed from voluntary actions, and will not be allowed to corrupt the basic equality of opportunity which is a necessary condition of exercising voluntary

choice within the marketplace. The playing field will be sustained as level insofar as possible for future generations, as well as for those generations present. In this manner, the argument advanced here draws on both the (political) right and left. From the right it draws the emphasis on ambition and the primacy of holding persons responsible for their choices, even if this means tolerating inequalities. Those on the left of the political spectrum would object to allowing such inequalities, as does Young when he gives priority to dispositional autonomy over occurrent autonomy, and Cohen when he criticizes liberal egalitarianism as incoherent because of its internal tension between egalitarian institutions and non-egalitarian, self-motivated, individual ambition, that allows for and perpetuates inequalities. However, the solution this dissertation proposes, namely, the modified version of the starting-gate theory, is ultimately on the left. For the revisions demanded to the starting-gate theory call for the state to take an active role in maintaining the conditions of equality of opportunity, and this will undoubtedly require the state to ask considerable sacrifices of its citizens, specifically, by way of taxes exceeding current levels.

In conclusion, the revised staring-gate theory reconciles responsibility with autonomy by tolerating the consequences of autonomous decisions in the marketplace, and taxing only for the purposes of approximating the initial conditions of equality of opportunity. It accomplishes this through being compatible with the liberal conception of self seen emerging from theorists like Taylor, Foucault, Sen and Macedo, and furthermore, through being consistent

with the only coherent form of attributing responsibility to individuals, namely, one's duty to others as equal, autonomous beings.

Bibliography

Alexander, Larry and Maimon Schwartzchild. "Liberalism, Neutrality, and Equality of Welfare vs. Equality of Resources." *Philosophy & Public Affairs*. 16.1 (1987): 85-110.

Appiah, K. Anthony. "Equality of What?" *The New York Review of Books*. Vol. XLVIII, Number 7 (April 26, 2001): 63-68.

Arneson, Richard J. "Egalitarianism and the Undeserving Poor." *The Journal of Political Philosophy* 5.4 (1997): 327-350.

-----. "Equality and Equal Opportunity for Welfare." *Philosophical Studies* 56 (1989): 77-93.

Berkowitz, Peter. *Virtue and the Making of Modern Liberalism*. Princeton: Princeton University Press, 1999.

Braybrooke, David. "Preferences Opposed to the Market: Grasshoppers vs. Ants on Security, Inequality, and Justice." *Social Philosophy and Policy* 2:1 (Autumn 1984): 101-114.

Callan, Eamonn. *Creating Citizens: Political Education and Liberal Democracy*. Oxford: Clarendon Press, 1997.

Cohen, G. A. *If You're an Egalitarian, How Come You're So Rich?* Cambridge [MA]: Harvard University Press, 2000.

-----. "Incentives, Inequality, and Community." *Equal Freedom*. Ed. Stephen Darwall. Ann Arbor: University of Michigan Press, 1997. 331-397.

-----. *Self-ownership, Freedom, and Equality*. Cambridge: Cambridge University Press, 1995.

Dworkin, Ronald. "Comment on Narveson: In Defense of Equality," *Social Philosophy & Policy* 1.1 (Autumn 1983): 23-40.

-----. "What is Equality? Part 1: Equality of Welfare," *Philosophy & Public Affairs* 10.3 (1981): 185-246.

-----. "What is Equality? Part 2: Equality of Resources," *Philosophy & Public Affairs* 10.4 (1981): 283-345.

-----. *Sovereign Virtue: The Theory and Practice of Equality*. Cambridge [MA]: Harvard University Press, 2000.

Epstein, Richard A. "Luck." *Social Philosophy and Policy* 6.1 (Autumn 1988): 17-38.

Fischer, John Martin. *The Metaphysics of Free Will: An Essay on Control.* Oxford: Blackwell, 1997.

Foucault, Michel. *The Order of Things: An Archaeology of the Human Sciences.* New York: Vintage Books, 1994.

-----. "The Ethics of Concern for Self as a Practice of Freedom," trans. P. Aranov and D. McGrawth, Ed. Paul Rabinow. *Ethics: Subjectivity and Truth* (New York: The New Press): 281-301. 283.

-----. *The History of Sexuality Vol. 3: The Care of the Self.* Trans. Robert Hurley. New York: Vintage Books, 1986.

Galston, William A. *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State.* Cambridge: Cambridge University Press, 1991.

-----. "Two Concepts of Liberalism," *Ethics* 105 (April 1995): 516-534.

Huffman, Tom L.. "Natural Talent and Liberal Justice." *Southwest Philosophy Review* 11.2 (1995): 229-246.

Hurley, Susan L. "Responsibility, Reason, and Irrelevant Alternatives," *Philosophy & Public Affairs* 28.3 (Summer 1999): 205-41.

Hurley, S. L. "Troubles with Responsibility," *Boston Review* 20.2

Kant, Immanuel. "Perpetual Peace." In *Kant's Political Writings.* Trans. H.B. Nisbet. Ed. Hans Reiss. Cambridge: Cambridge University Press, 1992. 93-130.

-----. *The Metaphysics of Morals.* Trans. Mary Gregor. Cambridge: Cambridge University Press, 1998.

Kymlicka, Will. *Contemporary Political Philosophy: An Introduction.* Oxford: Clarendon Press, 1990.

-----. *Liberalism, Community, and Culture.* Oxford: Clarendon Press, 1991.

Lamb, Andrew W. "Freedom, the Self, and Ethical Practice According to Michel Foucault," *International Philosophical Quarterly* XXXV. No.4 Issue No. 140 (December 1995): 449-467.

Macedo, Stephen. "Liberal Civic Education and Religious Fundamentalism: The Case of God v. John Rawls?" *Ethics* 105 (April 1995): 468-496.

-----. *The Liberal Virtues: Citizenship, Virtue, and Community in Liberal Constitutionalism.* Oxford: Clarendon Press, 1990.

MacIntyre, Alasdair. *After Virtue: A Study in Moral Theory.* Notre Dame: University of Notre Dame Press, 1984.

Macleod, Alistair M. "Equality of Opportunity." *Moral Issues* ed. Jan Narveson. New York: Oxford University Press, 1983. 370-378.

Masking, Eric. "Reply to Roemer on Equality." *Boston Review.* 20.2 (electronic media).

Nozick, Robert. *Anarchy, State, and Utopia.* New York: Basic Books, 1974.

O'Neill. Onora. "Instituting Principles: Between Duty and Action." *The Southwestern Journal of Philosophy.* vol. XXXVI (1997), *Supplement*: 79-96.

Perry, Stephen R. "Libertarianism, Entitlement, and Responsibility." *Philosophy & Public Affairs.* 26.4 (Fall 1997): 351-396.

Peters, Ted. *Playing God? Genetic Determinism and Human Freedom.* New York: Routledge, 1997.

Rawls, John. *A Theory of Justice*, Cambridge [MA]: Belknap Press, 1972.

-----. *Political Liberalism.* New York: Columbia University Press, 1996.

Raz, Joseph. *The Morality of Freedom.* Oxford: Clarendon Press, 1998.

Ripstein, Arthur. "Equality, Luck, and Responsibility." *Philosophy & Public Affairs* 23.1 (Winter 1994): 3-23.

Roemer, John. "Equality and Responsibility," *Boston Review* 20.2 (electronic media).

Rorty, Richard. "The Priority of Democracy to Philosophy" *The Virginia Statute of Religious Freedom* (Merrill D. Peterson and Robert C. Vaughan ed.) 1988: 257-282. 264. As quoted in Sandel, "Political Liberalism" 1775.

Rosenberg, Alexander. "The Political Philosophy of Biological Endowments: Some Considerations," *Social Philosophy and Policy.* 5.1 (August 1987): 1-31.

Sandel, Michael J. *Liberalism and the Limits of Justice*. Cambridge [MA]: Cambridge University Press, 1996.

-----. "Political Liberalism" *Harvard Law Review* 107.7 (May 1994): 1765-1794.

Scanlon, T. M. *What We Owe to Each Other*. Cambridge [MA]: Belknap Press, 1998.

Scanlon, Thomas J. "Comments on Roemer," (*Boston Review* 20.2).

Scheffler, Samuel. "Responsibility, Reactive Attitudes, and Liberalism in Philosophy and Politics." *Philosophy & Public Affairs*. 21.4 (Fall 1992): 299-323.

Sen, Amartya. *Development as Freedom*. New York: Alfred A. Knopf, Inc., 1999.

-----. *Inequality Reexamined*. Cambridge [MA]: Harvard University Press, 1992.

Sullivan, Roger J. Introduction. *The Metaphysics of Morals* by Immanuel Kant. Trans. Mary Gregor. Cambridge: Cambridge University Press, 1998. vii-xxvi.

Taylor, Charles. *Sources of the Self: The Making of the Modern Identity*. Cambridge: Harvard University Press, 1989.

-----. *The Malaise of Modernity* Concord: House of Anansi Press Limited., 1991.

-----. "Atomism" *Philosophy and the Human Sciences: Philosophical Papers 2*. Cambridge: Cambridge University Press, 1995: 187-210.

-----. "Foucault and Freedom" *Philosophy and the Human Sciences: Philosophical Papers 2*. New York: Cambridge University Press, 1995. 152-184.

-----. "The Politics of Recognition," *Philosophical Arguments*. Cambridge [MA]: Harvard University Press, 1995. 225-256.

Van der Veen, Robert J. and Phillipe van Parijs. "Entitlement Theories of Justice: From Nozick to Roemer and Beyond." *Economics and Philosophy*. 1.1 (1985): 69-81.

Van Parijs, Phillipe. *Real Freedom For All: What (if Anything) Can Justify Capitalism?* Oxford: Calrendon Press, 1997.

Young, Robert. "Autonomy and Egalitarianism." *Political Studies*. vol. XXXVI (1988): 663-679.

-----. *Personal Autonomy: Beyond Negative and Positive Liberty*. London: Croom Helm, 1986.