

**Towards a Real Ambition-Sensitive Luck Egalitarianism:
Background Inequalities, Harsh Treatment, and the
Distributive Paradigm**

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Introduction

Luck egalitarianism is a theory about distributive justice. In distributive justice resources are shared in a particular way. This sharing can be done based on certain criteria, for example equality or need (Miller, 2017). Luck egalitarianism is a theory that follows from two essays by Dworkin (1981a, 1981b). Dworkin himself does not say that he is a luck egalitarian (Dworkin, 2003, p. 192). Luck egalitarianism still follows from his essays, in which Dworkin tries to find a way to neutralize luck with the goal of equalizing people in their opportunities. Luck egalitarianism is an interesting theory because it overcomes the levelling down objection. It overcomes this objection because inequalities can be justified if they are based upon option luck. Besides that, luck egalitarianism comes close to my sense of justice which states that inequalities based on difference in ambition are just.

Egalitarianism is a theory that favors equality of some sort (Arneson, 2013). The underlying idea is that people are equal in fundamental worth and moral status. It generally favors a more equal distribution among individuals than there already exists. Egalitarianism can be contrasted with prioritarianism. Prioritarians argue that equality can not form a basis for a theory of justice. Instead, some absolute standards are superior, for example the opportunity to live a valuable life. A famous example is given by Parfit (1997, p. 211), some people are blind and other are sighted. According to him, egalitarians 'have a moral reason to take single eyes from the sighted and give them to the blind'. This is the levelling down objection. Parfit (1997, p. 213) introduces the priority view which overcomes the objection on egalitarianism: 'benefiting people matters more the worse off these people are'. It overcomes the levelling down objection because it does not see equality as a goal per se, and therefore the sighted should not be equal to the blind. It only prioritizes the worse off, in this case the blind without giving them sight. I consider egalitarianism as superior to prioritarianism, especially when the luck component is added. Ideally it is important that people are equal in fundamental worth and moral status. The reason that prioritarians have objections to egalitarianism is that there is no right execution of the egalitarian thought. For example, the leveling down objection results from making everyone equal which is implied by egalitarianism.

Egalitarianism can overcome the levelling down objection and egalitarianism therefore becomes interesting. Egalitarianism can overcome the levelling down objection by adding luck. The goal of this luck component is to allow inequalities as a consequence of differences

in ambitions and reject inequalities as a consequence of endowments. Dworkin distinguishes two forms of luck, brute luck and option luck and argues that brute luck should be compensated. Brute luck is originally defined by Dworkin (1981b, p. 293) as ‘a matter of how risks fall out that are not deliberate gambles’. With deliberate gambles Dworkin means gambles that one could have anticipated and had the option to decline. The idea is that individuals are responsible for the choices they make, and the consequences following from these choices.

Luck egalitarianism overcomes the levelling down objection because inequalities can be just if they are based on differences in ambition and thus differences in option luck. If differences are allowed, then absolute equality is not the goal per se. Instead, the goal of luck egalitarianism is that everyone has equal opportunities. This means that there is no moral reason to take single eyes from the sighted and give them to the blind. The inequality between the blind and the sighted is based on a difference in endowment. This does mean that the blind still needs a compensation to have equal opportunities as the sighted. This compensation is not based on absolute equality and therefore the sighted should not give a single eye to the blind.

When considering luck egalitarianism with the distinction between endowments and ambitions it seems an ideal theory because it overcomes the main critique of prioritariness; the leveling down objection. However, luck egalitarianism has been the subject of many other criticisms (Anderson, 1999; Voigt, 2007; Young, 1990, 2011) which show problems arising from the definition of luck egalitarianism as deliberate gambles. If it is possible to re-formulate luck egalitarianism in order to solve these problems, then the theory becomes more plausible and more relevant as a theory of distributive justice. It could influence the debate on distributive justice by showing that many choices individuals make are influenced by brute luck. Moreover, the consequences of their choices which result in differences in wealth are determined by luck, and especially brute luck. It seems to me that the inequalities resulting from that brute luck are unjust. Therefore, by working towards a better luck egalitarianism the interpretation of brute luck should be in line with the intuition that differences in wealth are unjust when these differences are the consequence of forces outside someone’s control.

Besides the reason that luck egalitarianism is a promising theory as it is an egalitarian theory that overcomes the levelling down objection, this theory is addressed in this dissertation because I think it aligns with the central intuition of an ambition sensitive just society. For

me, inequalities due to causes outside someone's control are unjust. Dworkin grasped this idea and developed the distinction between brute luck and option luck. However, this distinction does not fully comply with my sense of justice that inequalities outside someone's control are unjust because the distinction between the two options are not that clear. For example, someone who smokes a cigarette seems a clear example of option luck because that individual has made the choice of starting to smoke cigarettes. However, the decision to smoke the first cigarette could be made as an influence of other factors outside the control of the individual. For example, peer pressure, or parents who smoked. In this example it is not clear whether the individual is responsible for the consequences of smoking cigarettes with the distinction of option luck and brute luck.

My aim is to stretch the theory of luck egalitarianism by combining it with a responsibility-sensitive view with the purpose of aligning it with my sense of justice. My sense of justice, in short, is that the inequalities in the world today seem unjust. Some people become extremely wealthy and some people have bad luck in life, I think that people justify (whether or not it is really justified) these inequalities by a false sense of merit. For me, it seems acceptable if inequalities between people are really the consequence of differences in effort, however in the real world this is not the case contrary to what is being argued in for example the American dream. If it is possible to find a better way of spelling out the statement that inequalities outside someone's control are unjust, then luck egalitarianism might be the theory that translates my sense of justice into an actual theory of distributive justice.

This dissertation finds a responsibility sensitive interpretation of luck egalitarianism with the goal of solving the three problems addressed in this dissertation: the problem of background inequalities, the harsh treatment problem, and a distributive paradigm. I will use the responsibility sensitive view to interpret Barry's re-formulation of luck egalitarianism. Barry (2008) tried to find a formulation of luck egalitarianism that overcomes the three problems. Barry (2008, p. 148) argues that people are responsible for their own genuinely chosen level of wellbeing. Therefore, when determining whether something is a genuine choice, the background inequalities and preexisting inequalities should be recognized. The problem with his formulation is that his concepts are not clearly defined, therefore it is difficult to determine when something is a genuine choice and consequently when someone is responsible to bear the costs of their behavior.

Based on a responsibility sensitive position I will find two conditions that can be used to determine responsibility. I will use these conditions to understand Barry's reformulation and his concept of genuine choice. I will argue that this position does not adequately solve all three problems introduced in this dissertation. The harsh treatment problem remains a theoretical problem and the distributive paradigm cannot be solved by a theory that only distributes resources. However, the responsibility sensitive interpretation of luck egalitarianism comes closer to solve the problems than Dworkin's original formulation of luck egalitarianism.

In the first chapter I will give a description of the debate on luck egalitarianism. This is important for the understanding of the problems with the theory and to understand the reformulation. I will begin by discussing Dworkin with his two essays which form the basis of luck egalitarianism. After explaining Dworkin's position, I will introduce the three problems used in this paper: the harsh treatment problem, the problem of background inequalities and a distributive paradigm. I will describe the argument of Barry and explain his reformulation of luck egalitarianism. In the second chapter I will argue that the concepts used in Barry's reformulation are not sufficiently defined and therefore it is impossible to determine responsibility. I will show this by exploring his concepts of background constraints and preexisting inequalities and I will discuss ambiguous cases. In the third chapter I will explain my responsibility sensitive position. I will introduce two conditions which determine responsibility. With these conditions I will define Barry's concepts and I will go back to the three problems with these new insights. I will argue that this position comes closer to solving the problems in comparison with Dworkin's position, however the responsibility sensitive position does not solve the harsh treatment problem and the distributive paradigm.

Chapter 1: Luck egalitarianism and its problems

1 Dworkin's theory

The aim of Dworkin, in his two essays on equality, is to find out which distribution treats individuals as equals (Dworkin, 1981a, 1981b). He focusses on distributional equality because it sets aside difficulties that arise with the general problem of equality. The general problem with equality is that people are different and therefore it is impossible to treat each person as if they are the same as all the other persons. Distributional equality focusses on different

schemes of distributing money and other resources with the goal of finding a possible scheme that treats people as equals. Dworkin (1981a, p. 186) aims in his first essay equality of welfare, to transfer resources to individuals until no transfer could make anyone more equal in welfare. Dworkin (1981a, p. 191) comes up with different possible conceptions of equality of welfare, which he all rejects. He shows that equality of welfare is not the right way of distributing wealth.

First, Dworkin (1981a, p. 204) examines equality of success which supposes that a person's welfare is a matter of his success. There are different ways of compensating someone's welfare of success, however the problem with all these different ways is that people with preferences that are more difficult to fulfill will get more resources than people whose preferences are easy to fulfill. It seems that this way of distributing does not treat individuals as equals. It seems that way because people get different amount of resources, and therefore they have unequal positions towards each other.

Second, Dworkin (1981a, p. 221) discusses equality of enjoyment. This distributes resources to make individuals equal in the enjoyment they take from personal beliefs and preferences. The problem with this relates to the problem of equality of success, individuals differ in the importance of enjoyment. This means that some individuals can become unequal in other respects when compensating for enjoyment. Furthermore, Dworkin (1981a, p. 228) argues that there are other fundamental problems with equality of welfare. He gives the example of expensive tastes. Expensive tastes are tastes that are more difficult to satisfy meaning that some individuals will need more resources to satisfy their tastes and therefore they will need more resources to have equal satisfaction as others with no expensive tastes. In each form of equality of welfare this will form a problem. Expensive tastes will make the distribution of resources unequal. Unequal distribution of resources leads to differences between people and this could lead to unequal positions between people. Besides that, it is impossible to satisfy everyone's expensive taste because resources are limited and therefore the option of choosing expensive tastes and receive compensation for that taste decreases the position of available enjoyment for others.

In short, Dworkin argues that equality of welfare, in any form, is not the right distributive theory that treats individuals as equals. This forms the basis for the argument that equality of resources is superior to equality of welfare. Dworkin works out a suitable concept of equality

of resources for a distribution that treats individuals as equals. This suitable concept of equality of resources develops into 'luck egalitarianism'.

In the second essay on equality Dworkin (1981b, p. 284) argues that the market should be central to a suitable concept of equality of resources. The market can function as an analytical resource allocating device. This means that the market can allocate resources in a fair way by the means of an auction. Dworkin (1981b, p. 285) illustrates the importance of the market as an analytical resource allocating device in the example of shipwreck survivors on a desert island. This island has abundant resources and the immigrants accept that no one has a superior right to these resources and therefore that the resources should be divided equally. The envy test needs to be satisfied in order to achieve an equal distribution. The envy test is satisfied when no immigrant would prefer someone else's combination of resources over their own combination of resources (Dworkin, 1981b, p. 285). In order to meet the envy test the divider of resources needs a form of the market, an auction. Suppose that every immigrant gets an equivalent number of clamshells to buy bundles of resources. When the auction comes to an end and everyone is satisfied, the envy test is met.

In order to generalize this example to an ideal theory of equality of resources a few problems should be solved. Each individual should enter the market on equal terms, which is not the case in the real world. Moreover, the distribution of resources will be different through time. Some individuals like to work, others do not. Some resources may be destroyed by a fire or a different natural disaster. Thus, the equality of resources will not prevail through time. Dworkin's project is to find a way in which the equality of resources with the auction and envy test can overcome these problems and can be generalized to an ideal theory of distributive justice (Dworkin, 1981b, p. 292).

In order to solve the problem of equality of resources through time Dworkin (1981b, p. 293) considers the impact of luck. He distinguishes two kinds of luck: option luck and brute luck. 'Option luck is a matter of how deliberate and calculated gambles turn out- whether someone gains or loses through anticipating an isolated risk he or she should have anticipated and might have declined. Brute luck is a matter of how risk fall out that are not in that sense deliberate gambles' (Dworkin, 1981b, p. 293). Differences in wealth due to option luck are consistent with equality of resources. Suppose that the immigrants could obtain resources that have a chance of becoming more valuable or that they could play it safe and go for resources which are worth more but do not become more valuable. The immigrant that obtains the

resource with the chance of becoming worth more takes a risk. If the gamble resource becomes more valuable there is no way to object the differences in wealth resulting from that because other immigrants could have chosen the same bundle of resources as the gamble resources with the knowledge that their resources could be more valuable in the future. When comparing two immigrants who both got the gamble resources, there is no reason to object differences in their wealth either. Both the immigrants knew what the chances were and did not envy other resources and thus took the risk. Moreover, if the winner should distribute their wealth to the losers after their resources became more valuable then no one would gamble (Dworkin, 1981b, p. 295). However, differences in brute bad luck are not foreseen in the auction. Immigrants did not choose to suddenly become cripple and the differences between the immigrant who suddenly became cripple and the immigrant who did not cannot be explained by risks they took in their lives, assuming that it happened outside someone's control. So, differences in wealth due to brute luck are not consistent with equality of resources (Dworkin, 1981b, p. 297).

Dworkin introduces insurance, this links, in some cases, option luck with brute luck. A link between brute luck and option luck is needed because it can turn brute luck into option luck, and differences in wealth based on option luck are not unjust. If one chooses not to buy an insurance and if something bad happens out of bad brute luck, then the choice not to buy an insurance was optional. Therefore, in some cases insurance can make bad brute luck into option luck and thereby solve differences in bad brute luck (Dworkin, 1981b, p. 294). However, insurance is also limited to a certain extent. It does not consider, for example differences in skill or other natural differences. So, for the insurance to work, each individual needs to have the same chance for the bad brute luck to happen. Another approach to the problem of compensating for natural inequalities could be that the attributes of a person are considered as part of his resources (Dworkin, 1981b, p. 300). Someone who is born handicapped had less resources than others who are not. Before the auction, the handicapped should have equal resources as the rest. However, there are some problems with this before auction compensation. For example, someone who is born blind can not be compensated with resources and be equal to someone who is not born blind. In short, the insurance market can compensate for some differences in brute luck by making them differences in option luck (Dworkin, 1981b).

The equality of resources could also be disturbed by production and trade (Dworkin, 1981b, p. 304). For example, if one immigrant chooses to work hard and to produce more resources

then after some time the other immigrants envy that bundle of resources over theirs because it contains more resources. Dworkin (1981b, p. 306) argues that differences in resources because of hard work are just. One should compare these extra resources to other bundles with the amount of hard work that was needed to obtain these resources. The immigrants who have less resources cannot envy the other immigrants' resources because they chose not to work as hard. So, the difference in resources is based upon option luck, the choice to work hard or not. This only applies when all the other factors, as talents, between the immigrants are equal. So, according to Dworkin (1981b, p. 307), the point of equality of resources is that people should have equal resources to start off with and that differences in wealth are allowed under some circumstances .

‘people should have the same external resources at their command to make of them what, given these various features and talents, they can. That point is satisfied by an initial auction, but since people are different it is neither necessary nor desirable that resources should remain equal thereafter, and quite impossible that all envy should be eliminated by political distribution’ (Dworkin, 1981b, p. 307).

This means that on the one hand equality could be violated by hard work, and thus should be ‘ambition-sensitive’. On the other hand, the distribution of resources should not be ‘endowment-sensitive’. That is a distribution that is affected by differences in talents or natural resources, thus differences due to brute luck (Dworkin, 1981b, p. 311). A way of neutralizing the differences in brute luck is by some forms of income tax. This system should neutralize the effects of differential talents but it should not neutralize differences due to option luck, for example the choice of occupation (Dworkin, 1981b, p. 313). It is difficult to compensate someone fully for their talents because talents develop and are hard to distinguish from ambitions. A way of determining how the tax system should look like could be by going back to the insurance market. Dworkin (1981b, p. 317) argues for a hypothetical insurance market before the auction starts. Each immigrant can see the different outcomes of their talents and the possible differences in wealth following from these different outcomes. No immigrants know which income level matches with their talents. Insurance could be provided for not having a certain skill level, which could earn whatever level of income. The insurance company will pay the difference between the possible income opportunity and the actual income opportunity (Dworkin, 1981b). This hypothetical insurance should be transformed in some way into a tax scheme; however, Dworkin (1981b, p. 326) does not go deep enough into this in his essay in order to figure out how. He described different possible ways of organizing

tax, for example based on actual earning rather than the ability to earn. After discussing this Dworkin states that he will not discuss these issues anymore in his essay: ‘but I want to put aside, for this essay, any further study of these issues, because we have carried them far enough’ (Dworkin, 1981b, p. 326).

In short, Dworkin’s main point is that equality of resources should be understood as a distribution of resources that would be the same in a world in which all talents for production are equal. However, people have different talents for production. Because people have different talents of production Dworkin introduces the ambition sensitive way of distributing resources. This means that differences in wealth due to differences in ambition are justified, but differences due to endowments are not.

2 Problems for luck egalitarianism

In the first section of chapter 1 I explained Dworkin’s position which forms the basis for luck egalitarianism. In this section, I will introduce the three problems that appear when defining equality of resources in a way that makes people equal based on endowments but allows differences based on their ambitions.

Background inequalities problem

Dworkin (1981b) discusses inequalities in talents, and argues that individuals should be compensated for the possible income they could have had if they had other talents. The general point is that differences due to talents should not be allowed. Only differences in ambition are allowed (this does not mean that ambitions cannot be regarded as talents). As I will show the distinction between endowments and ambitions is not that easy to make and many choices people make are dependent on existing inequalities or social structures¹. I will introduce this problem by mentioning the main critique of Iris Marion Young and I will repeat how Dworkin addresses background inequalities. After that I will show that Dworkin’s idea of compensating for talents is not enough, because he misses out on social forces.

¹ If ambitions are regarded as talents then the background inequalities problem shows that it is very difficult, possibly impossible, to distinguish ambitions from endowments. In that case the background inequalities problem makes even a stronger claim against the formulation of an ideal ambition sensitive theory of distributive justice by Dworkin.

Young (2011, p. 28) argues that Dworkin's theory focusses mostly on the individual and that Dworkin fails to distinguish causes of disadvantage that are the consequence of bad brute luck and cases of disadvantage that are the consequence of social organization and social processes. Young (2011, p. 28) states that Dworkin's theory ignores social structure, and therefore making the theory an 'unsatisfactory approach to justice'.

Dworkin mostly discusses the differences in personal attributes. For example, some people are talented with numbers and others are unable to walk. These characteristics enable people to contribute to marketable products. Some people can contribute more because of their talents than others. Dworkin argues that these differences should be compensated for. It is not fair if the talented gain more just because of their talents, so a redistribution should take place from the talented to the less talented.

According to Young (2011, p. 31), luck egalitarianism states that individuals should be compensated for disadvantages which are traceable to these individuals and beyond his or her control. However, luck egalitarianism fails to notice that social structures influences features of a person that could turn out disadvantageous. So, instead of pitying and compensating a person who has bad brute luck due to disadvantages influenced by social structure, the social structures should be criticized and changed (Young, 2011, p. 32). For Young (2011, p. 32), it seems that many things are seen as brute luck: 'a person's genetic makeup, the family and community in which a person is socialized, how the tastes of other people have evolved, the availability to develop a skill, the fact that a potential employer was attentive in an interview that particular day'. There are for certainly many sources of luck that influence the circumstances of individuals, like the genetic make-up of a person. However, most circumstances in life are a matter of luck and a large category within these circumstances, that are beyond human control, are traceable to institutional rules and social processes (Young, 2011). Young (2011, p. 33) gives the example of the impact of Hurricane Katrina on the U.S. Gulf Coast in 2005. This natural disaster showed that 'social processes of residential segregation, biased evacuation planning, lack of access to health care, and low incomes made the effect of the hurricane worse'. So, according to Young, background inequalities are not considered when determining if something is option luck or brute luck. Therefore, many individuals will be subjected to brute luck without that brute luck being recognized as brute luck.

To explain the problem introduced by Young from another perspective I will describe the position of Barry. He focuses more on background inequalities as the consequence of inequalities in wealth that influence the decision making. Young focusses more on background inequalities as differences of social forces and Barry focusses more on background inequalities as a consequence of existing inequalities in wealth.

Barry (2008, p. 136) argues that brute luck as defined by Dworkin 'is insufficiently sensitive to the way background inequalities shape individual choices'. Barry (2008, p. 139) builds his argument on the differences between the real world and the world that Dworkin sketches in which the egalitarian conditions are already in place. Dworkin (1981b) allows differences that emerge from option luck, when the starting positions and the available gambles are the same to all immigrants. However, in the real world, people start from unequal positions.

Barry (2008, p. 139) argues that differences in wealth can influence the choices people make and could perpetuate inequality. For example, choices about education and work are highly influenced by income. Barry (2008, p. 139) illustrates this with an example of two high school graduates. A high school graduate from a poor family is more likely to work after graduating than study further when comparing to a high school graduate from a rich family. In a poor family there is a great need for extra income and thus this makes the decision between working after graduation or furthering the study more difficult than a situation in which the family does not need extra income. This choice between immediate work or studying further for a better degree is important for the future earnings of the high school graduate. Besides differences existing inequalities in wealth, Barry (2008, p. 140) argues that social backgrounds also can have a huge impact on the individuals choices, even if there is a material equality. He gives the example of two equally talented students who have the same grades and are both eligible to progress in university. Suppose that one familial background encourages him to go to university because that is valued within the family. The other student has a familial background in which going to university is regarded as something negative. The first student will attend university and obtain a higher paid position in the future. There will emerge a wealth inequality between the former and the latter student because of the different level of education. Thus, according to Barry (2008), these examples show that background inequalities as existing wealth inequalities and social background differences influence the choices people make.

In short, the background inequalities problem states that luck egalitarianism with the distinction of option luck and brute luck does not take background inequalities seriously. These background inequalities are both inequalities as a consequence of social forces and inequalities as a consequence of wealth differences. Luck egalitarianism, as formulated by Dworkin, does not incorporate these inequalities when determining if something is a consequence of brute luck or of option luck.

Harsh treatment problem

Anderson (1999) and Voigt (2007) argue that option luck can not be accepted within an egalitarian theory because it treats victims of option luck too harshly. This problem is the harsh treatment problem. Anderson gives several examples to show that this problem can occur in different ways. I think that all these examples fit within the general harsh treatment problem.

According to Anderson (1999, p. 295), although luck egalitarians say that they treat each of its citizens with equal respect and concern, in reality bad option luck fails to treat each of its citizens with equal respect and concern. Anderson (1999, p. 296) introduces the problem of negligent victims. She illustrates this problem by an example of a reckless uninsured driver who causes an accident. According to luck egalitarians it was the choice of the driver to insure themselves and the it was a choice to drive reckless. Therefore the medical costs should not be compensated by the state and the driver should not receive medical help and should lie on the street and die (Anderson, 1999, p. 296). A problem that could follow up from the accident is the discrimination among the disabled. Anderson (1999, p. 296) illustrates this with the example that the faulty driver recovers but loses his sight. The state, in that case, has no obligation to compensate for the accommodations that person needs.

Another example that illustrates the problem is the problem of geographical discrimination among citizens. Citizens choose to live in certain locations and thereby willingly accept the risks of natural disasters possible in that region. For example when choosing to live in the Gulf and the East Coast in the United States one should accept the risk of devastating hurricanes (Anderson, 1999, p. 296).

Another example she gives is occupational discrimination, which also takes place within society that accepts luck egalitarianism. Anderson (1999, p. 297) argues that workers in a dangerous occupation willingly choose that occupation and therefore have a higher risk of

death or injury because of their work. These are examples of insurance luck and thus option luck. People that get injured in these more dangerous jobs have no claims on medical assistance compensated by the state.

She continues to mention different examples of problems to luck egalitarianism. She mentions the vulnerability of the caretaker because caretakers of children do not get compensated by the market. Moreover, the time they take to raise children they would otherwise have spent with developing their talents. The consequence of less time to develop their talents and career is less wealth in the future. According to Anderson (1999, p. 297), luck egalitarians argue that it is a choice to start with children and if you do not want poverty you should not have started with children.

Another major example is the problem of exploitation and a lack of a safety net. This is a more general account of different already mentioned examples. People have the possibility to gamble and thereby losing it all and fall into misery and destitution and thereby these people could be subject to exploitation (Anderson, 1999, p. 298).

To conclude, all these examples show that luck egalitarianism treats the victims of bad option luck too harshly. These examples are not different problems, they are different ways in which the harsh treatment problem occurs, and these examples are used in order to illustrate the different problems the general harsh treatment problem brings. So, the harsh treatment problem is that luck egalitarianism, with the distinction of option luck and brute luck, has some consequences that are counter-intuitive with egalitarianism. It is counter-intuitive because it seems to treat victims of option luck too harshly, as shown in the examples. It is a problem for luck egalitarianism because it illustrates that the distinction between option luck and brute luck creates too many of these unintended consequences. Later I will show that a different formulation of luck egalitarianism can minimize these unintended consequences and therefore improves the original luck egalitarianism.

A distributive paradigm

The problem of the distributive paradigm somewhat overlaps with the first problem discussed, that of background inequalities. It states that luck egalitarianism focusses too much on the compensation of victims of bad brute luck instead of focusing on the structural causes of these victims. Thereby, the social structures that cause the suffering of victims of bad brute luck will not disappear. The difference between this problem and the background inequalities

problem is that this problem argues that even if background inequalities are considered the focus of redistributing is still the wrong focus. Instead the focus should be on changing structures.

According to Young (2011, p. 33) luck egalitarians ignore the social processes that cause inequalities in the first place. Social processes that could cause inequalities are, for example cultural habits and the arrangement of institutional rules. Injustice in the sense of domination, exploitation, or deprivation concerns more than people who are victims of bad brute luck they do not deserve. 'It concerns how institutional rules and social interactions conspire to narrow the options many people have' (Young, 2011, p. 33). To rectify people does not mean, as luck egalitarians argue, to compensate them for their bad brute luck. Instead it should promote equal relationships of individuals to each other in order to prevent these institutional rules and social interactions from causing domination, exploitation, or deprivation (Young, 2011). She illustrates this by giving the example of a social structure that influences people's talents and their value, the market. The market determines what skills are needed for high rewards because these skills are connected to products and services that other people want. A life may go well for someone who obtains these skills while others do not. According to Young (2011), the theory of luck egalitarianism does not focus enough on changing the system that profits one talent more than the other.

Anderson (1999, p. 303) argues that luck egalitarianism discriminates people with disabilities. She gives the example of someone who ensured herself against getting a hooked nose. If she then gets a hooked nose, the state should pay for the plastic surgery. It seems bad to other people who have hooked noses that the state considers hooked noses as something bad and thereby discriminates people with hooked noses. Moreover, all kind of compensation for lack of talent, beauty, and compensation for disabled people is insulting to the individuals who get compensated. So, according to Anderson (1999, p. 306), 'equality of fortune disparages the internally disadvantaged and raises private disdain to the status of officially recognized truth'. The central claim of this problem is that luck egalitarianism is stuck in a distributive paradigm, where it seeks to compensate the less fortunate instead of changing the system with the consequence that the less fortunate become equal to others.

In short, the three problems to luck egalitarianism as formulated by Dworkin are the background inequalities problem, the harsh treatment problem, and a distributive paradigm. The background inequalities problem states that background inequalities are not considered

enough when determining brute luck or option luck and therefore people are held responsible for their choices when they should not be. The harsh treatment problem states that luck egalitarianism treats the victims of bad option luck too harshly. This seems counter-intuitive with an egalitarian theory of distributive justice. Luck egalitarianism is also stuck in a distributive paradigm because it does not focus on changing structures that create inequalities, it rather focusses on compensating the victims of brute luck. The general theme of these problems is that they are all inherent to an ambition sensitive form of luck egalitarianism. The goal of Dworkin was to come up with an ambition sensitive theory of distributive justice, a theory that rewards merit and compensates for luck outside someone's control. The three problems show that the distinction of brute luck and option luck do not fully translate the theory into a real ambition sensitive theory of distributive justice.

3 Barry's reformulation of luck egalitarianism

In the last section I have described the three problems with luck egalitarianism I will be trying to solve. I will solve these criticisms by examining different possible re-formulations of the theory of luck egalitarianism. In this section I will look at the account of Barry (2006, 2008) who tried to solve these problems. In order to solve the problems proposed Barry interprets luck egalitarianism in a different way. Barry (2008, p. 143) builds on the definition of genuine choice introduced by Cohen (1989). First, I will explain the concept of genuine choice. Second, I will explain the addition of Barry to the genuine choice concept and how that solves the problems to luck egalitarianism.

Genuine choice approach

Cohen (1989) introduces the concept of genuine choice as a reaction on the luck egalitarianism. He argues that luck egalitarianism is not egalitarian enough and therefore that the distinction of brute luck and option luck needs to be changed into genuine choice. Barry complements the concept of genuine choice to solve the three problems introduced in this paper, therefore it is necessary to explain where this definition originates.

Cohen (1989, p. 916) argues that involuntary disadvantages are the 'disadvantages for which the sufferer cannot be held responsible, since it does not appropriately reflect choices that he has made or is making or would make'. Expensive tastes are an example of these involuntary disadvantages. Cohen argues that individuals with expensive tastes need to be compensated

because they have no influence over their tastes. He gives the example of poor people in Britain who do not have enough money for decent electricity in the winter to warm up their houses. Not all poor people suffer from this, some poor people do not need that much warmth, they have tastes that are easier to satisfy. It is unfair to treat someone who needs a large amount of resources to live comfortable the same as someone who just needs a sweater (Cohen, 1989, p. 920). However, if the expensive taste is developed by the individual throughout his life then Cohen (1989, p. 923) refutes compensation for this expensive taste. The difference with the position that Dworkin takes, is that expensive tastes should never be compensated for. Cohen (1989, p. 931) contrasts genuine choice with luck instead of brute luck.

Cohen (1989, p. 934) argues that it is ‘awesomely difficult to identify what represents genuine choice’. He argues that genuine choice does not consist of an absolute distinction; it is a matter of degree. ‘All that we need to say, from the point of view of egalitarian justice, is: the more relevant information he had, the less cause for complaint he now has’ (Cohen, 1989, p. 934). Cohen (2004, p. 21) argues that genuine choice is central in determining whether an individual is responsible for a choice and that it is important to determine how genuine a choice is.

Revised theory of luck egalitarianism

Barry (2008) proposes a revised theory of luck egalitarianism building on the genuine choice conception introduced by Cohen. Barry tries to support the genuine choice conception in a way that it becomes clear how to recognize a genuine choice. According to Barry, this new interpretation should solve the problems discussed in this paper. First, I will explain the reformulation. Secondly, I will describe Barry’s argument that explains why this reformulation solves the problems.

‘Instead of the option luck-brute luck distinction, luck egalitarians should focus on the extent to which people can be considered to have chosen their current level of well-being, and the extent to which this choice is genuine, as opposed to a reflection of background constraints and preexisting inequalities. To the extent that a person’s level of well-being has not been chosen, and to the extent that a relevant choice is not genuine it can be considered as a matter of luck’ (Barry, 2008, p. 144).

This definition states that the current level of wellbeing needs to be genuinely chosen, if not, it is considered as a matter of luck. The only way in which differences based on luck are justified in this definition is when someone genuinely chooses something by considering all the possible outcomes. This is different from Dworkin's distinction between option luck and brute luck because option luck is replaced with genuine choice. Genuine choice expectedly consists of less cases than option luck because all possible outcomes should be considered in a genuine choice. For example, a person could buy lottery tickets. Lottery tickets are transparent in the possible outcomes and therefore one could genuinely choose to buy a ticket and thereby taking into consideration the possibility that one loses all the money spent on that ticket.

Another difference with the original formulation of Dworkin, besides the replacement of option luck with genuine choice, is that Barry (2008, p. 144) chooses to equalize for the matters of luck rather than neutralize it. He follows the argument of Cohen (2004, p. 15) which states that the luck individuals enjoy is always relative to each other. If every individual chooses something as the consequence of a shared background inequality, then there is no injustice involved when equalizing the influence of luck. Therefore, luck egalitarians should care about equalizing the extent luck has an influence on the choices and outcomes rather than neutralizing the luck. Neutralizing seems unnecessary because in many decisions luck is a part of the decision-making process, by neutralizing it, all the luck needs to be compensated for. By equalizing the amount of luck, everyone should have the same amount of luck in their decision-making process as all the other individuals.

Solving the problems

In the following couple of paragraphs, I will explain Barry's argument of how he thinks that his reformulation of luck egalitarianism solves the three problems. I will, in short, explain why his argument is not sufficient to solve the three problems and in the next chapter I will elaborate that argument by diving into Barry's concepts.

The background inequalities problem could be solved by Barry's reformulation of luck egalitarianism. If in some way background inequalities influence the genuine choice of the possible level of future wellbeing, then the influence of this needs to be equalized. An example to illustrate this could be the two high school students who graduated. The first high school graduate comes from a poor family in contrast to the second who comes from a rich

family. The choice of the graduate from the poor family is influenced by his background because studying is expensive and working delivers money directly. The choice for the graduate for the rich family is not negatively influenced by the financial position of the family and therefore the graduate could easily go on with the studies and thereby enhancing his opportunities for future earnings. Barry would compare the level of wellbeing of both graduates and compare the level to which it is genuinely chosen. So, the graduate from the poor family cannot genuinely choose to study because the financial familial situation forces him to work. According Barry's definition, the inequality between the first and second graduate is considered as luck because they neither genuinely chose the family they were born in. This luck should be compensated for and it should thus erase the existing wealth inequalities. The original formulation of luck egalitarianism is not able to solve this problem because it sees no difference between the two graduates, as they both had the choice to study more. So, the original formulation does not take background inequalities in consideration when determining brute luck or option luck.

Barry also deals with the harsh treatment problem. He deals with this problem in two ways. He argues that in real life option luck rarely occurs and therefore there are not many cases of the harsh treatment. The other argument he uses is that in every decision someone makes a part of that decision is brute luck and therefore someone can never be fully accountable for the choices he or she makes.

Barry argues that option luck as defined by Dworkin, rarely occurs in real life. Barry (2006, p. 95) illustrates this with the example of unemployment. Most of the unemployed are not responsible for their unemployment, particularly if an individual is suited for a job when they are looking for one. The same reasoning applies to individuals' dependent of their gender, age or other examples that could limit their equal position in comparison with others. These individuals are not responsible for the position they are in and therefore this is also unjust for luck egalitarianism (Barry, 2006). People rarely have full knowledge of the risk of a decision, the expected outcome almost always differs from the actual outcome. In these situations, when individuals do not have the ability to make 'deliberate and calculated gambles' (Dworkin, 1981b, p. 193), then they should not be held responsible for their choices (Barry, 2006, p. 97). Moreover, in the contemporary society with a market system many individuals are forced to make decisions based on limited range of options and are often forced to take risks. Barry (2006, p. 98) illustrates this with an example of choosing an occupation. In the contemporary capitalist society choosing a profession is a gamble because future

technological development may remove some jobs and make them obsolete. It seems unfair to hold individuals responsible for that choice when making that choice they were not able to foresee the future (Barry, 2006). The harsh treatment problem also rarely occurs because of existing inequalities in a society. For example, large inequalities in wealth or other background conditions shape the position from which an individual can make certain choices and therefore the individual could not be held responsible for that choice (Barry, 2006, p. 98).

Despite these two arguments, the harsh treatment objection does not completely disappear. The first argument that Barry makes states that the harsh treatment disappears because differential option luck, as defined by Dworkin, is no longer inherently just because in each decision there is to some extent brute luck involved. I do not agree that in each situation brute luck is involved to a certain extent. In some cases, people do have the complete information to make a certain gamble with the complete knowledge of the possible consequences of that gamble. For example, in a lottery people genuinely choose to buy a ticket with knowing the full consequences. When someone spends all their fortune on these tickets these people, according to the formulation by Barry, genuinely chosen their current level of well-being, because they had the information to determine that the chance of winning was small. Besides that, in an imaginary situation in which the starting positions are equal, the harsh treatment forms a problem, inherent to luck egalitarianism, because the differences in wealth as a consequence of a genuine choice still take place, and more than just a lottery.

The problem of the distributive paradigm also gets rejected by Barry. Barry (2006, p. 96) argues that the improved formulation of luck egalitarianism treats individuals as moral equals by showing that luck egalitarianism is also concerned with ‘the five faces of oppression’ (Young, 1990, p. 39). So, according to Barry, egalitarianism focusses on ending oppression by treating citizens as moral equals. By examining if individuals are morally equal, ‘luck egalitarians should assess the well-being against an objective account of the good life that is sensitive to the effect of social oppression’ (Barry, 2006, p. 96). Luck egalitarians will compensate individuals for characteristics such as race if they lead to unequal positions, namely unequal positions are the consequence of differences in bad brute luck. If it is impossible to correct the effect of the bad luck, then the bad luck should be financially compensated. Barry concludes that luck egalitarianism ‘is not motivated by pity or superiority, but by the belief that all persons should be treated with equal respect in a true society of equals’ (Barry, 2006, p. 97). That both Young and Barry view citizens as morally equal does not reject the critique that luck egalitarianism is stuck in a distributive paradigm. It

needs to be assessed whether a distributive paradigm is problematic for luck egalitarianism and there needs to be found a way in which luck egalitarianism is concerned with changing unequal structures instead of compensating victims of bad option luck for the consequences of these unequal structures.

Chapter 2: A responsibility sensitive interpretation of luck egalitarianism

In the first chapter I have explained luck egalitarianism and its origins. The distinction of compensating for differences in endowments but not in ambition is the central idea for luck egalitarianism. I have introduced three problems that emerge when trying to make luck egalitarianism ambition sensitive. Barry responded to these problems and reformulated luck egalitarianism to a responsibility sensitive egalitarianist position. If an individual is responsible for their current level of wellbeing, then wealth inequalities are justified. The consequence for the brute luck and option luck distinction is that brute luck is interpreted more broadly. According to Barry, this new formulation solves the three problems addressed in this paper. In the previous section I explained what Barry's position was, in this chapter I will elaborate on the argument that his position needs to be improved. I will argue that the concepts in Barry's reformulation are not clearly defined, in particular the concepts of preexisting inequalities and background constraints. In this chapter I will try to define what these preexisting inequalities and background constraints are by looking at different examples. After that I will examine different accounts of responsibility that follow from these examples. I will examine different accounts of responsibility to understand the meaning of the concepts used by Barry. A responsibility sensitive account is suitable for Barry's reformulation because Barry tries to determine genuine choice. I think that Barry's definition of when someone can be held accountable for their decisions comes close to a responsibility sensitive perspective. Therefore, I think that a responsibility sensitive position improves Barry's reformulation and helps interpreting his concepts.

1 Problems of the reformulation

Barry (2008, p. 141) conceptualizes background inequalities as inequalities in the real world that undermine luck egalitarianism and that due to these existing inequalities luck egalitarianism has inequalitarian implications. To understand his reformulation of luck egalitarianism, the definition of background inequalities or existing inequalities and 'background constraints' should be defined more clearly. Both concepts need to be considered when determining whether someone's wellbeing is chosen, according to the reformulation of luck egalitarianism by Barry. His definition does not precisely state what a background inequality is and for what an individual should be compensated. It does not state whether, for

example, expensive tastes are the consequence of background inequalities. For the understanding of his reformulation of luck egalitarianism, a precise definition of background inequalities is needed. This helps understanding the consequences and implications of this new formulation. Barry (2008, p. 144) formulates his reformulation of luck egalitarianism as the following: someone cannot be held responsible for their wellbeing when at least one of the two following premises are accepted

1. Preexisting inequalities, such as inequalities in wealth, influence the decision-making process.
2. Background constraints, such as social structures, influence the decision-making process.

If both premises do not influence the decision-making process, then the individual can be held responsible for the outcomes of their choices, and with that the inequalities resulting from that choice can be considered legitimate. However, in the work of Barry it does not become clear what these premises exactly entail. In this section I will explore different possibilities of preexisting inequalities and background constraints. I will argue that there are difficulties to determine preexisting inequalities and background constraints involving social conventions and social structures. I will look at a responsibility sensitive account to define these preexisting inequalities and background constraints to determine when someone can be held responsible for the consequences of their choices.

Preexisting inequalities

Barry (2008, p. 139) does not define preexisting inequalities, he only gives the example of the two high school graduates. The problem Barry (2008, p. 140) has with both preexisting inequalities and background constraints is that people start from unequal situations and therefore people cannot be held responsible for the choices they make on the basis of those differences. The example of the high school graduates focusses on the inequalities in wealth between the two families the graduates are from, and the influence of that wealth difference on the choices they make for working or studying more and attending college. So, wealth inequalities that influence the decision-making process should be considered a part of the preexisting inequalities.

I have tried hard to find a definition of preexisting inequalities in Barry's texts, however, he does not give a definition. Barry (2008, pp. 139–140) only illustrates preexisting inequalities

with an examples of high school graduates, as I explained earlier in this paragraph, and wealth inequalities.

‘When there is a preexisting material inequality, the wealthy will have a greater opportunity to increase their wealth than other citizens will, as they have more money to invest. But the outcome of an investment seems to be a clear case of option luck, so allowing option luck inequalities to emerge in a world of preexisting material inequality will simply perpetuate this inequality’ (Barry, 2008, p. 140).

The best definition distilled from the examples is that preexisting wealth inequalities influence someone’s options when deciding. Therefore, a decision influenced by preexisting inequalities should not be a part of option luck.

Barry’s account of preexisting inequalities is limited as he does not define the concept, besides that I think that preexisting inequalities should be broader interpreted because other things than wealth can influence someone’s options when deciding. Talents or natural endowments, for example, could also influence someone’s options. These talents can develop or exist when someone is born.

Dworkin (1981b) agrees that some natural endowments that are there when someone is born influences the possible choices one makes later on in the auction. An example of this are differences in talents. Differences in talents obviously influences decisions people make. For example, consider someone who is very talented at building houses from wood on the deserted island. In the auction when the bundle of resources is divided, he chooses to spend his clamshells on wood because he can build houses with that wood and gain profit from these houses. To go back to the brute and option luck distinction this falls under both the brute luck and option luck category. The gains from his talents are the consequence of the brute luck he has, combined with a part of option luck, the choice to build houses instead of relaxing all day and doing nothing. It is, however, not that easy to distinguish preexisting talents from talent that an individual chooses to develop. In the ideal situation as sketched by Dworkin, people have equal starting positions and therefore all the decisions they make to develop talents are ambition sensitive. It is now necessary to determine, because people do not have the same starting positions, when differences in talents are legitimate or illegitimate and need to be compensated for.

Preferences or expensive tastes have the same problem as talents. Preferences someone has when someone is born due to preexisting differences between people should be considered as brute bad luck. Cohen (1989, p. 922) argues that all expensive tastes need to be compensated that are developed outside someone's control. For example, there are two individuals, one gets satisfied by drinking cheap white wine. The other preferences are only satisfied when drinking the most expensive champagne. If the individual who only likes champagne had no influence in developing the taste for champagne then it seems unjustified to make him responsible for his taste and with that making the differences in wealth that emerge from that taste as just. The same distinction as with the talents apply here, if the individual is born with the tastes or develops their tastes outside their control the individual cannot be held responsible for these tastes.

According to Dworkin (1981b), differences in ambition and inequalities in wealth following these differences are justified, because people choose to put effort in and work harder. However, when following the definition of Barry of preexisting inequalities and background constraints, the argument could be that differences in ambition are natural endowments that you receive when being born. If the individual does not have a choice regarding their ambition, then inequalities following from that result from preexisting inequalities. Moreover, the way the individual is raised may also determine the ambition someone has, and one does not choose a family to be raised in.

I have given several examples of preexisting differences that influence inequalities. The hypothetical deserted island that Dworkin uses when building his theory assumes that every immigrant enters the auction on equal terms, if not, the immigrant should be compensated in order to be equal. Reality shows that it is not easy to determine when someone is unequal to another. Therefore, Barry tried to define brute luck broader, in order to cover all the cases in which something is not completely someone's genuine choice. However, the preexisting inequalities that he mentions are only defined as existing wealth inequalities and, as I showed, preexisting inequalities are more than that, for example talents or preferences. Besides that, I showed that it is difficult to determine whether something is a preexisting inequality which should be compensated or a difference that emerges through merit. There are many social forces that influence choices of developing certain tastes, ambition, or talents. It is difficult to determine to what extent an individual can be held fully responsible for the outcome of their choices. That makes it difficult to determine when wealth inequalities between individuals are allowed. The definition of preexisting inequalities that follows logically from these examples

is that preexisting differences outside someone's control are unjust and that the wealth inequalities resulting from these differences should be compensated. It is not clear when something is outside someone's control.

Background constraints

The working definition, for now, of preexisting inequalities are inequalities that exist outside the control or influence of the individual. An example that challenges this definition is the difference in appearance. Difference in appearance has no meaning before knowing into what kind of society one is born. This challenges the definition of preexisting inequalities because these inequalities in some cases have no value and therefore the inequalities do not matter.

What gives the preexisting inequalities meaning are social forces; the background constraints that Barry inserted in his reformulation of luck egalitarianism. The example that Barry (2008, p. 140) gives on these background constraints is again about the high school graduates.

Instead of being born into a wealthy or financially poor family, the families of the two graduates differ in their perception of the importance of a college degree. The graduate from the family that considers a college degree as something bad, influences the decision making of the graduate. The difference in wealth that emerges between the graduate from the family who sees a college degree as something bad and the other family is a consequence of a different social environment. Barry (2008, p. 140) only gives this example on the concept of background inequality and argues that a social environment influences the decision making and that this influence is unjust, because it is outside the control of the individual.

So, social forces give meaning to some preexisting differences by making these differences inequalities. Appearance as a preexisting value is a perfect example of how not only social environment but also social forces in general determine whether something is unequal instead of something different. However, it is difficult to determine what social norms define as unequal or what is unequal as a preexisting inequality. Chambers (2004, p. 23) illustrates the difficulty of separating social norms that give meaning to certain values with the example of breast implants. Consider a society in which a woman's success depends on her looks, with the emphasis on sexual attractiveness. In that society if a woman wants to be successful, she needs breast implants. So, in this case the norm is that woman with breast implants are successful. If you want to be successful you will have to comply to the norm and get breast implants. These breast implants are costly and can cause damages for your health. The differences in wealth created by these breast implants seem unjust in comparison to a man

who did not have to comply to the beauty norms of woman to be successful. With this example, Chambers (2004, p. 13) shows that people make choices in an unavoidable social context and thus that background inequalities are partly decided by social forces².

The previous paragraph showed that social norms give value to some inequalities and therefore it is difficult to determine whether something is unequal by genuine choice or as the consequence of a social norm. For example, do people get breast implants to comply with the social norm or do they just want breast implant because they like it? Social forces do not only influence existing differences between people but also influence decision making in other ways. Mason (2006, p. 176) gives an example of how culture can influence decision making. A Sikh who is required to wear turbans for their religion is less likely to find a job which allows the Sikh to wear a turban. The religion of the Sikh influences his ability to find a job and therefore his level of well-being. Is it legitimate to hold the Sikh responsible for the inequality caused by his religion?

Another example that Mason (2006, p. 183) gives, that illustrates the influence of social norms on decision-making, is about gender equality. Women are denied jobs and promotions because they devote or will devote more time to possible childcare commitments. Because of these possible commitments they will not be able to devote the same time to their career as men and therefore leaving with an unequal position towards men. This follows from the convention that a woman is expected to have the primary responsibility for childcare. However, this social convention may not be the only reason the mother wants to devote time to childcare commitments. The woman can, for example, have a deep desire to raise her children. It seems unfair if the woman who decides to raise her children bears full costs of that and therefore does not get the same successful career as a man or woman who does not decide to raise children.

In the previous section I explained that Barry understands preexisting inequalities as inequalities because of wealth differences which influence someone's possibilities. I argued that preexisting inequalities are more than existing wealth inequalities, they could also be differences in talent or preferences. Differences from talents and preferences become inequalities through the value of social norms. I considered the influence of social norms as

² This could imply that each social context needs their own luck definition with its own solution. This dissertation tries to focus on a general luck definition which could be applied on all the different social contexts. Although, it is interesting to think about different forms of luck egalitarianism instead of one general form. This dissertation does not state that this solution for luck egalitarianism could not work.

background constraints. It is unclear when inequalities result from genuine choices people make or from preexisting inequalities or from background constraints such as social norms. Therefore, to compensate for preexisting inequalities and background constraints as opposed to genuine choice is difficult, because it is unclear whether something is a genuine choice or a combination of other factors, like luck. In order to figure out when people should be compensated, I need to determine when someone can be held responsible for the outcome of their choices. In the next section I will go deeper into responsibility-sensitive egalitarian accounts of justice to solve the problems generated by the background constraints and preexisting inequalities.

2 Responsibility sensitive egalitarianism

Dworkin's distinction between endowments and ambitions, in which inequalities due to endowments are not just, creates some problems. It creates three major problems: background inequalities that are neglected by Dworkin, the problem that this distinction focusses on compensating for individual behavior instead of fixing certain social structural inequalities and the last problem of harsh treatment. This highlights that victims of the so-called option luck are treated too harshly. Barry tried to solve these problems by adding genuine choice to make a better distinction between endowments and ambitions. In his definition, a choice that is made without the influence of background constraints and preexisting inequalities is a genuine choice. For a genuine choice, an individual will be held responsible. The problem that emerges from his distinction is that it is unclear what these preexisting inequalities and background constraints are. So, in order to find a better interpretation of luck egalitarianism and the distinction between endowments and ambitions a better definition of responsibility is needed. If we have a clear definition of when someone is responsible for their choices, then it is possible to determine when inequalities were the cause of endowments or the cause of ambitions. This section will describe different accounts of responsibility and evaluate which fits the original definition of luck egalitarianism as ambition sensitive³.

³In this dissertation I will not get involved in the metaphysical debate of free will. I will assume that determining responsibility is possible without giving a position on the free will debate.

Rational Capacities

Inoue (2016) defends the view of rational capacities to determine whether someone is responsible for the outcome of their choices, and thus genuinely chose these outcomes. According to Inoue (2016, p. 89), the responsibility-sensitive egalitarian account does not require that people have equal opportunity or the same arrays of options. Moreover, the argument that option luck rarely occurs is also flawed according to Inoue. Responsibility should be determined in the light of consequences that people reasonably expect to obtain (Inoue, 2016, p. 90). Genuine choice needs to have precise conditions in order to function as an indicator for responsibility-sensitive egalitarianism. Therefore, Inoue (2016, p. 90) defines these basic conditions on the basis of practical rationality. 'Inequalities are morally acceptable only if people are responsible for the unequal consequences that they could reasonably expect to obtain through their own choice in cases where they have rational capacities for the choice' (Inoue, 2016, p. 90). So, the rational capacities are required when being responsible for a choice.

An individual who has rational capacities can satisfy three conditions according to Inoue (2016, p. 91). The first condition states that an individual should have the capacity to form beliefs about the choices there are available. Inoue (2016, p. 91) illustrates this with the example of a heavy smoker who cannot form beliefs about the negative consequences of smoking because of his cognitive insensitivity. Inoue argues that the heavy smoker is not responsible for being worse off through smoking because he did not have the capacity to form relevant beliefs about the consequences of smoking.

The second condition entails that an individual can control their desires in accordance with the relevant beliefs. Again, Inoue (2016, p. 92) gives an example of a smoker. The smoker's beliefs could be that smoking is bad and that he needs to stop, however he cannot control his desire for a cigarette and therefore he is unable to stop smoking. According to the second principle he should not be responsible for the consequences of smoking because his desire is not in accordance with his beliefs.

The third condition states that an individual should be able to choose an act by his own deliberative process (Inoue, 2016, p. 92). So, to be responsible the individual should have the possibility to consider different possible options. If the individual has no deliberative process,

then the individual becomes a servant of his dispositional states, this should not be a rational decision and the individual should not be responsible for the outcome of this choice.

When determining responsibility there is always a degree of responsibility. Inoue (2016, p. 94) illustrates this again with an example of two heavy smokers. Emilka and Geoff can both be considered as heavy smokers and are both responsible for the choice to smoke according to the rational capacities model. However, Geoff has different background conditions than Emilka. Geoff grew up in a family where it was normal to smoke heavily and is not educated properly. Emilka grew up in a good family and is well-educated. According to Inoue (2016, p. 94) Geoff's belief-desire set may be different than Emilka's. Therefore, the social support for stop smoking may be less effective. Geoff should be considered as less responsible than Emilka because differences in the environment has influenced the cognitive skills of Geoff, even though both Emilka and Geoff can be considered as responsible for their choices because they comply with the three conditions. Furthermore, another implication of the degree of responsibility is that responsibility never is fully attributable to an individual when he is worse off as the consequence of a choice.

The method of rational capacities helps determining responsibility. This method determines responsibility based on three conditions. If these conditions are met, then people have made a genuine choice. Responsibility does need a different interpretation, because one can be responsible in this rational capacities model without having the same array of option as other individuals. Let me illustrate this with an example. The two graduate students with different familial backgrounds can both be responsible for their choice whether to go to college or start working after graduation. The graduate student with a financially poor family can meet the three conditions of the rational capacities model. First, he has the intelligent capacity to form an opinion about going to college or working directly. His family does not forbid him from going to college but stimulate working because their family needs money. The second condition is also met, as he can control his desires in accordance with his beliefs. Third, he chooses to start working on the basis of his own consideration between working and having an income in order to sustain himself or studying and living with debt and maybe without a roof above his head. Obviously, he chooses for the work option. However, he is responsible for that choice even though he did not have the same array of options as the other graduate from a wealthy family. It will be difficult to determine whether the wealth inequalities as the consequence of the different choice are unjust in this example when applying the rational

capacities model. Namely, both individuals were responsible for their choice. The only difference is that some background conditions influenced the options of the choice.

The argument that Inoue (2016) uses is that responsibility is always a degree. As in the example of the two heavy smokers Geoff is less responsible for his choice to smoke than Emilka. However, the idea that individuals do not have the same array of options when making a choice does not disappear. So, responsibility is determined and then some other method is needed in order to determine the degree of responsibility. So, the rational capacities model helps determining when someone is responsible for the choices following his specific array of options, however this specific array of options is impossible to compare with someone with a different array of options. So, it does not give a general account of responsibility in comparison with other individuals with different arrays of options.

A pluralist conception of responsibility

Mason (2006) also defends a method of determining responsibility. He distinguishes two conceptions: the control conception and the responsiveness to reason conception (Mason, 2006, p. 162).

‘The control conception holds that it is fair to require a person to bear the costs of his behavior or his preferences, tastes or desires, only if it is appropriate to subject them to moral appraisal. This conception maintains that the moral appraisal is appropriate only if he could have acted otherwise, whilst moral appraisal of a person’s tastes, desires, preferences, or feelings is appropriate only if he cultivated them or is now able to influence them’.

Thus, this means that someone can be held responsible for their choices when they had a possibility to have acted otherwise or were able to influence their desires or feelings. This ability to control depends on some potential excusing conditions (Mason, 2006, p. 163). An individual can be deprived of knowledge in order to judge something well. He could be subject to manipulation. He may not be in the possession of all the facts due to factors outside his control. There may also be natural forces that influence the possible alternatives. A natural force that could influence that someone is running late is a traffic jam that suddenly appears. Another example could be a social force, for example, peer pressure to start smoking as a teenager which causes considerable harm once grown up and addicted to smoking. In short,

the main idea of the control conception is that an individual is not responsible for something if he did all he reasonably could in order to prevent it from happening.

The other conception that Mason mentions is the responsiveness to reason conception, which is originally developed by Scanlon (1998)

‘The responsiveness to reason conception maintains that it is fair to require a person to bear the costs of her behavior, or her preferences and desires, only when it is appropriate to subject these to moral appraisal. It then holds that this is appropriate only to the extent that she is self-governing’ (Mason, 2006, p. 164).

So, the responsiveness to reason conception holds that an individual is responsible for their choices when that individual is self-governing. This means that he is ‘sensitive to the force of reasons and to the distinctions and relations between them and if his response to these reasons generally determines his subsequent attitudes and actions’ (Mason, 2006, p. 164). It does not have the same requirement as the control conception that an individual should have had the possibility to change the outcome, rather that the decision an individual makes reflects his attitudes and actions. An individual cannot be responsible for his actions when the actions are not a consequence of what he did. When the actions lie outside the space of his rational agency (Mason, 2006, p. 165).

For example, when someone is under the influence of drugs, sleep walking or sudden episodes of mental illness. An individual is also not self-governing in relation to his desires when these desires are desires, he does not rather have. Despite regretting these desires, he is not able to change the desires (Mason, 2006, p. 165). An example of this could be a heavy smoker who hates his desire to smoke and would wish he does not have that desire; however, he cannot repress that desire. Other things can influence tastes outside of their own control. For example, a social environment could stimulate some desires one does not rather have. The responsiveness to reason conception argues that someone cannot be fully responsible for these desires. Another way in which an individual cannot be held responsible for their actions based on the responsiveness to reason conception is that someone is unable to understand the consequences of the choices he makes (Mason, 2006, p. 166). This could be when someone does not have the capacities to understand the consequences or that someone had been subject to indoctrination.

So, the responsiveness to reason conception holds that someone cannot be held responsible for their actions if these actions could not have been avoided and are in contrast with his preferences. The control conception holds that someone cannot be held responsible for their actions if the person could not have acted differently. Mason (2006, p. 188) argues that we should recognize a plurality of reasons for why it is unfair that an individual requires to bear all the costs of his behavior. Besides the responsiveness to reason conception and the control conception one should also be aware of the influence of social forces.

Chapter 3: Reinterpreting luck egalitarianism

In the previous chapter I have discussed different responsibility-sensitive egalitarian theories. I have discussed these different accounts in order to understand the proposed reformulation of luck egalitarianism by Barry. Barry's reformulation was introduced as a solution to the three problems described in the first chapter of this paper. So, to solve the problems, which follow from Dworkin's original luck egalitarianist position, Barry's reformulation needs to be understood and defined more precisely. Barry's (2008) reformulation stated that individuals cannot bear the costs of their current level of well-being when they did not genuinely choose that level of wellbeing. The crux of this reformulation is in the concept of genuine choice. A genuine choice is opposed to background constraints and preexisting inequalities. I have given several examples and ambiguities of cases that fit or do not fit in the concepts of background constraints and preexisting inequalities and therefore I turned to the literature in order to find a better account of genuine choice. I have turned to responsibility-sensitive egalitarianism in order to determine when something is a genuine choice and there are different possible accounts of responsibility. In this chapter I will reinterpret the theory of Barry based on a responsibility egalitarian view. In section two I will look at the consequences of this reinterpretation for the three problems of the ambition sensitive luck egalitarian position as originally found by Dworkin.

1 Reinterpretation of Barry's theory

Barry's position states that preexisting inequalities and background constraints should be considered when determining if someone is responsible for their current level of wellbeing. It is unclear what these preexisting inequalities and background constraints are and therefore I will propose a combination of the accounts of responsibility to determine when someone is

responsible for their current level of wellbeing. This combination of accounts will make clear what background inequalities and preexisting inequalities are and whether, for example, expensive tastes is something someone is responsible for. Before I will elaborate on that position, I will try to emphasize the importance of a level playing field. When there are no equal starting positions then it is impossible to determine responsibility and if there is no equal starting position then the combination of accounts that I will introduce loses its value. To guarantee equal opportunities preexisting inequalities should be minimalized. So, before moving on to the combination of accounts of a responsibility sensitive view that I will defend, I will explain how preexisting inequalities should be understood and I will argue that these inequalities should be minimalized.

Preexisting inequalities again

To determine responsibility equal starting positions are needed. Otherwise individuals can never be responsible for the outcome of their choices. For example, someone who is very poor compared to someone wealthy has different options and his level of wealth determines which choices he or she will make. Therefore, the individual who is very poor cannot be held responsible for these choices. I think that minimalizing preexisting inequalities can lead to equal starting positions. I will explain how I understand preexisting inequalities and how these should be equalized.

A way in which an equal starting position could be created, is by equalizing the preexisting inequalities in a society, as proposed by Barry (2008). These preexisting inequalities should objectively influence the advantage someone has. Talents, appearance, personality, tastes, or skills do not objectively influence someone's advantage. These factors get value by social norms and by the society that one lives in. So, with preexisting inequalities I mean differences that negatively influence someone's possible choices without the value that social norms in society give to these differences. Preexisting inequalities of the sort I mean, could be actual unequal starting positions which are not based on the kind of person you are but, on the place, and surrounding where an individual starts their life. For example, someone is born into a wealthy family opposed to someone who is born into a financially poor family. There is an objective inequality in the starting position between these two individuals and this influences the decisions someone makes in their life. Another example could be how someone is raised. This influences someone's tastes, talents, and skills. These inequalities need to be corrected for, with the goal that everyone starts on an equal position.

So, preexisting inequalities, as I understand them, are inequalities that exist before the hypothetical auction that Dworkin talks about. I argued that, for example, skills, talents, tastes, and preferences were not a part of preexisting inequalities per se. However, consider that in the auction everyone gets a pack of resources without someone envying other packs of resources. I understand handicaps, in the way that Dworkin describes, as preexisting inequalities. Dworkin (1981b, p. 315) tries to solve these preexisting inequalities with the insurance idea, ‘by asking how much insurance someone would have bought against the possibility of not having a particular level of some skill’. The implication of this, is that the person with fewer skills or handicaps will get resources from the insurance and thereby the inequalities that exist between someone who has good skills and someone who has no good skills will be reduced. In other words, the starting positions of everyone should be equal when entering the auction. For this insurance idea to work, the differences in skills or other differences must be proven to be inequalities to advantage. It is difficult to prove that something negatively influences someone’s access to advantage because the society gives value to certain skills or talents. For example, being born in the prehistory required different skills than being born now. Being born in the prehistory required skills of a good sight, good aim, good smell to survive and catch wild animals. Skills that advantage someone in the current society are for example social skills, and high IQ and a good appearance. With an high IQ or high mathematical skills a job in the computer industry or econometry could be suited, which delivers the highest earners according to a study in the Netherlands (UWV, 2020).

Equalizing for differences that result in inequalities at the starting position, is key for luck egalitarianism. In Dworkin’s example, that results in luck egalitarianism, the immigrants have actual equal starting positions and enter the auction on equal terms. The insurance corrects for any preexisting differences in skills or talents that become inequalities because of the society one lives in. The insurance market also could compensate for inequalities that exist before knowing in what kind of society one will be born. The insurance market therefore could be a way of equalizing for preexisting differences.

In this section I argued that preexisting inequalities need to be minimalized to determine responsibility and that preexisting inequalities should be understood as differences between individuals that are unequal apart from the values of the society one lives in. A way in which preexisting inequalities could be equalized is by Dworkin’s insurance market model. Another

possible way to equalize starting positions is by introducing a guaranteed social minimum⁴ (Knight, 2005; Tan, 2012). I talk about equalizing these inequalities and I will explain in the next section why preexisting inequalities should be equalized rather than neutralized.

Equalizing rather than neutralizing

I follow Mason and Barry with the idea of equalizing instead of neutralizing. I already discussed shortly what the consequences are of equalizing for luck rather than neutralizing it in chapter 1 section 3. In the following paragraph I will emphasize the importance for equalizing rather than neutralizing for luck egalitarianism.

Rakowski (1991) supports the neutralization approach. Neutralizing means that fair access to something means equal access. This means, that everyone born into a society is entitled, at minimum, to the same quantity of resources as all the individuals that participated in the original division of communities resources (Rakowski, 1991, p. 150). Neutralizing is not the best approach for luck egalitarianism. First, we should equalize rather than neutralize because luck is a part of every decision, it therefore seems unnecessary to compensate that luck for everyone. It is better to equalize it among everyone, in that case each person still has the same opportunity to make choices and are subjected to the same amount of luck (Barry, 2008, p. 144). Second, people are different, and it becomes very difficult to compensate individuals by neutralizing these differences. It is not possible to compensate someone for a natural endowment with resources and thereby neutralize this endowment compared to someone who has not got that endowment (Mason, 2006, p. 151). The idea of Dworkin with luck egalitarianism is that a pack of resources is gifted to individuals combined with the natural resources someone has. I interpreted luck egalitarianism with the idea to equalize these packs of resources for everyone with the goal that no one envies another pack of resources.

So, when going back to the discussion about preexisting inequalities it is important to understand that people have an equal opportunity by having an equal array of options. This

⁴ This dissertation does not evaluate the option of a social minimum and how that could work regarding equalizing preexisting inequalities. A guaranteed minimum is a promising idea, however there are some fundamental problems that need to be solved before it becomes useable for luck egalitarianism. Namely, inequalities do not disappear because of a social minimum. A social minimum guarantees only the minimum so inequalities between people on the minimum and above the minimum will still be there. The other major problem is that it is difficult to determine at what level the social minimum should be (Mason, 2006, p. 136). In this dissertation I will however not rule out the possibility for a social minimum. It could be a way of equalizing preexisting inequalities.

does not mean that the array of options people have are the same, but they should be considered as an equal opportunity.

The two conditions to determine responsibility

After describing how equalizing of preexisting inequalities can lead to an equal starting position, I will move on to the position I will defend in this dissertation. I will use that position to interpret the concepts introduced by Barry. I came up with this position because there is no responsibility sensitive position that can be used with luck egalitarianism and I think that by combining different existing responsibility sensitive accounts a good way to determine responsibility for luck egalitarianism emerges.

Inoue (2016) argued that responsibility should be determined by closely looking at the decision-making of an individual with three conditions that determine whether someone acted with responsibility. These conditions can be compared to the two different accounts of responsibility introduced by Mason (2006). The three conditions, in short, state that an individual should be able to form his own beliefs, control his desires and have the possibility of choosing between different options. The combination of the two positions that Mason uses state that it is fair for someone to bear the costs of his decision when that someone can be expected to have made a different choice given his social circumstances. The position I will defend, which I will use to interpret Barry's concepts, is that an individual is responsible for their well being if one of the following statements are true:

1. The individual had the possibility of choosing a different option.
2. The individual's choice is in accordance with his beliefs.

To explain my position towards a better ambition sensitive luck egalitarianism I need to clarify the conditions that must be met to determine responsibility. I also need to clarify the relation between the two conditions. The relation between the conditions is that one of them needs to be satisfied for an individual to be responsible. I will start by explaining the first condition that I introduced.

It is important to know that the first condition is different from the condition that Inoue proposed in the sense that I argue that only individuals with equal opportunities can be responsible for the different outcomes of their options. That is different from what Inoue argued, he argued that individuals can be held responsible for their choice irrespectively of the

array of options someone has. I think that it is necessary for the individuals to have some sort of equal array of options to choose from, because otherwise some must choose from two options that are bad. It seems unfair to hold people responsible for the consequences of different arrays of options.

Let me illustrate this with an example, a student, Jack comes from a wealthy family and he has the option of choosing between two different private universities. Another student, Rick who comes from a financially poor family has no option to study, he must choose from two different work options; working at the supermarket as a cashier or work at another store as the filling crew. Of course, both choose something and therefore can be held responsible for that choice in particular, but this idea does not work in the theory of luck egalitarianism. The options of Rick were narrowed down by luck, and he had an unequal starting position in comparison with Jack. This unequal position is a different array of options and therefore for the first condition to be met I propose that only individuals with equal array of options could be compared with each other. And this makes the equalizing of preexisting inequalities very important, as I explained earlier, because this equalizes the array of options people have in comparison with each other. In this example Rick should be compensated in some way that will give him the same array of options as Jack and thus give him the opportunity to choose from the same universities as Jack.

I introduced the second condition, with the idea that if one of these conditions are met that an individual could be responsible for their choices. The second condition follows both from Mason and Inoue. A choice an individual makes should not contrast with the beliefs or preferences someone has. For example, if someone thinks smoking is bad for his health and he wants to quit, but he is addicted and therefore he needs to smoke to satisfy his urges. He cannot be held fully responsible for his choice to smoke and the medical consequences following that choice. In most of the cases, when people meet condition one, and have another option to choose then they will choose the option that is most in line with their preferences or beliefs. So, condition one will, in most cases, be combined with condition two.

Another general remark on both conditions is that the individual who makes a certain choice must be aware of the consequences of that choice. If an individual is not aware of the consequences, then he cannot be held responsible to bear the costs following his choice. For example, if someone chooses something with limited information, then one may think the choice is in accordance with his preferences but when the outcome of the choice is different

than expected the outcome is no longer in accordance with the original preferences. Therefore, the individual cannot be held responsible for the outcome of his choice. This is also true for the first condition. The options should have consequences that individuals can expect. Otherwise people will choose the alternative without knowing the consequences. Someone cannot be held responsible for having different options but having no idea what the consequences of these different options are.

In this section I have explained my position towards determining responsibility within luck egalitarianism. In the next section I will use this position to interpret Barry's concept of background inequalities. Although preexisting inequalities are equalized, and individuals do have equal starting positions there are other factors that influence someone choices and outcomes. I will illustrate this with the example of Jack and Rick. An equal array of options would be that both Rick and Jack have equal opportunities to become educated and go to university regardless of the financial position of their family or their natural endowments. If, for example, Jack is better in learning both still have the opportunity to attend the university. However, for Rick it is more difficult because he must study much harder to obtain the same level as Jack. That Jack is better in learning than Rick, illustrates the background constraints concept. That is, social norms, conventions, and constructs that influence individuals outside their control. That Jack is better in learning and that that is rewarding in the current society is determined by a feature of this society: the market economy. In the next section I will try to define the concept of background constraints and I will try to determine how to deal with background inequalities when determining responsibility. I will do this based on the two conditions I formulated.

Background constraints again

I already illustrated the problem of background constraints in an example in the previous paragraph, in the following couple of paragraphs I will elaborate on background constraints and I will find the way luck egalitarians should interpret it. After determining that everyone must have an equal opportunity by equalizing preexisting inequalities, people can be compared to each other and be held responsible for their actions. At least that is the idea following from Dworkin. Following from the example of immigrants who arrive at a deserted island. Each immigrant enters the island and the auction on equal terms and the resources get divided and must pass the envy test. Post auction inequalities are allowed when the choices leading to these inequalities are a matter of option luck (Dworkin, 1981b, p. 293).

Barry (2008) reformulated this because Dworkin's distinction resulted in inequalities of which the individuals were not responsible. However, Barry's reformulation was not clear in defining the concept of preexisting inequalities and background constraints, as I have shown in section 1 of chapter 2. Therefore, I try to find out how preexisting inequalities and background inequalities should be interpreted by exploring the concept of responsibility. This led to two conditions, these determine if someone can be held responsible for their actions. I will now explain the relationship between these conditions and the background constraints with the problems raised earlier in this paper.

As I argued earlier, social forces influence decision-making. An example that illustrates this were the breast implants. In the hypothetical world in which, if you want to make it in the showbiz world, you need large breasts it seems logical that the decision to undergo plastic surgery is something that is outside your control. The two conditions that I defined also state that in a hypothetical world in which large breast are needed, you are not responsible for choosing to enlarge your breasts when the plastic surgery does not comply with your beliefs and preferences. The other condition that there is no option can also be satisfied. There is no option to choose a different path to success in the showbiz world. Thus, in the hypothetical world that, as a female, you can only be successful in showbiz with large breast you are not responsible for the choice of plastic surgery. This example is not solved by determining that a female is not responsible for getting plastic surgery, because plastic surgery can have dangerous health consequences for the female as well (Chambers, 2004, p. 23). So, instead of compensating for plastic surgery luck egalitarianism should find a way to get rid of the social norm that females that are better looking are more successful in showbiz.

I discussed this problem shortly when explaining preexisting inequalities. I argued that everyone must have an equal opportunity for success compared to others. I argued that many existing differences become unequal by social forces and, therefore, without knowing in which society one will live it is impossible to compensate for differences without knowing what the consequences of these differences are. Social forces are an example of a background constraints which influences decision making, and therefore someone cannot be held responsible for their decisions when they are subjected to social forces. However, it becomes difficult when a choice someone makes because of the social norms harms himself, like in the example of breast implants. It becomes difficult because acknowledging the social norm and compensating the individual is the same as accepting the social norms and making the

individuals participate the norm. This is exactly the criticism of the distributive paradigm, explained in chapter one section two.

I think that it is outside the scope of luck egalitarianism to change social norms as a primary goal. The thing that could be done against social norms is equalizing prospects of individuals by distributing resources by acknowledging that social forces influence decision making and therefore determine that people are not fully responsible by choices influenced by social norms. This accords with the two conditions I formulated which determine when someone is responsible because the preexisting inequalities need to be equalized if responsibility can be determined. So, equal prospects are needed when determining responsibility. This means that the two conditions which determine responsibility limit the influence of social forces on responsibility.

Moreover, that luck egalitarianism is focused on distributing resources and thereby creating an ambition sensitive theory does not mean that distribution cannot change social norms. By acknowledging that social forces influence females to get breast implants and compensating them for it could have consequences for the social norm. The social norm could be seen as something bad and could change overtime. I do not think a theory of distributive justice with the focus on distributing resources does have an influence over this, the only thing a luck egalitarian can have influence over is by acknowledging that someone is not responsible if their choices are influenced by social norms and with that message someone could be empowered to change the social norm. However, it is still up to the individual to act against social norms. It is not something that a theory which distributes resources can directly change.

In short, the interpretation of luck egalitarianism I propose, based on the literature on responsibility, primary concern is to create an ambition sensitive society by dividing resources and thereby giving everyone an equal opportunity. It is not the primary concern to change social norms. However, social norms do get acknowledged and the influence of the social norm when determining someone's responsibility gets equalized. The possible consequences could be that the social norm gets changed, but that is outside the control of luck egalitarianism.

Background constraints can be social forces and norms that decide which differences become inequalities. Individuals that make decisions with the influence of social norms cannot be held responsible when these decisions are not in accordance with their own beliefs or preferences. This means that social norms that influence someone's choices do not necessarily make

someone irresponsible of their behavior. When someone had an alternative option, with an equal array of options as someone else or when someone has the preferences or beliefs that support that choice, then social forces can influence a choice while someone is still responsible for that choice. Someone can only develop their beliefs and preferences when he has equal opportunities as everyone else. So, it is necessary to determine whether someone is responsible regarding the influence of social norms that the preexisting inequalities are equalized. When someone does not have the same possibilities of developing their preferences and beliefs and therefore the preferences and beliefs do not comply with the decision someone makes that person is not responsible because he did not have the opportunity to form his preferences. Thus, as I showed earlier, it is necessary for the two conditions to work that preexisting inequalities that exist outside social norms are compensated for.

I must make a general constraint on the two conditions with respect to background constraints. Namely, it is not possible to determine full responsibility for someone as there are so many factors involved like social forces and different arrays of options. Therefore, if responsibility was determined as being fully responsible or being not responsible for a choice than no one will be fully responsible. So, I state that it is not black or white: it is not being completely responsible or being not responsible at all. Responsibility is always to a certain degree. I think that no one can be fully responsible for their actions because there are always social forces or implications of other decisions that influence every choice.

I have mentioned another example when discussing background constraints. I will clarify this example with the two conditions and thereby I hope to define background constraints within luck egalitarianism. The example I used was the Sikh man who does not have the same opportunity to get a job because many jobs refrain him from wearing his turban. The Sikh man willingly chooses to wear his turban, because of his religion. If we accept the premise that he willingly chose to form his beliefs, then he is responsible for following the Sikh religion. However, he cannot be responsible for the consequences that are imposed on him concerning his job opportunities. These consequences follow from social forces, that state that it is inappropriate in a society to work with a turban. Again, luck egalitarianism will not be able to change the social norms, all it can do is to compensate the Sikh if he is not able to find a job because of his religion. That compensation shows that he is equal to others who have a different religion. Following the compensation, the Sikh can be empowered to change a social norm but that is outside the power of luck egalitarianism.

The market

Another background constraint that could be categorized as a social force is the market. Spinner-Halev (2017) argues that responsibility should not be at the center of distributive justice because it underestimates the unpredictability of the market. According to him, theories of distributive justice overestimate how well responsibility can be determined. I think that the reinterpretation of Barry's theory acknowledges the unpredictability of the market. Spinner-Halev (2017, p. 1335) gives several examples of the unpredictability of the market. First, he mentions Black Swan events, that are events which cannot be predicted. An example of this is the current corona pandemic. No one could predict this event and could predict the economic consequences of such an event when deciding to work somewhere. The corona pandemic creates massive unemployment, especially in the United States (Rushe, 2020). People cannot be held responsible for the consequence of losing their job. When testing this case to the two formulated conditions, then there is no responsibility for individual losing their job. The individual did not have the option of choosing not to lose their job, moreover, losing his job is not in accordance with the beliefs and preferences.

A second influence of the market that Spinner-Halev (2017, p. 1334) mentions is the unpredictability regarding time. No one knows which profession is in demand over 25 years, although it is expected of young adults to choose their career path for the rest of their lives. According to Spinner-Halev, young adults cannot be held responsible for their choice of career path. They live in uncertainty, developing their preferences and they must decide in which profession they will work in the future. So, it is impossible to calculate how much risk each economic decision entails. Therefore, Spinner-Halev (2017, p. 1336) argues that responsibility should not be at the center of a theory of distributive justice because the market is too unpredictable. Moreover, even if it were possible to determine responsibility the economic market as we know now is broken, because people will not take any risks anymore. Namely, when knowingly taking a risk the individual taking the risk could be held responsible for the bad outcome. Therefore, the incentive of taking risks disappears and innovation by small start-up companies, like Facebook, will not take place. Moreover, one could argue that it is imprudent to pursue a PhD in philosophy as it takes an amount of time until your contributions get recognized and moreover some pursuing a PhD will fail. It is impossible to determine, when making the decision, if you will be successful or not. This example applies

to all professions, no one knows if one will be successful in that profession in the future (Spinner-Halev, 2017, p. 1337).

As I argued earlier, for someone to be responsible someone should know what the options one can choose from are and what the consequences of these options are. If someone cannot predict and therefore cannot decide what the consequences of his options are and chooses something which is in line with his preferences, that individual cannot be held responsible for his choice. So, for example, Luke finished a master's in philosophy, and he is quite good at it. He has the option to choose different professions or he has the option to pursue a PhD in philosophy. He knows that some professions, at the time of deciding, pay him better than the PhD option, however he does not know how the market will develop and acknowledges that the market is unpredictable. If Luke decides to pursue the PhD, which is in line with his preferences, is he responsible for the income difference with the other options? When considering this example in the light of the two conditions, Luke is responsible for choosing the PhD if his preferences were developed in an equal situation to others. Two months after his choice Luke decided that the PhD was not in line with his preferences at all, he does not like doing it. His decision is no longer in line with his preferences. I think that he cannot be responsible for quitting the PhD and the costs it brings. When he was making the choice, he did not know the possible consequences and that his preferences would change. Instead of his preferences the market could also have made an unpredictable move. Luke's responsibility disappears when something unpredictable, something he did not consider when making the decision, takes place.

2 Three problems again

In the first section of this chapter I have reinterpreted the reformulation by Barry of luck egalitarianism. I have argued for a responsibility-sensitive egalitarian position for the interpretation of background constraints, preexisting inequalities, and genuine choice. In this section I will argue that the responsibility-sensitive interpretation of Barry's theory is better than the interpretation of an ambition sensitive luck egalitarianism by Dworkin. I will argue this by going back to the three problems I introduced in chapter one and apply them on this responsibility sensitive account. However, I will argue that not all problems are completely solved.

Background inequalities problem again

I defined background inequalities in different ways. I argued that background inequalities could be in the form of differences that exist between people. For example, individual A is talented and individual B is not. It could also be differences in which family someone is born or in which country someone is born. Moreover, I argued that wealth inequalities also could be background inequalities. The problem of background inequalities stated that luck egalitarianism, as formulated by Dworkin, did not acknowledge all the background inequalities. The example Dworkin used to illustrate luck egalitarianism states that the immigrants enter the auction on equal terms. This does not acknowledge differences between individuals because of, for example, their familial background.

The responsibility sensitive egalitarian interpretation takes background inequalities in account when considering whether someone is responsible for their choices. The preexisting wealth inequalities are considered, everyone should have equal opportunities, and this is not possible with wealth inequalities. First, equal opportunity should be created, if not possible then someone cannot be held responsible for their choices when wealth inequalities influence the options someone has. Namely, each person should have an equal array of options.

This is also true for other background inequalities. For example, certain differences in talents that become inequalities by social forces. Going back to the example I gave about breast implants. Consider a society in which one should comply with the beauty standards to be a successful tv-star. The beauty standard could be large breasts. Consider a woman who wants to be successful but does not have the right appearance. She is unequal in comparison to someone who has the right appearance. The responsibility sensitive egalitarian argument is, in that case, that the woman who does not have the right appearance cannot be held responsible for not becoming a successful tv-star. Moreover, the woman with the lesser appearance should have equal opportunities as the other woman and therefore she could be compensated.

It seems that the best way to solve the problem of background inequalities, for ambition sensitive luck egalitarianism, is to consider these inequalities when making the decision if someone can be held responsible for their choice and therefore must bear the costs that choice brings. These inequalities get considered when determining responsibility by using the two conditions I formulated. If someone did not have the possibility to choose a different option,

and their choice is not in accordance with their own beliefs then someone cannot be held responsible for their choice.

Harsh treatment problem again

I explained the harsh treatment problem in chapter one as a problem inherent to luck egalitarianism. Luck egalitarianism as formulated by Dworkin has no response to the harsh treatment critique. The harsh treatment problem is that luck egalitarianism treats individuals, who are responsible for their bad choice, too harshly. I illustrated this with several examples.

I mentioned a motor driver who drives recklessly without a helmet and without an insurance. He crashes and needs medical help. It seems that luck egalitarianism is too harsh on him because it says that the motor driver is responsible for his behavior, it was a considerate choice to drive recklessly without an insurance and without a helmet. The responsibility sensitive interpretation I use would go a bit deeper to determine responsibility for the driver. It will compare the driver to others. It will look at the familial background, is the driver raised differently than others, without him being responsible for that resulting in his reckless behavior. Is he poor compared to others and therefore not able to pay an insurance or a helmet? When all these questions are asked and despite, the same opportunities, and backgrounds as other motor drivers he decides to drive recklessly without a helmet and an insurance then he can be held responsible for the costs that his decision brings. The condition that he has the same opportunities and background as other motor drivers, is, in reality, almost never satisfied. Maybe this driver is different because he is addicted to thrill without being responsible for that. There are many other excusing conditions that could determine that he is not fully responsible for his behavior. However, despite the argument that someone has a very small chance to be fully responsible the harsh treatment problem does not disappear. The responsibility sensitive interpretation of luck egalitarianism makes it nearly impossible to be fully responsible for something, however when completely responsible for something the individual should bear the costs of his decision. Even if that are medical costs from an accident.

A different example I used, from the work of Anderson (1999), to illustrate the harsh treatment was the example of geographical discrimination. If someone decides to live near the east coast of the United States, the chances of their house being destroyed by a hurricane are

higher. If someone willingly chooses to live there, then that someone can expect, at some point, that a hurricane will do considerable damage to the house. However, someone can almost never be fully responsible for their choice to live somewhere. This choice is influenced by many factors. For example, the place where the family lives, where you grew up as a kid, where your job is, which culture one has, and which language one speaks. These are all factors that make someone less responsible for a decision of living somewhere. Besides the excusing conditions one could argue that the odds for a hurricane to take place are still small and therefore someone cannot be responsible for the costs that the hurricane brings, even though it was an accepted risk.

A distributive paradigm again

The distributive paradigm problem is the critique on luck egalitarianism that argues that luck egalitarianism focusses too much on distributing resources with the goal of creating opportunities. Instead a theory of distributive justice should focus more on social structures that create these inequalities. I think this critique is hard to disprove as a luck egalitarian.

An example that illustrates the distributive paradigm best is already mentioned several times in this paper. The example of the female who needs to have breast implants to comply to the social norm of being a successful tv-star. The social norm that only females with large breasts can be successful tv-stars seems wrong. It creates inequalities between females who do not have large breast and females who do. By compensating females in a way that they can get breast implants and with these implants comply to the beauty standard and the social norm the problems seem to be solved. However, having breast implants is harmful, it can have bad health consequences. The distributive paradigm problems states that a theory of distributive justice should not focus the attention on the compensation with resources, but it should also focus on changing social norms.

Young (1990, p. 16) argues that domination and oppression should be considered instead of distribution when thinking about social justice. This argument is easier to refute, luck egalitarians, namely, do care about oppression and domination⁵. The preexisting inequalities do have to be equalized for the luck egalitarian theory to work. If someone is, in all possible ways, dominated or oppressed then he cannot be responsible for his choices and he needs to

⁵ See Barry (2006), he refutes the distributive paradigm by arguing that the 'five faces of oppression' (Young, 1990, p. 39) are a concern for luck egalitarianism.

be compensated. The compensation should be done in the manner that the individual is now able to move away from the domination or oppression and lead a life with an equal array of options as others and in which he could make choices for which he is responsible. So, a key feature of the reinterpretation of Barry's theory of luck egalitarianism is that individuals have equal opportunities, otherwise they cannot be held responsible for their choices and the consequences of these choices. Having equal opportunities means that someone is not subjected to oppression or domination.

This, however, does not refute the argument that someone must comply to a harmful social norm and get compensation for complying to that norm. In this way luck egalitarianism is limited to distributing resources. One could always argue that certain rights, for example, democratic rights can give individuals a more equal array of options. That could imply that certain rights are needed for luck egalitarianism to work. Young (1990, p. 23) argues, for example, for democratic decision making procedures as an element of social justice. To determine if the responsibility sensitive interpretation of luck egalitarianism should focus on distributing other things than resources more research needs to be done to find out how to apply this form of luck egalitarianism.

Other limits

The journey towards an ambition sensitive luck egalitarianism is almost over. In this chapter I have shown how the responsibility-sensitive interpretation of Barry's reformulation is able to react to the three problems concerning the original luck egalitarian position of Dworkin. With the responsibility-sensitive position there also emerged other problems besides the three problems discussed. In the coming couple of paragraphs, I will elaborate on the limits of the responsibility-sensitive interpretation of Barry's reformulation.

One of the limits I would like to discuss are genetical differences between people. The ambition sensitive luck egalitarian position I argued for stipulates that people should have an equal array of options. This equal opportunity is granted by giving people resources. However, genetical differences cannot always be compensated with resources. It may be impossible through genetical differences between people to give them an equal array of options. Therefore, if people do not have equal arrays of option, it is impossible to determine when someone is responsible.

Besides that, the appliance of the interpretation of luck egalitarianism that I defended form more problems by determining responsibility. Barry (2008, p. 146) argues that ‘we need more detailed information about the decisions people have made, the expected value of the options they confronted, their natural capacities, family background, etc.’ If it even was possible to collect all this data, then it would definitely violate individual privacy. These concerns, however, form no problem for the theoretical understanding of luck egalitarianism this paper has tried to improve. This does not mean that the ambition sensitive luck egalitarianism I have defended does not have real world implications. The theory shows how many real-life decisions are influenced by factors outside your control, as luck. It also shows how the big wealth inequalities in the world are mostly determined by luck. This questions the statement that these wealth inequalities are just and that they are the consequence of hard work. Hard work in the world now does not guarantee a wealthy life because other factors, like luck, have too much influence.

In this section I have tried to solve the three problems inherent to Dworkin’s luck egalitarianism. I have tried to solve these problems with a responsibility sensitive interpretation that builds on Barry’s reformulation of luck egalitarianism. The solution for the background inequalities problem has two parts. First the preexisting inequalities, defined as inequalities that exist between people without the knowledge of the social forces that give value to certain differences, need to be equalized. When the preexisting inequalities are equalized everyone has equal opportunities and when that is the case it is possible to determine if someone can be responsible for the choices they made. When determining responsibility, the second part of the background inequalities problem is introduced. Namely, inequalities as a consequence of a social norm are also background inequalities and the influence of these inequalities are being acknowledged when determining responsibility. They are being acknowledged by the two conditions I formulated used to determine responsibility. These entail that everyone should have different options to choose from and that his choices should be in accordance with their beliefs.

The second problem that I tried to solve is the harsh treatment problem. I did not solve the harsh treatment problem completely, I only decided that the chance that it occurs is minimal, because in every decision someone makes factors outside someone’s control have influence. With the responsibility sensitive view, it is nearly impossible to be fully responsible for your choice and with that in mind the harsh treatment problem is not that big of a problem anymore. However, even though it does not occur, it is still a problem on theoretical level.

The third problem that I tried to solve is a distributive paradigm. This is the hardest problem to solve as the spirit of the texts of Young are completely opposed to the spirits of the texts of luck egalitarians. Given these differences between the two views I have tried to interpret luck egalitarianism in a way that it concerns with social forces that determine inequalities. I did this with the responsibility sensitive view which acknowledges that social forces influence decisions and therefore someone cannot be responsible when their choice is not in accordance with their beliefs or when there are no alternative options available to choose. This incorporates the influence of social forces. However, the limits of luck egalitarianism as a resource distributing theory become visible. Namely, by distributing resources a primary objective is not to change social norms that perpetuate inequalities. By distributing resources with the idea that everyone is equal and has equal opportunities one could empower individuals to stand up against social norms, however it is not possible to change social norms directly by distributing resources.

Conclusion

In this paper I explored the path towards an ambition-sensitive luck egalitarian theory. I started with the original luck egalitarian formulation by Dworkin. I came up with three theoretical problems that emerged as a critique on ambition-sensitive luck egalitarianism. The background inequalities problem, the harsh treatment problem, and a distributive paradigm. Barry has tried to reformulate luck egalitarianism in a way that it refutes the critiques. I argued that this reformulation is not complete. By interpreting his concepts of background constraints and preexisting inequalities, I used a responsibility sensitive account. I found two conditions necessary for an individual to be responsible and bear the costs of their behavior. The first condition I found stated that an individual should have different options when making a choice. These options should be somewhat comparable to the options other people have. The second condition stated that a choice must be in accordance with someone's beliefs or preferences. One of these conditions should be met for someone to be at least partially responsible for their choice and thus for the wealth inequalities as a consequence of that choice. With this new understanding I found a more precise definition of the concepts of background constraints and preexisting inequalities and with that I reinterpreted Barry's reformulation of luck egalitarianism. I understand preexisting inequalities as differences that are unequal that exist without the values a society gives to these differences. I understand background constraints as differences that are valued as inequalities by social forces. This

understanding of the two concepts make Barry's reformulation of luck egalitarianism better because by following these concepts it is easier to determine if someone can be held responsible for their choices. To determine responsibility is key in luck egalitarianism because responsibility decides if someone should be compensated or not. I used this reinterpretation of the two concepts to go back to the original three problems of luck egalitarianism.

By going back to the problems, I found that the responsibility sensitive interpretation of Barry's reformulation deals better with the problems than Dworkin's original luck egalitarian position. However, the responsibility sensitive interpretation, which I found in this dissertation, does not solve all the problems completely. The harsh treatment problem does not occur that much, but it remains a theoretical problem. Individuals, when responsible, still can be treated harshly. The other problem that is not solved by the responsibility sensitive interpretation is the distributive paradigm. A luck egalitarian way of distributing resources primary goal is not to change social structures, instead the primary goal is to generate equal opportunities for everyone and treat everyone as equals. The responsibility sensitive interpretation incorporates social forces when determining if someone should bare the costs of their behavior, however this way still does not change social norms.

The responsibility sensitive interpretation I used tried to determine responsibility on individual level. This responsibility sensitive interpretation of Barry's reformulation is not enough to solve the three problems introduced in this paper. Roemer (1993) found a framework that determines responsibility in groups. This framework divides individuals in groups based on comparable preexisting inequalities and background constraints. For example, all individuals from a rich family can be compared with each other. This makes it easier to compare and determine responsibility within groups. More research is needed on this framework to figure out if this way of determining responsibility can overcome the three problems which the individual responsibility sensitive interpretation that I used cannot.

References

- Anderson, E. S. (1999). What Is the Point of Equality? *Ethics*, 109(2), 287.
<https://doi.org/10.1086/233897>
- Arneson, R. (2013). Egalitarianism. In E. N. Zalta (Ed.), *The Stanford Encyclopedia of Philosophy* (Summer 2013). Metaphysics Research Lab, Stanford University.
<https://plato.stanford.edu/archives/sum2013/entries/egalitarianism/>
- Barry, N. (2006). Defending Luck Egalitarianism. *Journal of Applied Philosophy*, 23(1), 89–107.
<https://doi.org/10.1111/j.1468-5930.2006.00322.x>
- Barry, N. (2008). Reassessing Luck Egalitarianism. *The Journal of Politics*, 70(1), 136–150. JSTOR.
<https://doi.org/10.1017/s0022381607080103>
- Burley, J., & Dworkin, R. M. (2004). *Dworkin and his critics: With replies by [Ronald Myles] Dworkin*. Blackwell.
- Chambers, C. (2004). Are breast implants better than female genital mutilation? Autonomy, gender equality and nussbaum's political liberalism. *Critical Review of International Social and Political Philosophy*, 7(3), 1–33. <https://doi.org/10.1080/1369823042000269366>
- Cohen, G. A. (1989). On the Currency of Egalitarian Justice. *Ethics*, 99(4), 906–944. JSTOR.
- Dworkin, R. (1981a). What is Equality? Part 1: Equality of Welfare. *Philosophy & Public Affairs*, 10(3), 185–246. JSTOR.
- Dworkin, R. (1981b). What is Equality? Part 2: Equality of Resources. *Philosophy & Public Affairs*, 10(4), 283–345. JSTOR.
- Dworkin, R. (2003). Equality, Luck and Hierarchy. *Philosophy & Public Affairs*, 31(2), 190–198. JSTOR.
- Inoue, A. (2016). Inequalities, responsibility and rational capacities: A defence of responsibility-sensitive egalitarianism. *Australian Journal of Political Science*, 51(1), 86–101.
<https://doi.org/10.1080/10361146.2015.1114585>

- Knight, C. (2005). In Defence of Luck Egalitarianism. *Res Publica*, 11(1), 55–73.
<https://doi.org/10.1007/s11158-004-4973-z>
- Mason, A. (2006). *Levelling the playing field: The idea of equal opportunity and its place in egalitarian thought*. Oxford University Press.
- Miller, D. (2017). *Justice*. The Stanford Encyclopedia of Philosophy.
<https://plato.stanford.edu/entries/justice/#CorrVersDistJust>
- Parfit, D. (1997). Equality and Priority. *Ratio*, 10(3), 202–221. <https://doi.org/10.1111/1467-9329.00041>
- Rakowski, E. C. H. J. P. of L. E., Berkeley), E. (Acting P. of L. R., Acting Professor of Law University of California, & Rakowski, E. (1991). *Equal Justice*. Clarendon Press.
- Roemer, J. E. (1993). A Pragmatic Theory of Responsibility for the Egalitarian Planner. *Philosophy & Public Affairs*, 22(2), 146–166. JSTOR.
- Rushe, D. (2020, April 30). Another 3.8 million Americans lose jobs as US unemployment continues to grow. *The Guardian*. <https://www.theguardian.com/business/2020/apr/30/us-unemployment-americans-jobless-coronavirus-pandemic>
- Scanlon, T. (1998). *What we owe to each other*. Belknap Press of Harvard University Press.
- Spinner-Halev, J. (2017). Liberalism, Markets, and Responsibility. *The Journal of Politics*, 79(4), 1329–1341. <https://doi.org/10.1086/692590>
- Tan, K.-C. (2012). *Justice, Institutions, and Luck: The Site, Ground, and Scope of Equality*. OUP Oxford.
- UWV. (2020, February 4). *UWV: Met deze opleidingen een succesvolle arbeidsmarktpositie* [Persbericht]. <https://www.uwv.nl/overuwv/pers/nieuwsberichten/2020/met-deze-opleidingen-een-succesvolle-arbeidsmarktpositie.aspx>
- Voigt, K. (2007). The Harshness Objection: Is Luck Egalitarianism Too Harsh on the Victims of Option Luck? *Ethical Theory & Moral Practice*, 10(4), 389–407.
<https://doi.org/10.1007/s10677-006-9060-4>
- Young, I. M. (1990). *Justice and the politics of difference*. Princeton University Press.
- Young, I. M. (2011). *Responsibility for justice*. Oxford University Press.

