

(Forthcoming in Heidbrink, Sombetzki, and Langbehn, eds. *Handbook of Responsibility*, Springer VS publishers, 2016)

Justice and Solidarity

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Abstract

This article examines, first, how the concept of personal responsibility figures in different theories of distributive justice, and second, what the relation is between ideas of personal responsibility and solidarity in the context of an account of justice. I discuss luck egalitarianism as a representative attempt to make the theory of distributive justice sensitive to an independent conception of personal responsibility. After clarifying the structure of the luck egalitarian approach, I raise doubts about whether it is possible to develop an account of personal responsibility for outcomes that does not itself rely on a prior theory of justice. I then contrast the structural role that personal responsibility plays in luck egalitarianism with the role it plays in Rawls's theory of justice. Finally, I show how these different roles in turn support very different accounts of the relation between ideals of personal responsibility and solidarity.

Keywords: distributive justice, personal responsibility, luck egalitarianism, Rawls, community, liberalism

1. Introduction

This article focuses on two main questions. First, what role should the notion of personal responsibility play in a theory of distributive justice? And second, how should we understand the relation between ideals of personal responsibility, on the one hand, and ideals of solidarity or community, on the other, within an overall account of justice?

With regard to the first question, we will want to know whether considerations of personal responsibility constrain what people are owed as a matter of justice. According to some views, we must rely on some conception of what private individuals are responsible for in order to establish whether a society's distribution of resources is just or unjust. On other views, however, it's not clear that even makes sense to ask about the degree to which a person is responsible for her situation—for

instance, how well or badly her life is going—except against the background of some theory of what people are entitled to as a matter of justice.

With regard to the second question, the main concern addressed here will be whether and to what extent there is a tension between personal responsibility and solidarity, as these concepts bear on questions of justice. One issue here concerns stability. Suppose we adopt a conception of justice that emphasize the need to hold private individuals responsible for various burdens they face. Will this tend to undermine the sort of solidaristic ties between citizens that are needed to maintain commitment to just institutions over time? I will not take up this question here. Rather, I will focus on the issue of whether, at a more theoretical level, we should understand a principle of solidarity as standing in opposition to a principle of personal responsibility—perhaps tempering some of the latter’s harsher implications.

How we answer this second question, about the relation between solidarity and personal responsibility, depends on our answer to the first—the question of whether ideas of responsibility are best understood as prior to and as limiting what justice demands. If we accept what I call, following Susan Hurley (2011), *the priority of private responsibility*, then appeals to solidarity or community will naturally be seen as, so to speak, limiting the damage that can be done through a principle of holding individuals responsible for disadvantages that can be traced back to their agency. We might, however, reverse the conceptual and normative order and see an ideal of personal responsibility as flowing from a conception of justice and the form of solidarity proper to it. This, I will argue, was Rawls’s view. This approach makes possible a more unified view, though it requires abandoning the priority of private responsibility.

I will proceed as follows. I will begin by considering attempts to make considerations of distributive justice sensitive to an independently specifiable conception of what individuals are personally responsible for. An especially influential development of this approach has gone under the

heading of "luck egalitarianism" (Anderson, 1999), and it is this version that I will concentrate on. Section 2 describes the motivations for luck egalitarianism and clarifies the sense in which considerations of private or personal responsibility constrain distributive justice. Section 3 considers a common objection to luck egalitarianism and the way in which proponents of the view have, in response, appealed to notions of solidarity or community in order to supplement and temper the basic doctrine. Sections 4-7 then take up the question of the grounds for attributing responsibility for outcomes to individuals. In section 4 I distinguish three different principles for assigning responsibility for outcomes to individual agents. The following three sections then raise challenges to each of these conceptions of attributive responsibility. These challenges suggest that an acceptable conception of personal responsibility actually depends on, and therefore cannot function to limit or constrain, a theory of distributive justice. Finally, in section 8, I outline what an account with a different structure would look like, using Rawls's theory as an illustration. On this alternative account, individual responsibility plays a role, but it is not independent of a conception of solidarity or (to use Rawls's term) social unity. Rather, claims about what citizens are required to take responsibility for as private individuals are derived from the conditions of the relevant form of social unity, the form appropriate to a liberal democratic society.

2. Luck Egalitarianism and the Priority of Private Responsibility

Responsibility-sensitive accounts of justice hold that the legitimacy of individuals' claims on social resources depends on the degree to which they themselves are responsible for their circumstances. The most explicit and developed accounts that take this form in contemporary political philosophy fall under the broad heading of luck egalitarianism. Though there are different ways of developing the view, broadly speaking, luck egalitarians hold that it is unjust for some people to face

disadvantages that others do not, just in case those individuals are not themselves responsible for their disadvantage (Arneson, 1989, 2000; Cohen, 1989 Dworkin, 2000; Tan, 2008, 2012).

Kok-Chor Tan, for example, puts the motivating idea behind luck egalitarianism this way: “The moral equality of persons requires that each person take responsibility for her choices and assume the costs of those choices. Conversely, it holds that no one should be worse off just because of bad luck” (Tan, 2008).

Different versions of luck egalitarianism vary along a number of dimensions. Specific theories will, for instance, differ according to (a) how to define the set of persons whose relative positions are the concern of justice (e.g., whether it is limited to fellow citizens of a state, or whether it ranges across persons all over the globe); (b) the type advantage or disadvantage whose distribution forms the topic of distributive justice (e.g., inequalities that are the basic concern of justice may be measured in terms of welfare, or opportunities for welfare, or resources, or capabilities); (c) the conditions under which a person can be held responsible for the choices she makes; and (d) the conditions under which a person can be held responsible for a given outcome, given its relation to the person's choices and actions.

What these theories have in common, however, is the basic idea that the fundamental concern of justice is those inequalities between persons for which those persons are not themselves responsible. This commits luck egalitarians to the *priority of private responsibility*. The question of what individuals are responsible for is conceptually prior to — and serves as a parameter on — the question of whether a particular distribution of resources is just.

The idea that just social arrangements must in some way take into account individuals' responsibility for their own situations is a natural one. There is certainly some intuitive plausibility in the thought that just those inequalities that individuals are not themselves responsible for are unjust. But there are different ways of interpreting the latter claim, depending on the sense of

"responsibility" at issue. My aim in this section is to specify more precisely the priority of private responsibility that underlies luck egalitarianism.

There is a familiar distinction between what a person is responsible for in the "attributive," or "agential" sense, and what she is responsible for in the "substantive," or "consequential" sense (Scanlon, 1998, 2008). A person is responsible for something in the former sense if it is attributable to her in virtue of the free exercise of her agency. Thus, if a typical adult person knowingly and deliberately chooses to act in a certain way, she will normally be responsible for that action; it can be attributed to her qua agent and thereby serve as a potential basis for criticism or praise, blame or credit. On the other hand, a person is responsible for something—some state of affairs, say—in the substantive sense if the costs or benefits associated with it appropriately accrue to that person. For, example, it may be that my friend was not (attributively) responsible for the damage done to my car while she was driving it—it was the crash was purely accident; it couldn't have been avoided—and yet, because the car was in her care at the time, it may be that we hold her substantively responsible for the damage, in that it's now up to her to have it repaired.

With these two senses of responsibility on the table, we can distinguish between two things one could mean by claiming that a person is responsible for some respect in which she is worse off than others. First, one might be making a claim about responsibility in the agential or attributive sense. The claim in this case would be that some aspect of the person's situation can be attributed to that person in virtue of her freely exercising her agency, and it is this that accounts for her disadvantage relative to others. Or, Second, one be saying something about the person's responsibility in the substantive sense. On this interpretation, the claim is that it's appropriate to expect the person herself to remedy her situation, insofar as she can, or accept the burdens associated with it.

Moreover, there is a corresponding distinction to be drawn on the side of public or state responsibility. We can ask whether the state is responsible, in either of the two senses, for certain

forms of inequality or disadvantage individual citizens face. On the one hand, we might be interested in accounting for certain inequalities between citizens as the more or less predictable (perhaps intended) result of social policies and institutions. Such attributions of outcomes to the operations of the state—as opposed to natural forces or the choices of private individuals—may then provide a basis for criticism or protest (Nagel, 2002). This would be a further step, however, and would depend on the justifications available for the policies and institutions in question, given their differential effects on private citizens.

On the other hand, we can ask whether the state is responsible for certain forms of inequality in the substantive sense that it is up to the state to adopt policies and expend resources to eliminate such inequalities, to the extent possible. To say that such inequalities are a public responsibility is not necessarily to say that the state has an overriding duty to try to eliminate them. For it may be that there is adequate justification for allowing such inequalities to persist. (For instance, allowing them to persist may be to everyone's benefit, including those on the bottom.) The concept of substantive responsibility is in this sense broader than that of duty or obligation. What is at issue, instead, is whether some such justification is owed in the first place. To the extent that the state is to take responsibility for the fact that different individuals face different life prospects, it cannot justify ignoring these differences on the grounds that it is not the job of the state to involve itself in this aspect of citizens' lives.

With these distinctions in mind, we can better understand the luck egalitarian commitment to the priority of private responsibility. In fact there are two orders of (normative) priority that are at issue. First, there is the priority of attributive over substantive responsibility (at least in the domain of distributive justice). Before we can say which disadvantages are justly left to private individuals to cope with as opposed to the state, we need to know who (if anyone) is agentially responsible for their existence. Second, in determining the division of *substantive* responsibility, there is the normative

priority of the private over the public. We are to specify, first, what sorts of disadvantages individuals have the responsibility to deal with on their own (in light of their agential responsibility for their situations); what is left to the state (or society as a whole) is the remainder—those burdens that the individuals themselves are not responsible for. Putting these two ideas together, then, we get the view that an individual can justly be expected to take (substantive) responsibility for some respect in which she is worse off than she otherwise might be if and only if she is (agentially) responsible for being worse off in that respect—i.e., for the events or conditions that render her worse off than she would otherwise be, for example, had she made different choices.

3. Harsh Treatment, Inequality, and the Role of Solidarity

An influential criticism of responsibility-sensitive views like luck egalitarianism is that they seem to allow for unduly harsh treatment of individuals who wind up very badly off as a result of choices they have made (Anderson, 1999). People sometimes make poor choices that leave them desperate and vulnerable and it has seemed to many that the fact that their dire situation is in some sense their own fault is not sufficient to cancel any claim they have to aid.

A closely related objection is that, in principle, a luck egalitarian conception of justice will permit large inequalities. So long as the differential prospects that citizens face are attributable to them as responsible agents, there is no limit on the amount of inequality allowable. And yet, some philosophers have argued that there are reasons to think that justice condemns vast inequalities regardless of how those inequalities came about (Anderson, 1999; Scheffler, 2003).

This is the point at which considerations of solidarity enter the dialectic. For in response to the above objections, some luck egalitarians have sought to moderate the doctrine of responsibility-sensitivity by appeal to other principles, such as principles of solidarity or community. Here, for example, is G.A. Cohen on community: “We cannot enjoy full community, you and I, if you make,

and keep, say, ten times as much money as I do, because my life will then labor under challenges you will never face, challenges that you could help me to cope with, but do not, because you keep your money” (Cohen, 2009: 35). Cohen thus introduces a principle of community to counteract the potential for his favored responsibility-sensitive principle of equal opportunity to generate large inequalities between citizens.

As the development of the above dialectic makes clear, on the luck egalitarian approach there is a fundamental tension between the demands of personal responsibility and those of solidarity. Because the account of what private individuals are attributively responsible for is developed in isolation of any consideration of public responsibility, the view entails that holding individuals responsible for their actions is at least potentially in conflict with adopting a posture of solidarity with them. Segall is explicit about this: “[T]he principle of solidarity tells us to protect other members of our group against certain losses... regardless of who was individually responsible for triggering them” (Segall, 2007: 196).

The opposition between solidarity and individual responsibility, on the luck egalitarian approach, may indicate a deeper tension within accounts that try to incorporate both of these values into an overall conception of justice. For it’s not clear that such accounts reflect a coherent underlying ideal of the moral equality of persons. On the one hand, we have the conception of equal moral standing articulated in the passage from Tan (2008), quoted above, a conception that emphasizes our capacity to shape our own lives and take responsibility for our choices. This view, and the sense in which it is understood, is manifested by the priority the account assigns to personal responsibility. On the other hand, it seems to be a quite different understanding of the relations between persons as moral and political equals that insists we recognize the challenges individuals confront as shared problems, to be faced together. It is not clear how, within the luck egalitarian framework, these two perspectives can be reconciled in a principled way.

This structure of conflicting principles brings us to a related point. By appealing to some secondary principle to address the “harshness” and “excessive inequality” objections, luck egalitarians presuppose that there is an unproblematic way of attributing outcomes to individuals on the basis of their choices. It is assumed that the issue raised by the problematic cases (e.g., cases of people severely injured through their own recklessness) is not the justice of holding those people responsible for the relevant outcomes, but rather that there may be *other* reasons for limiting the substantive responsibilities or burdens individuals ought to be left to bear in light of such attributions of responsibility.

In what follows, I will raise doubts about this assumption. This will provide a basis for challenging the luck egalitarian commitment to the priority of private responsibility. In particular, I will present challenges to the three main accounts of the grounds for attributing outcomes to individual agents for purposes of delimiting legitimate claims of justice. If I am right, the most plausible conceptions of personal responsibility for (dis)advantage depend on — and therefore cannot help to define or motivate — a conception of social justice. In the final section, I will return to the question of solidarity and show how a different type of theory—one with a different structure—may afford a more unified account of the relation between solidarity and individual responsibility.

4. Three Accounts of Attributive Responsibility

The priority of private responsibility that characterizes luck egalitarianism implies that, before we can arrive at a conception of a just division of substantive responsibilities, as between the individual and her political community, we need some way of determining when a state of affairs can be attributed to a given person. There are different accounts of the appropriate grounds for making such attributions. In what follows, I will consider three, and argue that each is subject to serious objections when understood as playing a foundational role in the theory of distributive justice.

According to the first account, a harmful outcome O can be attributed to a person, S, if and only if it was an intended or foreseeable result of S's voluntary conduct (conduct for which S is agentially responsible), and S could have avoided O had she chosen to act differently. An outcome is foreseeable if the proposed course of conduct carries with it some risk that that outcome will result and the agent knows or should know of this risk.

The other two views I will consider are both versions of the idea that we can attribute a harmful outcome to a person (for purposes relevant to distributive justice) only if the outcome was in some sense the person's *fault*. According to the first version, a harmful outcome O can be attributed to S if and only if it was a foreseeable result of S's voluntary conduct and, at least partly in virtue of that fact, S's conduct was imprudent.

On the second version, the relevant notion of fault is moral. A harmful outcome O can be attributed to S if and only if it was a foreseeable result of S's voluntary conduct, and S's conduct either (a) was morally objectionable partly in virtue of the risk that O would result, or (b) would be morally objectionable in virtue of that risk, were S not made to internalize the costs associated with O.

For short I will label these views (1) the voluntary-risk account; (2) the prudential fault account; and (3) the moral fault account. I begin with the voluntary-risk account.

5. The Voluntary-Risk Account and the Threshold Problem

It will be helpful here to begin with Ronald Dworkin's distinction between brute luck and option luck. "Option luck," says Dworkin, "is a matter of how deliberate and calculated gambles turn out—whether someone gains or loses through accepting an isolated risk he or she should have anticipated and might have declined" (Dworkin, 2000: 73). If one places a bet at the roulette table, knowing the odds, and one loses, there is a clear sense in which this is a bit of bad luck. But it is bad luck one had the option of avoiding—one did not have to place the bet. It's this that motivates the thought that one is

responsible for one's loss, despite the element of chance involved. By contrast, an outcome is a matter of *brute* luck if one could not have anticipated it and taken it into account when deciding what to do.

The idea that people are responsible for losses that result from deliberate and calculated gambles is, I think, one of the primary motivations for preferring the voluntary-risk account to a fault-based account of attributive responsibility for outcomes. For there seems to be a good argument for allowing the losses that result from deliberate gambles to fall on those who voluntarily undertook those gambles, whether or not we think there is anything wrong or foolish about taking such a gamble in the first place. The argument is that where one takes a gamble for the sake of a gain that would otherwise not be available (or not available without additional cost), one must recognize that the price of the prospect of this gain is the risk of loss. If one is not willing to accept the loss, should it materialize, one should not take the gamble. Notice that this is not to say that one should not take the gamble, merely that there is a price associated with the choice to gamble, and that, if one so chooses, it's fair that one pay that price.

The notion of a deliberate gamble, however, has special features we need to attend to. In particular, the prospect of gain is more or less directly tied to the risk of loss. This is partly why it seems appropriate to insist that a person be willing to accept the loss if they considered the possibility of gain to be worth the risk. But not all cases of voluntary risk are so closely linked to the prospect of gain. And in these cases, the voluntary-risk account loses some of its plausibility.

Consider: drivers know, or should know, that driving carries a risk of serious harm. It seems hard to believe, though, that people involved in traffic accidents have no claim to assistance, even if they were driving defensively and courteously, obeying traffic laws, and so on. At least, it's hard to believe that they have no claim to assistance *on the grounds that they are responsible for their misfortune*.

Take an even more extreme case: one is surely in some sense aware that walking down a tree-lined path carries some very small risk of being injured by a falling branch. But it seems absurd to hold, on this basis alone, that the choice to go for a walk in the park amounts to forfeiting any right to aid should one be injured in this way.

These points recall the harshness objection mentioned above. But the problem is different. The objection is not that people are not entitled to assistance they desperately need. Rather, the problem is the implausibility, in these cases, of assigning responsibility for the relevant events and outcomes to the individuals involved as a basis for assessing their claims to assistance in the first place.

Put another way, the lesson here is that, if we take the voluntary-risk account to imply that all the risks that we are aware accompany our choices as we go about our daily lives—no matter how unlikely it is they will be realized—are matters of option as opposed to brute luck, it becomes mysterious why we should assign this distinction any moral significance at all. Or, to put the point another way, it seems bizarre to refuse to call some unfortunate accident an instance of brute bad luck merely because it was known to be a *possible* outcome of some choice, no matter how unlikely it was. What we need, then, is some way of determining a threshold of probability or expectation below which outcomes count as brute luck, as opposed to outcomes agents can be held responsible for.

Is there a principled way of determining such a threshold? The problem for the voluntary-risk account will be to do this while remaining evaluatively neutral with respect to the risks agents choose to take, and thus without importing some notion of fault into the theory. That this will be no easy task is something we can bring out by considering *why* we do not think that a person forfeits her claim to assistance merely because she was aware that various everyday choices she makes carry small risks of harm.

The reason is that we would not expect a reasonable person to alter her behavior in order to avoid these risks. We would not think it reasonable to decide not to go walking in the park for fear of being hit by a falling branch (assuming it was a clear day, with little wind, etc.). We understand perfectly well why a person living, for example, in the United States today would choose to drive, despite the risks, rather than forgo the convenience of easy travel. We expect only that she minimize the risks by driving carefully.

By contrast, consider cases where it seems clearest that a person's having voluntarily taken a risk reduces her claim to assistance should things turn out badly. Think, for example, of those who persist in building homes in places they know to be prone to mudslides. When their homes are destroyed, we want to say, "Well, what did you expect? That was, after all, a stupid place to build your home." We resent being asked to bear the costs of others' stupidity.

The considerations in the two previous paragraphs seem to point toward a way of distinguishing between those outcomes that agents can be held responsible for in light of their predictability and those that should count as brute bad luck: the misfortunes that an agent is properly held responsible for are those whose probability was such as to render the agent's conduct criticizable. But this, of course, would require abandoning the evaluatively neutral voluntary-risk account of attributive responsibility for harmful outcomes, opting instead for some fault-based account. The challenge for the voluntary-risk account is to find some alternative, non-arbitrary way of distinguishing between foreseeable risks that nevertheless constitute brute luck, and those that should be considered option luck, without collapsing into a fault account.

6. The Objectionable Contribution Problem

I will not pursue the above challenge to the voluntary-risk account any further. And plainly, the difficulty is not one faced by the other two accounts I will be considering. Instead, I will turn to a

different problem for the voluntary-risk account, one that applies also to the prudential fault view. (This will leave the moral fault account, which I discuss in the next section.)

Let's assume, then, that there is a way for the voluntary-risk account to specify some threshold of probability (perhaps contextually determined) below which a negative outcome resulting from a person's voluntary conduct counts as brute bad luck. The problem is that, even above this threshold, the risk that a particular outcome will result if one acts in a certain way often depends on what other people do (Osarette, 2009). And it will often be open to doubt whether the agent is the one responsible for a given outcome in virtue of her choices, as opposed to others, who have contributed to the outcome through their responses to the agent's conduct.

There are, in fact two connected difficulties here. One is that, if we assume the most straightforward version of the voluntary-risk account, it will assign to individuals (attributive) responsibility for outcomes that it would then be objectionable to use as a basis for limiting the scope of distributive justice. The second is that there appears to be no way of modifying the voluntary-risk account to handle the first problem without abandoning altogether the priority of attributive over substantive responsibility that the luck egalitarian approach relies on. As we'll see, this dilemma—what I'll call the “objectionable contribution problem”—besets the prudential fault view as well.

It seems clear enough a person's claim not to be treated in a certain way does not automatically disappear merely because the person could expect to be treated that way, given the choices she made. The injustice of widespread sexual harassment and discrimination within a certain industry is not mitigated merely because the sexist culture in that industry is well-known so that any woman choosing to enter it “knows what she's getting into.” Similarly, though one sometimes hears it suggested that public figures and celebrities cannot legitimately complain about having their privacy violated, since that's the life they've chosen, this is plainly not an adequate justification for the regular invasions of privacy that such people suffer. Indeed, this is so even if, from a certain point

of view, we might criticize a person's ambition for great fame, given the privacy concerns. We might legitimately wonder why anyone would want to live that way. But it is one thing to question a person's choices, in light of the expected consequences, it's quite another to draw the conclusion that he therefore deserves what he gets.

As this last point brings out, the problem just raised for the voluntary-risk account applies also to the prudential fault view. It may be that what makes a certain choice imprudent is precisely that one can expect others to react to one's choice in ways that are detrimental to one's interests and well-being. But where this is so, it seems perverse to cite the imprudence of the choice as grounds for attributing responsibility for the resulting harms to the agent, in such a way that the agent forfeits her claim not to suffer such harms.

This problem for these accounts of attributive responsibility may seem to have an easy solution. The apparent difficulty arises in the examples I've discussed because we think that sex discrimination and the gratuitous invasion of privacy are independently wrong—and merely pointing out that whether a person experiences these forms of mistreatment is contingent on the choices she makes (and is thus “avoidable”) does not justify or excuse such behavior. We might think, then, the voluntary-risk and prudential fault accounts should not be interpreted so as to assign responsibility to agents for those disadvantages they face which have been brought about in part through others doing what they have no right to do.

To sum up, on the original interpretation, an agent can be held responsible for a particular misfortune or disadvantage—and for this reason has no legitimate claim on the use of public resources to help alleviate or compensate for her hardship—if the possibility of this hardship was a known risk associated with the agent's voluntary (or voluntary and imprudent) conduct. The suggested modification is that this is so *unless* the risk of this hardship is linked to the possibility that others will fail to treat the agent as she is entitled to be treated. The idea is that it would be

objectionable to hold a person responsible for the wrongful behavior of others when evaluating the legitimacy of that person's complaint about her situation.

The problem, however, is this. If we take on board the proposed modification with respect to either the voluntary-risk or the prudential fault account, we will need to supply some independent standard concerning what a person is entitled to in order to determine which disadvantages she is personally (agentially) responsible for. But the whole luck egalitarian approach requires that we be able to make determinations of agential personal responsibility for outcomes *prior* to specifying such a standard. This is because the basic idea motivating luck egalitarianism is that we are to rely on determinations of personal responsibility as a basis for articulating the boundaries of what a person is entitled to as a matter of justice.

Suppose you decide (probably unwisely, given the risks) to ride your motorcycle without a helmet and wind up crashing (cf. Fleurbaey, 1995). Should you be entitled to any relief from your mounting hospital bills? On the luck egalitarian approach, we need to know whether, given what you knew (or should have known) about the risk of injury associated with helmetless motorcycle riding, along with the going rate of medical care, you can properly be held agentially responsible for your injuries and subsequent financial troubles. If you can, then this will legitimize holding you substantively responsible for you condition (your injuries are yours to cope with; your bills are yours to pay). But clearly, this means that we cannot hold that whether you are responsible for your current financial difficulties itself depends on whether, as a matter of justice, you should be entitled to public assistance—say, in the form of a public health-insurance scheme.

Is there perhaps a middle course? On the one hand we want an account of attributive responsibility for outcomes that does not attribute to a person responsibility for the ways in which others react to her choices, when those reactions violate independent moral standards. On the other

hand, we need to address this concern without relying on account of what society or the state owes its citizens as a matter of justice.

I'm skeptical that these desiderata can be combined into a coherent view. Once we recognize that the attribution of outcome to particular individuals depends at least to some extent on normative questions about how people are entitled to be treated, I don't see how there can be a principled basis for screening off questions about what the state, in particular, owes its citizens (or what citizens owe one another) at the level of social and economic justice.

Imagine, for instance, that Felix decides to go to work in a fairly volatile industry—he knows that there is a substantial risk he will wind up unemployed at some point in his career. This does not concern him too much, however, since his community at present provides excellent unemployment insurance. If Felix were to lose his job, under the current scheme, he would not have to significantly change his lifestyle. Now, let's stipulate that (a) Felix believes any reasonably just society should provide a substantial social safety net, such as his society currently has (and he is willing to accept a high tax rate in order to help fund it); (b) he chooses his career on the presumption that he is entitled to expect public assistance in maintaining something close to his present level of material well-being should he become unemployed; but, in addition, (c) Felix is realistic and knows that at some point the political winds in his community may shift rightward and as a result the level of public support available may not always be as generous as it currently is.

Now suppose that the situation mentioned in (c) comes to pass, and it is proposed that the social safety net be dismantled. It would surely appear disingenuous to try to justify this change in social policy by pointing to the fact people like Felix, who would be left particularly exposed or disadvantaged by such a change, could or should have seen it coming and are therefore responsible for their present misfortune. Such a claim could only make sense if it is already assumed that Felix is wrong about being justly entitled to the sort of public protection against destitution that this change

undoes. But if that assumption is taken to be the thing in question—as it should be by those proposing the policy change, so long as they are acting in good faith—then it will be out of order to eschew responsibility for the insecurity Felix will face on the grounds that it was one of the risks he took in choosing his career.

7. The Moral Fault Account and Reasonable Pluralism

This problem, of determining an individual's responsibility for her condition despite the possibly wrongful conduct of others (including the state), becomes more complicated when we turn to the moral fault account.

According to this view, for purposes of distributive justice, a person can be held responsible for an outcome if, morally speaking, she should not have done what resulted in that outcome except in the knowledge that others would not be made to bear the costs. I will argue that, unlike the first two accounts of attributive responsibility, the moral fault account does open up an avenue for avoiding the objectionable contribution problem, and thus for preserving the priority of private responsibility. I doubt, however, it's an avenue we will want to take, since (I will further argue) it requires rejecting an openness and tolerance for a multiplicity of reasonable but conflicting conceptions of the good.

Let me begin with the motivations underlying the moral fault view as I understand it. It's often objectionable to act in ways we know will impose certain risks or costs on others without their consent. Where this is the case, either one should not perform the act or one should be willing to do what one can to reduce the burdens that are likely to fall on others, even if this means taking them on oneself. Social policies that render it difficult or impossible to shift the risks and burdens of such choices onto others without their consent thus cannot be considered unfair. On the contrary, in many

cases they would appear to render otherwise objectionable courses of action permissible, thereby extending citizens' moral options.

For example, under certain circumstances it might be objectionable—unfair—for a person to decide not to take up reasonable opportunities for work and instead to take advantage of generous welfare programs available for the unemployed. If so, it seems that, ideally, just social arrangements would not require society to subsidize this person's choice to forgo gainful employment in order to concentrate on his hobbies, or spend more time on the internet.

Or again, think of a person who chooses to embark on a dangerous mountain climbing expedition, relying on the fact that, if things go badly, she can call for help and a team of rescuers will be helicoptered in to save her. We might think that, if the public is to bear the full cost of such a rescue, should it be needed, this would provide grounds for objecting to the person's decision to attempt the climb—she should not risk imposing these costs on her community. And this then is the basis for attributing responsibility for the outcome (the rescue, its expense) to the mountaineer: it's her fault, and as such, it would not be unfair to require her to absorb the cost herself.

This type of account appears to offer resources for avoiding the objectionable contribution problem. For if the risk that attends a certain course of action is that the agent will be treated in ways she has a right not to be, we will generally not think that her choice would be morally objectionable were she not willing to put up with the mistreatment. (It would be unreasonable to object to women entering a certain profession on the grounds that male members of that profession will, out of resentment, react in ways that are socially costly.)

The real issue, however, is whether the moral fault account of attributive responsibility can be developed systematically without relying on a prior conception of distributive justice. Again, this is necessary if we are to preserve the normative priority of attributive over substantive responsibility, as well as the priority of private over public responsibility. The difficulty is that the moral fault view

requires an account of when actions that risk imposing costs on one's society are for that reason morally objectionable. I see two ways of approaching this issue. One straightforwardly relies on a conception of what one is entitled to as a matter of justice; the other avoids this, but presents problems of its own.

On the first view, we determine whether a person's action is criticizable in virtue of its probable costs by asking whether, in imposing those costs on her community, that person would in effect be insisting on more than her fair share of societal resources (cf. Dworkin 2000: Ch. 1). This approach, then, depends on a prior view about what constitutes a person's fair share, and thus on a conception of distributive justice. Obviously, if we go this way, we cannot say what counts as a person's fair share by reference to which disadvantages can, and which cannot, be considered a person's own fault.

According to the second approach, we don't ask whether, in pursuing a certain course of action, a person is making claims on society's resources beyond what she is entitled to as a matter of justice. Rather we attempt a direct assessment of (a) the nature of the burdens that may be imposed on other members of her political community, (b) the probability of those burdens resulting from that course of action under the circumstances, and (c) what good there is in a person's being able to act in that way. In short, we ask whether the activity is worth pursuing given the risks involved. If the value of the action does not outweigh the risks associated with it, then we can object, morally, to the person's performing it unless she is willing and able to internalize the potential burdens.

Recall Dworkin's criticism that the aim of achieving equality of welfare (construed as preference satisfaction) would absurdly require that we divert resources toward people with expensive tastes (Dworkin, 2000). He imagines Louis, who has cultivated his tastes such that he cannot be satisfied with anything less than plovers' eggs and 19th century claret. No doubt part of our reaction here is that the gustatory pleasure Louis derives from this stuff -- even if great -- cannot

really be worth the exorbitant expense. For this reason, it seems unreasonable for Louis to develop his tastes in a way that requires the rest of us (given our hypothesized institutional arrangements) to pay this expense.

The problem with this way of developing the priority of private responsibility is that it ties considerations of distributive justice directly to some comprehensive conception of the good. According to the view under consideration, a person is entitled to public assistance in alleviating some disadvantage only if it is not her fault that she suffers this disadvantage. And we determine whether a person's disadvantage is her own fault by asking whether her actions were in fact worth the associated risks, which in turn requires an assessment of the value of the ends being pursued.

Consider, for example, whether any question of justice is raised by a person who, for religious reasons, refuses to work certain days of the week and as a result has difficulty finding and keeping a job. We might think that there is no good reason for this inflexibility with regard to his work-schedule, since we do not believe his religion is the true one. In that case, on the present view, we will conclude that his difficulty holding down a job is his own fault, and raises no special concern of justice.

If this is how we approach the matter, then our conception of distributive justice will be at odds with the traditional liberal ambition to divorce considerations of justice from a full theory of the good. We cannot, on this view, understand a just distribution of resources as providing the background of expectations and entitlements against which individuals develop and pursue their own versions of the good life. For what they are entitled to expect depends on which ends and pursuits are worthwhile, and which are not. And in practice this will mean that their claims will be recognized only insofar as they choose to live in accordance with whatever conception of the good life is ascendant in their society, or is held by those in power.

I will not attempt here to defend any view about exactly what role ideas of the good should play in political philosophy. I will simply point out that, if the moral fault account of attributive responsibility is in fact the only such account that can function as a parameter on distributive justice in the way that luck egalitarianism requires, then the luck egalitarian approach loses at least one central aspect of its appeal. For one might have hoped that a theory of justice that places a conception of personal responsibility at its foundations would be one that embodied a corresponding respect for individuals' differing conceptions of what sorts of lives were worth living. One might have hoped, that is, that the focus on persons' capacity to take responsibility for certain aspects of their lives would allow different individuals to develop different understandings of the good, and to shape their lives accordingly, while nevertheless recognizing one another's valid claims of justice. But, if I'm right that the viability of the luck egalitarian approach depends on the moral fault account of responsibility, these hopes appear to be dashed.

G.A. Cohen famously wrote that Ronald Dworkin had “done for egalitarianism the considerable service of incorporating within it the most powerful idea in the arsenal of the anti-egalitarian right: the idea of choice and responsibility” (Cohen, 1989: 933). However, if the idea of personal responsibility is given the theoretical role luck egalitarians have assigned it—that is, it is understood, first, in terms of attributive responsibility, and second, as being prior to any conception of public responsibility—then this idea turns out to be more difficult to extricate from other elements of a right-wing approach to politics and justice than one might have thought.

8. Social Unity and Individual Responsibility in Rawls's Theory

I have been discussing problems for the general view that we can define the substantive responsibilities of the state as covering just those disadvantages individual citizens face for which they are not themselves agentially responsible. But this is not the only basis on which to rest a

substantive division between what is the responsibility of the state and what is the responsibility of citizens considered as private individuals. I will conclude, then, by contrasting a different approach to the question of how a conception of personal responsibility may be relevant in assessing the justice of the various advantages and disadvantages different individuals face.

As an example of the type of alternative I have in mind, I will consider an argument of Rawls's concerning the appropriateness of holding individuals responsible for their preferences and final ends. Rawls raises this issue in the course of addressing an objection to his use of primary goods as the basis for interpersonal comparisons relevant to questions of distributive justice (Rawls, 2001). Primary goods are assumed to be all-purpose means—things anyone can be presumed to want, whatever else he or she wants—and include such things as basic liberties, opportunities to hold positions of power and responsibility, income and wealth, and social bases of self-respect (Rawls 1971). As Rawls recognizes, however, the fact that two people have an equivalent stock of primary goods does not guarantee that they will have equal prospects for happiness or success in the pursuit of their ends. How successful or well-off one is likely to be given access to a certain set of primary goods will generally depend on, among other things, the content of one's ends and preferences. This raises the question of whether there won't be inequalities in the prospects different individuals face that raise concerns of justice but that we will be blind to if we limit our attention to the primary goods each has access to.

Rawls's response is that it is reasonable to hold individuals responsible for forming and revising their preferences and final ends in light of their expectations of primary goods, assuming they have access to a fair share of such goods. It is tempting, at first, to read Rawls here as making a proto-luck egalitarian move, suggesting that a person's poor prospects for happiness and success, where this due to her ambitious goals or hard-to-satisfy preferences, fall outside the ambit of distributive justice *because* she is herself responsible for the cause of her likely dissatisfaction. This

is not, however, the structure of Rawls's argument. Rather, he is arguing for what he calls a "social division of responsibility," whereby individuals are expected to take responsibility for their ends and preferences, as a *component* of the overall theory of justice being proposed. The view here is that "society, the citizens as a collective body, accepts the responsibility for maintaining the equal basic liberties and fair equality of opportunity, and for providing a fair share of the other primary goods for everyone within that framework, while citizens (as individuals) and associations accept the responsibility for revising and adjusting their ends and aspirations in view of the all-purpose means they can expect, given their present and foreseeable situation" (Rawls, 2001: 371). The requirement that individuals take responsibility for their final ends, however, is not based on an independent investigation of persons' capacities for forming and revising their ends and preferences at will. Instead, it falls out of the conception of social unity or solidarity that is appropriate to a pluralistic liberal democracy.

Rawls's claim is that, in a liberal democratic society, citizens are bound to accept different and conflicting conceptions of the good. Accordingly, if this type of political association is to support a sense of social unity among citizens, it cannot be founded on common allegiance to a single rational good. Rawls argues that social unity is instead secured through citizens' acceptance of a public conception of justice. This will be the case, however, only if claims of justice are detached from any direct assessment of the value of citizens' final ends (apart from their compatibility with the principles of justice themselves). It follows from this requirement that, as Rawls writes, "Strong feelings and zealous aspirations for certain goals do not, as such, give people a claim on social resources" (Rawls, 2001, p. 372). A person's ends and commitments, along with their impact on her level of satisfaction, given the share primary goods she can expect, is thus something that falls to her to take personal responsibility for.

My aim here is not to evaluate Rawls's defense of the idea that citizens' attachment to a public conception affords a meaningful and stable form of social unity (see Rawls 1971: Ch. 9). I merely want to draw attention to its structure. First, the argument rejects the priority of attributive over substantive responsibility. The social division of substantive responsibility Rawls advocates does not depend on an independent understanding of which aspects of a person's condition the person herself is agentially responsible for, which are attributable to social structures and processes beyond that person's control, and which are matters of blind chance. Second, the approach rejects the priority of private over public responsibility. Neither the requirement that private persons take responsibility for success in realizing their final ends, nor the requirement that society as whole take responsibility for the distribution of primary goods, is more basic than the other. Both are justified by appeal to the same fundamental considerations.

Here we witness a quite different, though still important, role for the idea of personal responsibility. It is not regarded as an independent moral or metaphysical idea to be accommodated by the theory of justice. Nor is it opposed in any way to the form of social solidarity afforded by and supportive of just institutions. On the contrary, it is part of the elaboration of the social unity that characterizes the political association of persons who conceive of themselves as free and equal participants in a system of social cooperation.

9. Conclusion

In this article, I have raised doubts about the luck egalitarian project of developing an account of distributive justice that is sensitive to personal responsibility. It seems we face a dilemma once we try to be precise about the grounds for attributing to a person the responsibility for her situation given that a person's situation will normally also depend on what others do or do not do. An acceptable

account of attributive responsibility, it seems, will need to rely either on a prior theory of justice, or on a more comprehensive theory of the good life.

I have contrasted the luck egalitarian project with Rawls's theory in order to illustrate the different structural roles the notion of personal responsibility might play in a theory of justice. In Rawls's theory, private responsibility is not in any sense prior to public or social responsibility, nor is attributive responsibility in general prior to substantive responsibility. This difference in structure, moreover, makes for a different relation between the conception of personal responsibility and the account of solidarity or social unity. For Rawls, in contrast to the luck egalitarian, the ideal of social unity is not set up in opposition to the demand that individuals take responsibility for their choices. Rather, the accounts of social unity and personal responsibility are interdependent, playing complementary roles in securing a basis on which autonomous individuals who hold different conceptions of the good can live together.

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