Chapter 2  My Personality, My Responsibility?

Introduction

One approach to the question of when people ought to be held responsible for the costs of
the life they lead is to base responsibility on what people are ‘genuinely’, or metaphysically
responsible for. An alternative is to start with the reason why we are interested in holding
people responsible for these costs in the first place. We want to hold people responsible for
the costs of the life they lead because if they do not bear those costs themselves, someone
else will have to, and this risks placing unfair burdens on others. Of course, luck-egalitarians
also hold that it is unfair if people themselves have to bear greater costs than others due to
bad luck. But the way to reconcile these drives – to protect people from unfairly picking up
the costs of the lives of others and to protect individuals from the unequal impact of luck – is
not to only hold people responsible when we can say that they are genuinely responsible for
the costs of their lives. Rather, it is to take as a starting point the presumption that people
ought to bear the costs of their lives themselves, and to exempt them from this responsibility
when those costs can be traced to unequal bad luck.

This is, broadly, the approach taken by Ronald Dworkin in his theory of 'Equality of
Resources'\(^1\). Dworkin sets out to establish a distribution that is ‘ambition-sensitive' but
‘endowment-insensitive', so that differences in people’s holdings are traced to what he calls
their different ‘ambitions’, their differing goals, values and preferences, for example, but not
to their ‘endowments’, to the talents they are born with or the resources with which they
initially approach life\(^2\). If people are provided with equal initial endowments, then if one
person chooses to lead a more expensive life than another the resulting inequality is not
unjust. This is so even if the things they like or value happen to be expensive. Whatever
their personality, people should bear consequential responsibility for their choices. It is only
when people are worse off as a result of the unequal circumstances they find themselves in
that they should not be held consequentially responsible, and have a case for compensation.
Accordingly, the luck-egalitarian cut should be drawn between personality on one hand and
circumstances on the other.

What is the basis for locating the cut in this way? For Dworkin, it does not, in principle,
matter whether someone has ‘genuinely’ chosen their ‘ambitions’, - only that they bear the
costs of the life they choose to lead (except in exceptional cases such as obsessions and

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\(^1\)See his \textit{SV}, “Sovereign Virtue Revisited”, “A Reply to my Critics”, and “Equality, Luck and Hierarchy”.
\(^2\) \textit{SV} p. 89.
cravings). This, he holds, matches most people’s intuitions regarding consequential responsibility, and is rooted in the ascriptions of responsibility we all make in everyday ethical practice. We hold people responsible for the costs of fulfilling their preferences as a matter of course, and we do not need to assess whether each taste is ‘genuinely’ chosen to do so.

The danger of disregarding the question of how a person came to have the preferences he does is that it allows that people must bear the costs of their preferences even when those preferences are expensive, but have been ingrained in them rather than chosen and their bearer can do nothing to shed them. Burdensome religious commitments might be an example. And this seems to run counter to luck-egalitarianism’s edict that people ought not to be worse off than others due to bad luck.

Dworkin’s reasons for taking this strict liability-type approach can be explained by three crucial and interwoven strands to his thinking. The first is his commitment to building a theory of equality that is free from what he regards as unhelpful and intractable metaphysical controversies. The second is his commitment to making justice compatible with people’s own view of their personal responsibility, so that we can reach a theory of the just distribution of resources “in which we can really believe”. The third is his belief that, if people have been given an equal opportunity to lead their life as they wish, it is unfair for some to demand compensation from others because the life they pursue is expensive.

The interrelation between the three can be demonstrated as follows: when we think about responsibility from the first person perspective, it is clear that the metaphysics of choice is not relevant. The willingness to take responsibility for our personality that is embodied in our everyday ethical life is not predicated on whether we have ‘genuinely’ chosen our preferences, values and commitments. We do not need to go through our personality with a fine-tooth comb to assess which parts we are willing to accept responsibility for and which not. We accept responsibility for who we are, and the costs of the life we choose to lead. But we also expect others to do the same. Part of our everyday understanding of responsibility is the conviction that, if everyone has their fair share of resources, it is incumbent on them to bear the costs of the life they choose to lead. It is unfair for people to expect others to subsidise their life choices. The exception is where people are badly off due

3 Ibid. pp. 82-3.
4 The previous chapter argued that metaphysical libertarian choice does not form a plausible basis for grounding consequential responsibility, but the failure of that endeavour does not entail that the absence of choice of some sort cannot indicate the presence of luck.
5 Strict liability holds a person responsible for an outcome regardless of whether he was fully responsible for bringing it about.
6 Ibid. pp. 294-5.
7 “Sovereign Virtue Revisited”, p. 119.
8 SV, chapter 2.
to the differential effects of raw bad luck. We do not see ourselves, or others, as responsible for raw bad luck.

Once consequential responsibility is approached from the first person perspective it is clear that the relevant question is not how or why each of us came to have the preferences we have, as Cohen invites us to think, but whether a person’s situation is down to his own decisions about how to live his life, or down to luck. If it is the former, then his state is his own responsibility and it is unfair for him to ask for compensation from his community. If it is the latter, then his plight is not his responsibility, and he should not be left worse off.

It is the success of Dworkin’s alternative, non-metaphysical, approach to grounding consequential responsibility that shall be the subject of this chapter. The principal difficulty is overcoming a problem that is the opposite of one faced by Cohen. The fact that people routinely accept responsibility for parts of their personality that they have not ‘genuinely’ chosen caused a potentially damaging jarring between Cohen’s political account of responsibility and the views of those to whom it is applied. In Dworkin’s case, though, the exclusive focus on what people see themselves as responsible for clashes with what it seems reasonable to hold people responsible for from a detached perspective. People frequently accept responsibility for the costs of tastes into which they have been indoctrinated, for example, even though luck-egalitarians recognise that being the subject of indoctrination should be considered a matter of luck.

In fact, I will argue, basing consequential responsibility on the responsibility-ascriptions embodied in standard ethical practice is unattractive on a number of grounds. Self-ascriptions of responsibility are open to distortion and conflict with Dworkin’s own personality/circumstances cut. Moreover, they are culturally variable, and shifting. That a person might accept responsibility for an aspect of his situation does not provide a convincing reason to hold him consequentially responsible for it.

Dworkin, though, fortifies what he regards as his common-sense approach by drawing on the idea that accepting consequential responsibility for one’s personality is a matter of fairness. Once armed with a fair share of resources, it is incumbent on people to live their life within their means, rather than expecting others to accept reductions in their own shares to provide subsidy. It is inevitable that some ambitions will be more expensive than others, but a fair division of resources and responsibility asks each person to bear the cost of the life they lead themselves. It is only where a person does not identify with a preference but regards it as alien, as in the case of obsessions or cravings, that others can fairly be asked to provide compensation.
The appeal of this position is demonstrated by the fact that we routinely see our preferences as part of who we are and our own responsibility. It would be unfair for us to ask others for subsidy for preferences that we are in fact glad we have. Fairness demands that we take responsibility for the costs arising from our own personality as a whole.

Dworkin’s essential argument is that the drive to protect people from having to pick up the costs of the lives of others outweighs worries that some will be disadvantaged by aspects of their personality that they have not chosen and cannot alter. To address such worries, however, he adds provisos that it is only fair to hold people responsible for the cost of their personality in so far as they identify with their preferences, and their personality is formed authentically. Again, though, these provisos are not ‘deep’ metaphysical matters. Rather identification and authenticity requirements are parts of our everyday understanding of responsibility. If we do not identify with a preference, or feel that it is authentic in its origin, we will not see ourselves as responsible for it.

My argument will be that a concern to protect people from the unequal effects of bad luck ought to extend to protection from the disadvantages that can be inherent to personality. The posited unfairness of some having to subsidise the cost of the life plans of others does not outweigh the significance of such disadvantages. Moreover, given their openness to distortion, an agent’s identification with a preference, or his satisfaction with its authenticity, do not provide convincing reasons to ignore the disadvantages it may bring.

Nevertheless, I will conclude that the authentic development of personality and an agent’s identification with a preference may be able to plausibly play a role in ascriptions of consequential responsibility. They will only be able to do so, however, if they are rooted in something more stable than an agent’s first person perspective on their validity.

Chapter Outline:

Dworkin’s account is complex. His understanding of the key notions of luck and fairness require detailed introduction, as does his multi-faceted use of the first person perspective. Section I will explicate his theory in some detail, and highlight the foundational role that standard ethical practice plays in locating the cut. Section II will examine standard ethical practice and its suitability for shaping the ‘cut’. Section III will examine Dworkin’s attempts to use the notion of fairness to provide justification for his cut. Section IV considers Dworkin’s attempt to dispel worries that some will be left worse off than others under the personality/circumstances cut by means of a requirement that people form their personality
authentically. Section V draws together the conclusions of these various arguments, and suggests that Dworkin’s attempts to avoid metaphysical foundations are unsuccessful, but that, ironically, metaphysical foundations might better justify his cut.

Section I Fair Shares, Auctions, Envy, and Insurance

Dworkin’s first step in constructing his account of equality is to state the criteria with which to assess whether a division of resources is equal. The criterion he adopts he calls the ‘envy test’, which holds that “no (initial) division of resources is an equal division if any [person] would prefer someone else’s bundle of resources to his own bundle”\(^9\). The envy test is the first of Dworkin’s first person measures, focusing not simply on the resources people have, but also on whether they value those resources, or whether they would prefer to have the resources of someone else. Correspondingly, the value of any resource is set by how much other people value it. This is the first step towards constructing a theory that asks people to bear the costs of the life they lead, measured in terms of the cost to others – the opportunity cost.

A difficulty with the envy test, though, is that it can be satisfied by distributions that look unfair. Imagine a group of castaways on an uninhabited desert island, who arrive with nothing, and want to divide up the island’s resources equally amongst them. It might be the case that the only resources on the island are in the form of pre-phylloxera claret and plovers’ eggs (to use Dworkin’s not entirely probable example). If these are divided up into identical bundles, and distributed to every immigrant on the island, then none will envy the bundle of resources of others. However, if one amongst them hates plovers’ eggs and ancient claret, whilst everyone else likes them, he will feel that he has not been treated as an equal in the division of resources.

To overcome this unfairness, Dworkin proposes a hypothetical auction as a means to achieve a division of resources that reflects the different preferences that the members of any community have, whilst also maintaining fairness. Using clamshells as currency, and each armed with an equal number of clamshells, the castaways are asked to bid for the resources present on the island. The bidders are able to request that the items up for auction be divided into smaller lots (of land, for example), so as to minimise the potential unfairness that arises from lots suiting some people’s preferences rather than others. The lots up for bid are

\(^9\) Ibid. p. 67, my brackets – as will shortly be discussed the requirements of equality alter after the initial division of resources has been made.
thereby shaped by the preferences of the bidders, rather than an arbitrary division. The auction is rerun until the outcome is reached that optimally reflects the preferences of the islanders.\(^{10}\)

The hypothetical auction and the envy test serve to illustrate that differential holdings of resources can be consistent with giving every member of a community equal consideration. Given that the actual resources of any community will come in many and varied forms, the auction ensures that differences in holdings reflect people's different 'ambitions', their different preferences, interests and projects, without denying them – or others - a fair share of the total pool of resources.

Option Luck and Brute Luck

The hypothetical auction aims to furnish each person with a fair and equal share of resources. But even if an equal distribution is achieved, it will not remain equal for long. People will make different decisions about whether to consume, trade, invest or develop their resources such that some will soon have more than others. Equally, some may end up worse off than others through bad luck. Storms may destroy their crops, or they may suffer an accident and be unable to work. Very soon, then, some members of the community will start to envy the resources of others. The envy test will fail. The question then arises as to whether those with fewer resources now have any claim to compensation. Should the political community take steps to remedy the inequality?

To answer this question, Dworkin employs a distinction between 'brute luck' and 'option luck'. Option luck is luck that affects the outcome of decisions that can be construed as deliberate gambles; brute luck is luck that befalls agents in ways that they could not reasonably have anticipated and could not reasonably avoid. If I invest in the stock market, and, contrary to my expectations, the stocks fall in value, then I suffer from bad option luck. If, on the other hand, I am struck by lightning during an unpredicted storm, then the bad luck I suffer is brute luck.\(^{11}\)

For Dworkin, the political community ought to compensate people for disadvantages that result from bad brute luck, but not for those that result from bad option luck. Dworkin is concerned that people bear the true costs of the life they lead, measured in terms of the

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\(^{10}\)Ibid. pp. 65-71.  
\(^{11}\)Ibid. pp. 73-74. The distinction is blurry. A given piece of luck will often be a mixture of brute and option luck, where the balance depends on the extent to which a person can influence the expected value of the outcome of his choices. See Kasper Lippert-Rasmussen, “Equality, Option Luck, and Responsibility”, *Ethics* 111 (2001), 548-579.
costs they impose on others. If, after resources have been distributed by the auction, they lay claim on compensation, then that compensation will have to come from the resource bundle of others. If someone’s deficit is the result of bad brute luck, it does not seem unfair for the community to have to compensate the disadvantaged agent. Recognising that ‘brute’ bad fortune can befall any one of us, it is not unreasonable for the members of a community to put aside a pool of resources to allocate to those in need when misfortune strikes. And it is in accord with notions of fairness that whosoever is struck by such bad luck has an equal claim on this ‘safety net’ of pooled resources.

However, if the disadvantages can be traced to ‘option luck’, to extra costs imposed by an agent’s decisions on how best to pursue his preferences or ambitions, this has contrasting implications for fairness. If I take up windsurfing, for example, and my lifestyle becomes expensive to sustain, or dabble in stocks and lose, then it is both unreasonable and unfair to expect other members of my community to accept a decrease in their (fair) share of resources to compensate me. We would not agree to pool a reserve of resources to compensate people who develop tastes for water sports, or take non-necessary risks to gain wealth. To do so would give the windsurfers and stock-marketeers more than their fair share of resources, whilst asking others to accept less than their own fair share.

The same rationale applies to decisions that are not gambles. If I choose to work long hours to increase my income, but you reduce your working hours to enjoy more leisure-time, then you cannot fairly claim compensation for ending up financially worse off than me. You must bear the costs of the options you chose. One of Dworkin’s key demands is that people form and execute their preferences in light of the cost to themselves and others. Just because the options they take are expensive does not mean that they are entitled to a larger share of resources than others.

**Hypothetical Insurance**

There are further important ways in which the post-auction envy-free distribution will become distorted over time. If a person needs a zimmer-frame to walk, for example, then to achieve ordinary levels of mobility, he will need to spend a proportion of his resources on the zimmer, and will be left with fewer resources with which to pursue his ambitions than able-bodied counterparts. Similarly, if someone is born with few marketable talents he will be disadvantaged, through no fault of his own, when pursuing his ambitions in the economic marketplace. Even if he works just as hard as more talented counterparts, his share of resources will soon lag because he can demand less income for the application of his talents than can others.
To counter these kinds of inequalities and render the distribution of resources insensitive to people’s natural endowments, Dworkin asks us to imagine two hypothetical insurance schemes, one to deal with disabilities, the other to deal with talents. To prevent decisions being skewed, those buying insurance are denied knowledge of their particular genetic inheritance, and the market value of their particular talents. Each person is to use the same equal share of resources they received when they started the auction (the clamshells), and asked to decide how much they would be willing to spend on insurance against being handicapped, and against their talents conveying low earning power. The tax system should then be used to duplicate the levels of insurance that agents would have hypothetically chosen. If it turns out that an agent is badly off in terms of talents, or suffers from a disability, and would have purchased insurance against that possibility, he will receive compensation funded by redistributed tax that mirrors, as far as is practicable, the payouts that hypothetical insurance would recommend\(^\text{12}\).

The hypothetical insurance scheme serves to protect people from the contingencies of the natural lottery. And importantly, the extent to which it does so reflects agents’ own view of the significance of those contingencies. Armed with knowledge of the prevalence of physical disadvantages but not their own physical attributes, and an awareness that talents will be differentially rewarded without knowing the return they will be able to demand for the use of their own talents, the level of insurance they choose represents a trade off between the disvalue they attach to those risks and the value they attach to retaining the rest of their share of resources to pursue their ambitions. They would not expend all their clamshells on insurance, because if they had no claim for a payout they would be spending all their resources on insurance and have none left with which to pursue their ends. Equally, they would not risk taking little or no insurance, because if they then found themselves with expensive disabilities, they would need to spend all their resources on remedying those disabilities. Hypothetical insurance provides a basis on which to decide on the appropriate level of resources to devote to deficiencies in physical abilities and talents that is sensitive to people’s own attitudes to such risks. The level of endowment-insensitivity is itself ambition-sensitive.

**The Locus of the Cut**

What unites the various strands of Dworkin’s account of equality is a desire to combine the twin goals of rendering the distribution of resources sensitive to an individual’s desires to act out his own life as he sees fit, and also ensuring that this must be done in light of the cost of

\(^\text{12}\)Ibid. pp. 73-83.
that life-plan on others. To achieve this Dworkin envisions a scenario in which people are furnished with a fair share of resources and equitable circumstances, and are then held responsible for the course their lives take. Under these conditions, other than in cases of brute bad luck, which call for compensation, inequalities that arise can be traced to agents’ personalities, and do not represent an injustice.

Dworkin’s aim is to maintain as significant a sphere of individual personal responsibility as possible, in order to maximise the ambition-sensitivity of his account, and, what is the other side of the same coin, to place limitations on the reductions in people’s fair shares that come from the claims to compensation of others.

However, it has been argued that Dworkin tilts the balance of his theory too far towards ambition-sensitivity at the cost of endowment-insensitivity. For example, the hypothetical insurance scheme will provide the untalented with a compensatory payout, but, because Dworkin argues that people would only insure to a moderate level (i.e. they would not insure against the possibility of not having sufficient marketable talent to earn the highest income available), that payout will not enable them to attain the levels of resources open to the most talented in society. Complete endowment-insensitivity will not be attained, and the untalented will face a narrower range of options than the talented\textsuperscript{13}. Parallel claims have been made about his treatment of disabilities\textsuperscript{14}.

The issue of greatest pertinence to the examination of this thesis, though, regards not the level of compensation that is appropriate for disadvantageous endowments, but the delineation of what is to count as an endowment in the first place. Why, for example, is hypothetical insurance appropriate for talents and disabilities, but not for the possibility of having tastes that are expensive to satisfy?

To explain why insurance for the latter is inappropriate, Dworkin appeals to two important facets of his position. The first is his view of the person; the second his use of the insurance scheme as a test of what should be considered a compensation-worthy disadvantage\textsuperscript{15}.

Dworkin’s view of the person is based on a distinction between a person and his circumstances that “assigns his tastes and ambitions to his person, and his physical and


\textsuperscript{15} SV p. 82-83
mental powers to his circumstances”\textsuperscript{16}. The division between personality and circumstances sets the boundaries of where the political community should aim to mitigate or erase disadvantages, and where agents should bear those burdens themselves.

Filling out how the crucial distinction is to be understood within the category of personal qualities, Dworkin holds the division to be between “a person’s personality, understood in a broad sense to include his character, convictions, preferences, motives, tastes, and ambitions, on the one hand, and his personal resources of health, strength, and talent on the other….A political community should aim to erase or mitigate differences between people in their personal resources – should aim to improve the position of people who are physically handicapped or otherwise unable to earn a satisfactory income, for example – but should not aim to mitigate or compensate for differences in personality – for differences traceable to the fact that some people’s tastes and ambitions are expensive and other people’s cheap, for instance\textsuperscript{17}.

The distinction is intended to pick out “those beliefs and attitudes that define what a successful life would be like, which the ideal [of equality of resources] assigns to the person, and those features of body or mind or personality which provide means or impediments to that success, which the ideal assigns to the person’s circumstances.”\textsuperscript{18} Insurance is appropriate for health, strength and talent, but not for tastes, ambitions, and the like.

But as well as following from his view of the person, Dworkin also justifies the refusal to countenance compensation for disadvantageous aspects of personality by claiming that people \textit{would not}, with minor exceptions, insure against this possibility. Whether people would insure against a particular possibility is thereby employed as the \textit{test} of whether that possibility ought to be considered a compensable disadvantage\textsuperscript{19}. “The imaginary insurance auction provides… a device for identifying [relevant disadvantages] and distinguishing them from positive features of personality”\textsuperscript{20}.

For Dworkin this ‘insurance test’ reveals that the only aspects of personality that people would insure against would be those that are both extremely unwanted, and very difficult to shed. Such preferences would amount to handicaps, obstacles to an agent’s ability to pursue the life he wants to lead. Dworkin terms such preferences ‘cravings’ or ‘obsessions’, and agrees that they are not something that people can rightly be held responsible for, rendering

\textsuperscript{16} Ibid p. 81.
\textsuperscript{17} Ibid. p. 286.
\textsuperscript{18} SV, p. 82
\textsuperscript{19} Note that the decision is made under a veil of ignorance in which people know what their life plan is, but not the cost of living that life.
\textsuperscript{20} Ibid.
compensation – modelled on the hypothetical insurance scheme – appropriate. Even here, Dworkin holds that insurance would only be purchased “in the case of cravings so severe and disabling as to fall under the category of mental disease.” Other than in these extreme cases, people would not insure against having disadvantageous aspects of personality, and so they should not, on Dworkin’s measure, be considered disadvantages that a just society ought to aim to mitigate.\(^21\)

**Justification Problems**

Neither of these two groundings – Dworkin’s vision of the person, or the insurance test – in fact suggests the person/circumstances cut that runs central to Dworkin’s position.

The vision of the person makes a central distinction between those aspects of an agent’s situation that define what a successful life would be like for that person, and those which provide means or impediments to that success. In order to safeguard the chance to pursue goals, insurance against the possibility of facing disadvantageous social and physical ‘circumstances’ is appropriate. An agent’s personality, his ambitions, preferences, and the like, however, are constituent elements of what it is that gives his life sense and direction. They are not the means with which he achieves his ends, but constitute those ends themselves. The rationale for insuring against, or otherwise compensating, disadvantageous circumstances does not extend to personality.

The distinction at work here, between those parts of someone’s situation that constitute his life-plan and those that are means to enacting it, is in fact doubly flawed. Not only does it, when applied assiduously, call for a departure from Dworkin’s personality/circumstance cut, but it is also questionable whether it stands up as a distinction at all.

On the first point, there are many more aspects of ‘personality’ that act as ‘means or impediments’ to a person successfully pursuing his life plan than just cravings or obsessions. Laziness might preclude a candidate from being accepted in the armed forces; poor judgement might disqualify an individual from senior management roles; people are regularly excluded from roles demanding high levels of teamwork because they lack empathy. And it is not just character traits but also ambitions that can exclude people from their desired career path. As Samuel Scheffler has pointed out, “candidates for jobs or for university admission are often asked to describe their goals and ambitions, and they are often rejected because their (genuine and deeply held) goals and ambitions are judged to be unsuitable”\(^22\)

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\(^{21}\) Ibid. pp. 82-83.

\(^{22}\) ‘Equality as the Virtue of Sovereigns’, p. 201.
Dworkin’s own life plan-constituting/life plan-enacting distinction, then, pushes us towards a ‘cut’ which places far more aspects of personality on the ‘circumstance’ side than Dworkin is himself prepared to countenance.

The above cases, though, also demonstrate a fundamental problem with the distinction that Dworkin uses to justify his cut. That so many aspects of personality can be seen as ‘means or impediments’ to the pursuit of any given life plan does not in fact illustrate that they do not play a role in ‘defining what a successful life would be like’. The two sides of the distinction are not mutually exclusive. Personal characteristics like someone’s level of empathy certainly play a central role in defining what a successful life would be like, but also play a critical role in achieving that life.

The life plan-constituting/life plan-enacting distinction is thus unable to provide a definitive means by which to discern which aspects of the person should be considered an individual’s own responsibility, and which might justly ground claims for compensation.

**Insurance and Ethical Practice**

The question, then, is whether the required basis can be provided by the insurance test. The strength of this test is that it renders the location of the cut fully ambition-sensitive. It takes as salient people’s own viewpoint on what they regard as their own responsibility, and what they regard as obstacles to living their life as they wish.

The issue that is relevant to the examination of this thesis, though, is why the location of the cut should be settled by an appeal to what people *would* insure against. Even if we accept Dworkin’s claim that, other than in the case of cravings, people would not insure against disadvantages resulting from aspects of their person, we still need to know *why* they would so decide, and also whether the reasons they apply to their own decision are ones that we should want to replicate at the political level. Their motives may seem justified from their own perspective, but not have the same force of justification when viewed from more independent viewpoints. We therefore need to examine the posited motivation to insure, and assess its suitability to inform the political account of consequential responsibility.

A decision to insure is likely to be based on a number of factors. Amongst the most significant of these will be, as Dworkin suggests, a person’s self-conception, what he regards as the potential impediments to living his life, and what he regards as the constituents of his life plan. But the decision will also be informed by the importance an agent attaches to being
able to fulfil the various elements of his life plan, as well as his attitude towards risk, the availability and expense of appropriate insurance, and his view on the avoidability of potential costs.

The first of these considerations might be the most significant. If an agent does not see insurance as being appropriate for an aspect of his situation, then the further questions of the level and price of insurance do not come into question. Focusing on this element of an insurance decision, Dworkin needs to establish why it is that people would not take insurance against the possibility of aspects of their personality impeding the pursuit of their life plan.

To do so, Dworkin appeals to standard ethical practice. “Ordinary people, in their ordinary lives, take consequential responsibility for their own personalities.”

Ordinary ethical practice not only provides an explanation of why people regard personal responsibility as they do, but is also normatively attractive. We should replicate ordinary ethical practice at the political level so that we can achieve a political conception of responsibility ‘in which we can really believe’.

The use of standard ethical practice to justify Dworkin’s reading of the ‘cut’ is extremely significant both for the plausibility of Dworkin’s own account, and in terms of the broader question of the relevance and importance of choice, with its accompanying metaphysical controversies, to luck-egalitarianism.

In terms of his own theory, standard ethical practice provides Dworkin with the cut-off point he needs. To resist pressure from those, such as Cohen, who argue that those aspects of personality that are disadvantageous, but not chosen, constitute ‘endowments’ – and therefore ought not to be considered the agent’s consequential responsibility, Dworkin needs a non-arbitrary reason to hold people responsible for (almost) all aspects of personality. The move to replicate, via the hypothetical insurance test, the responsibility-ascriptions of standard ethical practice provides this. In our everyday ethical lives we do not need to examine the precise origins of our ‘ambitions’ to decide whether to accept responsibility for them. Rather “it is among the most basic of our ethical assumptions that the responsibility for such judgements is our own.”

Moreover, it is not just a contingent fact that we take responsibility for our personalities. Doing so is a fundamental part of ethical life. Not only do “our various tastes, convictions,

23 SV, p. 290.
24 ‘Sovereign Virtue Revisited’, p. 119.
25 SV, p. 294.
and ambitions... define for us what a satisfying or gratifying life would be”26, as discussed above, but accepting responsibility for our personality is an essential part of forming and maintaining human relationships. Our most basic interactions with one another, governed by what have been influentially termed the ‘reactive attitudes’27 - anger, admiration, praise, blame, encouragement, discouragement, and the like - demand, and depend upon, our willingness to take responsibility for our personalities, and our expectation that others will do the same. If we let a friend down, we cannot deny responsibility for our behaviour and the harm caused on the grounds that we’re naturally selfish. We rightly incur the blame of the friend regardless of whether we chose to be selfish or not. Refusal to accept responsibility for the person we are and the way we behave would make friendship, and indeed a large part of meaningful human relationships, impossible.

But Dworkin’s use of standard ethical practice as the basis for consequential responsibility has a deeper significance for luck-egalitarianism and its attempts to rest responsibility on choice. It is clear, for Dworkin, that “the conventional distinction we all make between circumstances and personality does not assume that we have chosen our personality”. The implication is that it “would not be undermined by any argument, no matter how general or metaphysical, that we could not have chosen it.”28 Actual, or metaphysical, choice is not what grounds responsibility for personality, and its presence or absence is not relevant to ascriptions thereof.

Again, though, this fact is not merely contingent. “Any argument that could hope to undermine the foundation of our sense of personal responsibility would have itself to be a moral or ethical argument: it would have to demonstrate some unappealing consequence of that foundation or otherwise give us some normative reason to abandon it, and it seems unlikely that any such argument would have the power to shake so fundamental a part of our ethical economy.”29

Standard ethical practice provides the bedrock on which Dworkin builds his theory. It provides solid foundation for his claims about what agents would insure against in his hypothetical insurance schemes, and establishes the personality/circumstances reading of the luck-egalitarian cut. This is a politics that “we can embrace as flowing from the rest of our

26 Ibid. p. 293.
28 Ibid. p. 294
29 Ibid.
Section II The Instability of Responsibility-Ascriptions in Standard Ethical Practice

Can the responsibility-ascriptions embodied in standard ethical practice provide the foundation Dworkin seeks? In addressing this question, the initial task is to unravel which aspects of the nebulous concept of standard ethical practice Dworkin is appealing to. I will first show that, to ground the personality/circumstances cut, it must be standard ethical practice viewed from the first person perspective. This is where a strict liability-type approach to ascriptions of personal responsibility is most evident. I will proceed to show that self-ascriptions of responsibility for personality cannot plausibly be based on phenomenology, but are more likely to be based on an agent’s own attitude towards his personality, his self-conception. This self-conception, I will then show, is likely to be culturally specific and changing, and as a result does not provide a firm foundation for Dworkin’s cut. Moreover, self-ascriptions of responsibility contradict central tenets of Dworkin’s position, as well as luck-egalitarianism more generally. The conclusion of this section will be that Dworkin needs to look elsewhere to find convincing foundations for his proposed cut.

To see these problems, the first step is to look more closely at Dworkin’s characterisation of standard ethical practice to identify which aspects ground our willingness to accept responsibility for our personality.

Whose ethical practice?

What Dworkin needs to support his personality/circumstances cut, and resist claims that doing so represents an unjustified insensitivity to disadvantageous unchosen aspects of personality is a strict-liability approach to the attribution of responsibility. And this is what he hopes to bring in by appealing to standard ethical practice. We know from our everyday ethical lives that, with minor exception, we accept responsibility for our personality as a whole.

Equally, when assessing the responsibility of others, personal ethical practice employs the same ‘strict liability’ policy. We do not launch into an enquiry into the origins and causes of people’s behaviour when deciding whether to hold them responsible. Responsibility for personality is the default position. If a colleague acts disloyally in order to pursue their own self-interest, then we hold her responsible, regardless of whether her disloyalty results from

\[30\] Ibid. p. 294
an unchosen fear of herself being the victim of disloyalty. This is even clearer in the case of responsibility for positive acts. If a passer-by throws herself into a lake to save a drowning granny, then we praise her. We do not ask, nor is it relevant, whether the values that drove the act were ingrained in the heroine by zealous parents, or independently acquired.

This is the kind of picture of standard ethical practice that Dworkin has in mind. The trouble is, when examined more closely, it is obvious that this is not how standard ethical practice regarding responsibility for personality actually functions.

A strict-liability approach to the granny-saving passer-by or the disloyal colleague only makes sense if the attribution of responsibility is made without detailed knowledge of the protagonists. It is certainly the case that our immediate reaction in either case will be to hold the passer-by and colleague responsible for their behaviour. If we don't know anything more about the protagonists – the past betrayals suffered by the colleague or the indoctrination of the passer-by - we take their actions at face-value and attribute responsibility accordingly. But if the neuroses or phobias driving their behaviour come to light, we may well change our minds about the degree to which they are responsible.

The point here is not to investigate this process, but to question Dworkin's characterisation of standard ethical practice. Standard ethical practice does not always employ a strict-liability approach to responsibility for personality. Motives and their origins are relevant.

The most plausible response open to Dworkin is to point out that these equivocations and excusing conditions are only relevant from the third person point of view. They do not and cannot come into play with regards to our understanding of our own agency. When we make decisions and pursue our ambitions and values, we cannot, except in the extreme cases of addictions, cravings and obsessions, view those decisions as alien to us. That is why almost invariably we accept responsibility for personality.

Even in cases where, from the third person perspective, our intuitions push us strongly towards absolving responsibility, the first person perspective continues to embody the strict liability approach. Take the bleak case of Robert Harris, much discussed in debates on responsibility31. Harris caught up with two teenagers who had just bought hamburgers, murdered them, ate their burgers and laughed about what he had just done. Afterwards, he mentioned to his accomplice what fun it would be to impersonate police officers and inform the parents of their child’s murder. What makes Harris’ case controversial in terms of

responsibility is that Harris had been brought up in horrendous conditions and been subjected
to barely comprehensible levels of violence and abuse from his parents. Moreover, he had
been raped twice in a detention centre, and had twice attempted suicide whilst inside. His
sisters testified to his transformation in the face of extreme abuse from a good-natured child
to a monster who literally laughed at the prospect of inflicting suffering on others.

Now, returning to the case in hand, Dworkin holds that standard ethical practice dictates that
people take a kind of strict liability approach to responsibility for their personality. Dworkin’s
argument in the Harris case would presumably run as follows: whereas it might make sense
to say “Robert Harris was not fully responsible for his violent actions because he was subject,
when growing up, to horrendous abuse”, it does not make sense for Robert Harris, whilst
making the decision, to honestly say to himself “I’m not responsible for the decision I am
making to murder because I was abused terribly as a child”. And whereas from the outside
we might argue that the pleasure Harris took in inflicting suffering was driven by preferences
warped by an upbringing in which violence was the standard means of interaction, the fact is
that Harris himself delights in the preferences on which he is acting. He does not feel
dissociated from them. They are, as Dworkin has always claimed in his life-plan forming/life-
plan executing distinction, what drives, shapes and gives meaning to his life, regardless of
how warped they might seem from the outside.

It is important to be careful about the conclusions to be drawn from this extreme case. What
is relevant is not, at this stage, whether Harris should be held fully, partially or not at all
responsible for his crimes. And I do not want to suggest that Dworkin would hold Harris
consequentially responsible. The claim under scrutiny here is that in standard ethical practice
we take a strict liability approach to responsibility for our own personality. The Harris
example is a useful test-case because the first and third person perspectives give such
different answers. That the presence of such strong indicators of diminished responsibility
from the third person point of view leave Harris’ own sense of personal responsibility intact
seems to robustly back-up Dworkin’s position. It seems that regardless of how we view
responsibility from the third person point of view, from our own first person perspective we
cannot help but take responsibility for our decisions and their motivations.

Now, the difficulties for Dworkin of the divergence between the third and first person points
of view – particularly in terms of the normative attractiveness of sidelining intuitively powerful
‘third person’ considerations - will come to the fore shortly. For the moment the conclusion is
that Dworkin’s argument that standard ethical practice is characterised by a strict liability
approach to responsibility is most plausible if we adopt the first person perspective on
standard ethical practice.
Responsibility via Phenomenology or Identification?

But this raises the question of what it is that drives people to take responsibility for their own personality. One thing that appears to be central is the phenomenology of choice. A large part of the reason for accepting responsibility for choice is that, mentally, it feels like we are in control, that we are the ones driving the choice to pick one option rather than another. But while the phenomenology of choice is fairly uncontroversial, the phenomenology of ‘personality’ is less clear.

Take for example an agent’s values and judgements. Dworkin himself gives an account of the process by which agents arrive at their values, which at times comes close to a phenomenal description:

"We know that when we make the decisions, grand and small, that will shape our lives, we must often struggle against or accommodate or submerge or otherwise come to terms with our inclinations, dispositions, habits, and raw desires....We do not think we have chosen these various judgements and convictions from a menu of equally eligible alternatives, the way we might choose a shirt from a drawer... True, it is up to us what to read, or listen to, or whether to study or ponder, and for how long and in what circumstances. But it is not up to us what... we conclude. We nevertheless do not count the fact that we have reached some particular.... conclusion as a matter of good or bad luck.... We think of ourselves differently – as moral and ethical agents who have struggled our way to the convictions we now find inescapable." 33

"We reason or feel or puzzle our way to [our preferences and ambitions] and it is among the most basic of our ethical assumptions that the responsibility for such judgements is our own." 34

Now, more than one conclusion can be drawn from this passage. Dworkin himself uses it to argue that responsibility for personality is not based on choice, a point central to the later Cohen’s account, examined in the next chapter. In the current context, it can be taken to indicate that phenomenology gives us a chequered picture with regards to ‘ownership’ of the process by which we settle on values and judgements, and the conclusions we reach. We

32 For doubts about the degree to which the phenomenology of choice points towards control, see Daniel Dennett, Elbow Room, Chapter 5.
33 SV, p. 290.
34 Ibid. p. 294.
perhaps start the process, but only partly marshal it as it goes on, “puzzling” and “feeling” our way forward, until the process somehow comes to an end and we reach a conclusion that we have not so much ‘chosen’ as arrived at\textsuperscript{35}.

But we nevertheless assume that the responsibility for our judgements is our own. The conclusion must be that the phenomenology of settling upon judgements, which differs significantly from the phenomenology of choice, cannot on its own account for our willingness to accept responsibility for those judgements. We must look elsewhere to find explanations.

Dworkin himself, in his discussions of hypothetical insurance, appeals to an agent’s own attitude to the various aspects of his personality. If an agent sees a particular desire or preference as an obstacle to achieving what he really wants, then Dworkin holds that it ought to be regarded as a ‘craving’ or ‘obsession’ and we ought not to hold the agent consequentially responsible for it. If, on the other hand, there is no such ‘disidentification’ then we are to assume that agents do not see the desire or preference as an obstacle, and take responsibility for it\textsuperscript{36}. It is the agent’s willingness to accept responsibility for the various aspects of his personality that drives his insurance decisions, and this willingness derives from standard ethical practice.

But then the question arises of how ethical practice informs an agent’s conception of the realm of his own responsibility, and in particular whether it does so in a manner that is stable, embodies the choice/chance distinction, and backs up Dworkin’s personality/circumstances cut. The answer will have significant implications for the appeal of giving standard ethical practice a central role in dictating the locus of the cut.

**Shaking Foundations**

If you were to try to establish an agent’s conception of his own responsibility for all the elements of his personality it is extremely unlikely that a simple ‘yes or no’ dichotomy would emerge. There is much more to be said about our preparedness to take responsibility for our ambitions, preferences, tastes, etc, than whether we reject them (disidentify with them), or welcome them (identify with them), as Dworkin characterises the matter. Whilst some might fall clearly into one or other of these camps – lifelong ambitions ‘yes’, cravings ‘no’ – there will be many borderline cases. A difficulty in trusting, for example, might be something that

\textsuperscript{35} See Charles Taylor “Responsibility for Self” for an insightful description of the uncontrolled nature of evaluation of judgements.

\textsuperscript{36} Dworkin in fact wavers between using disidentification or the absence of identification as being prerequisites for the absolution of consequential responsibility. I will examine the importance of this ambiguity in chapter 3.
a person recognises as counter-productive, and might sometimes think himself better off without, but which he nevertheless accepts as part of who he is.

What is interesting about borderline cases is that the border doesn't have to change very much for them to shift sides. And if they do shift, then Dworkin's personality/circumstances cut, if it is to be based on personal ethical practice, is vulnerable. If people start to regard characteristics such as a difficulty in trusting as impediments and refuse to take personal responsibility for them, Dworkin's line would have to be that they ought not to be held consequentially responsible for them. But this looks very much like a scenario in which agents are no longer held responsible for their personality as a whole, but for some parts of it and not others: the personality/circumstances divide is bridged.

To avoid this implication, Dworkin needs the boundaries of what agents disidentify with to match his personality/circumstances distinction, and not to shift. The trouble is that ethical practice regarding responsibility can and does shift. Dworkin himself admits as much. He states that “the whole network of our moral and ethical convictions shifts when technology or discovery makes any dramatic change in the boundary between [choice and luck]. There was a seismic change when people began to attribute natural disasters to chance rather than to the choices of supernatural gods or demons, whom they might have provoked. We will suffer a seismic change, in the opposite direction, if biotechnology one day allows parents to determine in detail the physical and mental properties of their children.”

But in addition to sporadic ‘seismic’ changes, there is evidence to suggest that more gradual, incremental changes are taking place as well. It is difficult to speak definitively about social trends but it seems plausible that the extent to which agents are thought to be responsible for their personality is under threat. Announcements of the discovery of genes for traits ranging from obesity to violence, the success of medication in treating a wide range of mental disorders, and the increasing influence of psychoanalysis and the like have all contributed to a shift in attitudes regarding what is ‘normal’, and is the responsibility of the agent, and what is beyond his control and not his responsibility.

Dworkin might again argue that this shifting perspective on the realm of responsible agency affects the third person rather than the first person perspective. But there are both empirical and principled reasons to suggest that this is not the case. On the empirical side, the massive growth in the numbers of people seeking psychological treatments of one sort or another – psychoanalysis, hypnotherapy, psychiatry, etc., indicates an increasing tendency to try to explain one's own behaviour by appeal to factors extraneous to one's agency. The

37 SV, p. 287.
result is that it is increasingly common for people to excuse their behaviour - to both themselves and to others – on the grounds that significant aspects of their character are driven by forces beyond their control.

The principled argument against the appeal to a separation between the first and third person perspectives in this context is that the two perspectives are interdependent rather than discrete. The posited ‘immunity’ of the first person perspective is undermined by the fact that responsibility involves reciprocity. That is, what we hold ourselves responsible for is closely related to what others hold us responsible for.

The responsibility-demands of others can affect us both ways: either induce us to accept responsibility for things we would excuse ourselves for or excuse us for things that we hold ourselves responsible for. For example, having agreed with my family to give up smoking, I find myself with a group of smokers and can’t resist lighting up. I absolve myself of responsibility for my lack of self-discipline, blaming irresistible peer pressure. However, when I think of how this will be received by my family, it becomes clear that my excuse is invalid, and won’t be tolerated. I therefore accept responsibility for my lapse.

And the reverse is often also true. If I let people down due to lapses in my memory caused by early onset Alzheimer’s, I may feel responsible. However, I know that others will not view me as such, since they understand my condition. The attitudes of others to my responsibility force (or allow) me to modify my own attitude.

The growing awareness of the influence of biology and past-experiences on personality means that ‘excuses’ that would not have been tolerated previously are more likely to be tolerated now. And if others are prepared to excuse behaviour that can be traced to aspects of our personality, and not hold us responsible, then we are more likely to take the same attitude ourselves. Moreover, the tendency to deny responsibility extends beyond traits such as poor self-discipline to the elements of personality that Dworkin sees as most centrally an agent’s own personal responsibility. It is increasingly accepted – almost to the point of being clichéd – that parental pressures can drive people to adopt career ambitions that carry parental approval, but which they do not regard as being genuinely their own.

The first person perspective on responsibility for personality is employed by Dworkin to back-up his personality/circumstances cut. It is supposed to give us a strict-liability approach to responsibility for our own personality. However, the social changes affecting an agent’s own

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attitude towards which parts of his personality he is and is not responsible for drives us away from strict-liability and towards a more piecemeal approach.

Chance/Choice and Change

Dworkin’s likely response might be to concede that ethical practice regarding responsibility does change, but to maintain that the changes actually track the choice/chance distinction. That was the message in the passage describing shifts in ethical practice caused by scientific progress regarding the vagaries of nature, or genetic manipulation. For Dworkin, this demonstrates both that the choice/chance distinction is deep and significant, and that it is evidenced rather than threatened by changes in ethical practice. And this, in turn, means that standard ethical practice provides a plausible basis for the cut.

One danger with this line is its complacency. Even in recent history, ethical practice is littered with cases in which people are held responsible for, and themselves accept responsibility for, things that are a matter of chance, such as mental illness, caste, disability, etc.

But even if we accept that ethical practice, at least in contemporary western liberal societies, is heavily influenced by the distinction between chance and choice, we have no guarantee that it will track it accurately. To see this, we need only look at cultural variations within and between western liberal societies. To use a clumsy generalisation, it appears that people accept personal responsibility for less in some parts of the USA, where there is an expanding tendency towards both suing others for personal misfortunes, and seeking explanations (at best) and excuses (at worst) for one’s behaviour via various forms of therapy, than in Russia, where, perhaps because the demands of everyday economic life are more keenly felt, such refusal to accept personal responsibility would most commonly receive short shrift. The accuracy of these characterisations is less important than the claim that variations in ethical practice occur, and when faced with different responsibility-ascriptions, we are left, by Dworkin, with no means to assess which is preferable. An independent means to assess the different practices would be necessary, but Dworkin fails to provide one and indeed refuses to adopt one.

Basing consequential responsibility on the responsibility-practices of ethical practice, rather than trying to establish what people are ‘really’ responsible for, means that there is no guarantee that these practices will track either the choice/chance distinction, or Dworkin’s personality/circumstances cut.
One strategy for Dworkin to resist this conclusion is to argue that an individual's sense of his own responsibility is not as mutable as suggested. There are limits on how much of their agency people are able to regard as a matter of ‘chance’. This can be seen in consideration of the greatest challenge to an agent’s conception of his own responsible agency, that posed by hard determinism. If hard determinism holds then no choices are genuinely free and no one is responsible for anything. This implication, of course, is anathema to the way that we lead our lives. Our ethical practice, our most fundamental view of ourselves, and our relationships with others, all depend on the rejection of hard determinism.

Whilst we may be able to consider and accept the implications of hard determinism for responsibility from a detached point of view, the same does not hold from our own personal point of view. We deny the truth of hard determinism every day, and cannot, Dworkin holds, do otherwise. For one thing, the phenomenology of choice points us strongly away from accepting that we cannot do otherwise than what we do. But much more than that, our sense of self, and corresponding notion of personal responsibility, and our view of others, and ability to form relationships with them, are so fundamental that they could not be disturbed by the establishment of the truth of hard determinism. If these practices clash head on with metaphysical truths, it is not the practices that would give way, but the metaphysics. The changing boundaries of responsibility in ethical practice are not without limits.

But this conclusion is in fact only partially helpful to Dworkin. It shows that a conception of personal responsibility is essential from the first person point of view, but beyond setting a minimum constraint, it does not fill out where the boundaries of responsibility for personality should lie. If we are facing two different readings of where the line between responsibility and luck should be drawn, then as long as neither transgresses these minimum requirements, neither is ruled out, and we are no closer to settling on one rather than the other.

Dworkin is forced into a dilemma. Either he throws his lot in with ethical practice, and holds that the cut should track ethical practice wherever it goes (within the minimal limitations discussed), or he sticks to his guns and holds that the cut ought to be based on the personality/circumstances distinction, even if ethical practice points us elsewhere. If he takes the first option there is always the danger that, with no independent yardstick, we will not know if the alterations in ethical practice have altered the cut in the right direction. Should we follow the ethical practice of the caricatured self-excusing Americans or responsibility-accepting Russians? If he takes the alternative approach, and sticks to the

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40 Or more precisely, a conception of personal responsibility that allows that we are responsible for at least some things. It is possible to hold a conception of responsibility, as Cohen allows, which allows that no one is responsible for anything.
personality/circumstances independently of standard ethical practice, then we need alternative means to support that cut.

This is especially problematic if we recall the twin attractions that Dworkin drew from the appeal to ethical practice to justify his cut. One, of course, was that ethical practice supported the personality/circumstances reading of the cut. The other regarded the normative attractiveness of that cut at the political level. Basing the cut on standard ethical practice was supposed to give us a politics “in which we can really believe”41. This argument is obviously undermined if Dworkin abstracts from ethical practice in order to stick to his personality/circumstances cut. If he fails to do so, however, he risks rendering the cut normatively unattractive on account of its openness to the cultural vagaries of personal and inter-personal ethical practices regarding responsibility.

**Square Pegs and Round Holes**

However, this is not where the tensions within Dworkin’s own account end. Dworkin appeals to ethical practice to back up his claim that we *should* hold people consequentially responsible for their personalities because people themselves *do* accept responsibility for their personalities.

The trouble for Dworkin is that, even if we take ethical practice as relatively concrete, what people do and don’t accept responsibility for does not, as a matter of fact, track the personality/circumstances cut. Take first the example of talents. A major tenet of Dworkin’s theory – and indeed of luck-egalitarianism generally – is that an individual’s initial range of talents, or lack of, is a matter of luck. No one can do anything about what talents they are born with (although, of course, they may choose to develop them differently). They are therefore treated, by Dworkin and others, as a matter of brute luck. If someone is disadvantaged relative to others by his lack of marketable talent, Dworkin (and other luck-egalitarians) recommends that he ought to be compensated.

The trouble is that although this accords well with the luck-egalitarian impulse to neutralise the effects of differential bad brute luck, it does not accord well with our everyday ethical experience. Dworkin, recall, insists that his theory “allows us to cite, as disadvantages and handicaps, only what we treat in the same way in our own ethical life”42. But we do not treat our talents, or lack of, as disadvantages or handicaps. We might regard our impaired eyesight as a handicap that merits compensation, but we do not regard our below average

41 ‘Sovereign Virtue Revisited’, p. 119.
42 Ibid.
artistic ability in the same way. Our artistic ability, like other talents, forms part of how we
think of ourselves, and helps us define what we enjoy, value and hope to achieve. By placing
talents on the ‘circumstance’ side of the cut, Dworkin demands that we see them as external
to ourselves, and this manifestly conflicts with everyday ethical experience.

Equally telling against Dworkin is the fact that in standard ethical practice people frequently
take responsibility for their cravings and obsessions. For example, anorexics often identify
very strongly with the decisions and policies that ensure their food intake is minimal. They
do not regard their desires for low bodyweight as alien, far from it. A large part of the
difficulty in treating anorexia arises from the fact that the anorexic himself does not regard
his desires and policies regarding food as problematic. Rather, anorexics routinely feel that it
is the views of others on their very low weight that are mistaken, not their own.

Of course, from the third person perspective, we do not hold anorexics fully responsible for
the behaviour that results from their condition, but Dworkin builds his case on the first person
perspective. Doing so leads us to the counter-intuitive conclusion that anorexics ought to be
held responsible for their (fully identified with) preferences for minimal food intake, because
they are fully prepared to take that responsibility themselves. Moreover, it does not seem
that anorexics form an isolated case. Many people with obsessive or compulsive behaviour
actually endorse their behaviour and accept responsibility for being the way they are.

In response, Dworkin might claim that the reasons that people accept responsibility for
cravings or obsessions can be traced to self-deception, or, in the case of compulsive eaters
who are very overweight, for example, embarrassment, or other reasons that do not
represent ‘genuine’ identification. The problem is that the judgement that the identification is
not genuine does not come from the agent’s own perspective. The agents themselves accept
responsibility for the aspects of their personality and behaviour that the outside world would not.

The problem for Dworkin is that to establish that these aspects of personality ought not to be considered the agents’ responsibility he needs to appeal to outside standards. The self-ascriptions of responsibility in personal ethical practice cannot do the job for him.

The cases of talents and cravings provide examples in which people, in their everyday ethical
lives, identify with and accept responsibility for more than Dworkin himself would
countenance. But there might also be cases in which people accept responsibility for less
than Dworkin would want. As discussed, the personality/circumstances cut employs a kind of
strict liability approach to an agent’s responsibility for his personality. Only in the case of

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43 Cohen, ‘On the Currency’ p. 925, makes a parallel point about parts of personality that are
identified with out of resignation. These cases are similarly problematic for Dworkin as they also call
for standards of identification that are independent of an agent’s own viewpoint.
cravings or obsessions is consequential responsibility excused. But the kind of culture of excuses discussed above in the caricatured example of segments of American society would represent a scenario where agents are prepared to accept responsibility for far less than Dworkin’s cut would advocate.

If such a culture of responsibility has arisen or does arise, then ethical practice will conflict with the personality/circumstances cut in both directions. It will drive people to accept responsibility for significant aspects of their circumstances whilst also refusing to accept responsibility for parts of their personality.

These examples leave Dworkin in a bind. To retain personal ethical practice as the basis for his cut he will have to abandon his own claims that people ought not to be held consequentially responsible for a lack of marketable talents, or even for cravings and obsessions. Doing so would represent a substantial departure from his intention to protect people from the differential effects of bad brute luck. If, on the other hand, he wants to maintain that people ought not to be held responsible for talents, cravings and obsessions, - and also resist the possibility that ethical practice might itself cease to demand that agents accept responsibility for all aspects of their personality - then his cut will require an alternative basis to personal ethical practice.

Personal ethical practice is thus doubly unsuited to providing the foundation for Dworkin’s cut. The responsibility-ascriptions within it are shifting and variable, and in fact incompatible with central aspects of his theory.

The effect is threefold. For one thing, standard ethical practice looks an unattractive basis on which to base the ascription of consequential responsibility. For another, the personality/circumstances cut is left without a convincing foundation. And thirdly, it looks much harder for Dworkin to argue that the cut can be located without recourse to an independent basis.

Dismissing ‘abstract’, perhaps metaphysical bases, was supposed to provide a cut “in which we can really believe”44. The failure of that enterprise means that not only do we not have a normatively appealing basis for the personality/circumstances cut, but we are also left with no basis on which to ignore the bad luck that can be inherent to personality, such as expensive unchosen tastes.

44 ‘Sovereign Virtue Revisited’ p. 119.
If the personality/circumstances cut is to be maintained, and recourse to metaphysical bases for responsibility avoided, an alternative, non-metaphysical, basis is needed. Elsewhere in his account, Dworkin attempts to provide exactly that.

**Section III  Alternative Foundations: Fair Shares, Integrity and Reasonable Demands**

A useful way of thinking about this is via the strict liability analogy employed above to illuminate Dworkin’s policy of holding people consequentially responsible for their personality, almost regardless of its origins. Unlike standard attributions of legal responsibility, strict liability does not inquire into motives in order to ascertain culpability. Rather, people are held strictly liable because it is thought to be sufficiently socially advantageous to apportion responsibility without the usual requirement of establishing *mens rea*, the ‘wicked’ or guilty intention.

Now, this analogy does not hold completely. Dworkin would not attempt to justify holding people ‘strictly’ responsible for their personality on the grounds that it is socially advantageous to do so. He is critical, for example, of utilitarianism’s tendency to pay inadequate attention to individuals’ choices if doing so would improve social utility. Nevertheless, he does adopt the presumption of consequential responsibility on the basis that the concerns that usually accompany attributions of responsibility can be suspended for normatively appealing reasons. In Dworkin’s case, though, the normative attractiveness of a strict liability-type approach to consequential responsibility is founded, if not on the basis of accord with ethical practice, then on the value of fairness.

The demands of fairness, Dworkin argues, are strong enough to outweigh concerns that some may be worse off than others under equality of resources on account of unchosen features of their personality. Dworkin employs two principal arguments to establish that the importance of respecting fair shares nullifies the claims people can make for compensation for disadvantageous aspects of their personality. The first of these is based on the idea that, so long as they have their fair share, people cannot coherently request compensation from others for aspects of their personality that they in fact welcome. The second argues that the disadvantages that might result from an agent’s personality are not sufficiently significant to justify taking resources from the fair shares of others to provide compensation.

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This section will examine these two arguments, and demonstrate that neither is in fact satisfactory: the first argument is invalid; the second places greater demands on some than others, a problem that even Dworkin admits to be a source of injustice.

Responsibility for 'Welcome Disadvantages'

The first argument holds that people cannot coherently make claims on others for compensation for expensive preferences that they themselves welcome. This is an argument that emerges from Dworkin’s by now familiar demand that equality of resources “allows us to cite, as disadvantages and handicaps, only what we treat in the same way in our own ethical life”\(^\text{46}\). The argument gains its force from the intuitively appealing idea that it is unfair and incoherent for me to ask for compensation from you to support preferences that I regard as making me better off than you (who does not share them). This is Dworkin’s ‘interpersonal test’\(^\text{47}\).

Consider two people, Johnny and Beefy, who enjoy the same personal and impersonal circumstances and get equal enjoyment from their one great love: rugby\(^\text{48}\). Subsequently, Beefy gets taken to Lord’s, and develops an unanticipated and unwitting taste for cricket. Following cricket is more expensive than following rugby, so to pursue his new love to the same extent as Johnny, Beefy is left with fewer resources with which to live the rest of his life. However, Beefy thinks he is better off as a result of what he regards as his new, more discerning, taste. It was good rather than bad luck that he unexpectedly came to love cricket.

In such circumstances it is implausible to argue that Beefy can claim compensation on the grounds that he is now worse off than Johnny. He would not prefer to be in Johnny’s shoes, and as a matter of integrity cannot, in good faith, claim compensation.

What is also important is that the bizarreness of Beefy’s claim for compensation for preferences that he endorses is independent of whether he cultivated those preferences himself, simply discovered them, or inherited them. The origin of the preference is irrelevant to the (im)plausibility of his claim.

\(^{46}\) ‘Sovereign Virtue Revisited’, p. 119.


\(^{48}\) This example follows Clayton, ibid.
Dworkin is drawing on the intuitively appealing idea that the claims we can make on others ought to be limited by what we can justify, with a straight face as it were, to the very people we are asking to provide us with resources. The trouble is, there is nothing about the claim for resources to satisfy expensive tastes that we have not chosen that need prevent it being made with a straight face. As Cohen has pointed out, “I can think myself better off in my shoes than I would be in yours, whilst nevertheless thinking myself worse off in mine than you are in yours: yours fit your feet better than mine do.” Even if I would rather be a dissatisfied cricket fan than a satisfied rugby fan, I can still argue that your package of preferences + satisfaction is better than my package of preferences + dissatisfaction. The fact that I welcome a taste does not mean that I necessarily welcome its cost.

So, even from the first person perspective, it is not clear that people cannot fairly request compensation for tastes that they welcome. But there is, of course, the further problem of why the first person perspective, the person’s own attitude to a preference - should be taken as salient. As has come to the fore repeatedly in this chapter, endorsement of aspects of personality or circumstance can be driven by many factors, not all of which give the endorsement authority. For example, there is a trend in contemporary culture for people to be ‘grateful’ for their tough upbringing, or their abusive partner, for making them 'stronger’. They endorse the changes in their personality that have resulted from suffering abuse. Now, a political community might think that all victims of domestic abuse, for example, are entitled to state-sponsored counselling. It seems strongly counter-intuitive to suggest that an abusee ought to be denied that counselling on the grounds that he endorses the changes in his personality that resulted from his being abused. The strength of his claim on compensatory resources does not seem to be undermined by his belief that his abuse has ultimately left him better off. That is not to say, of course, that he ought to be forced to have the proffered counselling, it is simply that his claim to it is not undermined by his belief that his experiences have left him somehow better off. As pointed out by Andrew Williams, most people believe that disability raises the concern of distributive justice, “even in cases where individuals value their disabilities, and would not prefer to possess the normal range of human abilities”.

The argument of this paragraph suggests that the same principle holds with regard to personality. The agent’s own attitude towards disadvantage is not the only relevant concern when assessing claims for compensation.

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49 Expensive Taste Rides Again, p. 25.
50 Witness - one example amongst many - the song Thank You by Jamelia, “You broke my world, made me strong. Thank you.”
Disadvantages? What Disadvantages?

But Dworkin’s appeal to the value of fairness extends to another argument in favour of rejecting calls for compensation for disadvantageous aspects of personality. That a person’s ambitions or preferences, for example, are difficult or expensive to satisfy, even if they are unchosen, does not mean that he can complain of unfairness, simply because there is no unfairness. Such matters are not the concern of justice. Justice is concerned with whether that person has received his fair share of resources and opportunities, not with his level of preference satisfaction (or alternative measure of welfare). “Compensation is appropriate not whenever someone’s welfare falls below some stipulated benchmark, but when he is worse off for some reason of particular significance to justice”\(^52\).

When we are considering what ought to be considered handicaps, and thereby suitable grounds for egalitarian compensation, “the pertinent question is not whether people have chosen to have some property, but whether having that property makes them unable to choose between combinations of occupation and income that people without it are free to choose among.”\(^53\) An agent’s personality is not a suitable ground for compensation because it does not, unlike physical handicap, prevent him from choosing and pursuing the same (pertinent) options that are open to the other members of his community.

Now, the claim that an agent’s personality is not the concern of justice because it does not disadvantage him in appropriate way runs immediately into the problem, discussed in section I, that many aspects of personality do in fact restrict options for income and occupation. Poor judgement might exclude someone from higher management; a lack of ambition may count against gaining a place as a graduate management trainee; etc.

Dworkin’s response, particularly in later work, is not to deny that aspects of personality play some role in an agent’s ability to secure occupation and income, but to point out that what is important for justice is that they do not close off options. “My entire argument is that people should bear the consequences of their choices, even when these choices are made out of tastes that they have in no way chosen or cultivated.”\(^54\) Taking the example of people whose preferences mean they are not motivated to work in lucrative jobs Dworkin states that an agent’s “career is ... his choice, not part of his circumstances. It is not less his choice if his decision is influenced by [unchosen] traits of character. Most lazy people have not chosen to

\(^{52}\) “A Reply to My Critics” p. 349.
\(^{53}\) “Equality, Luck and Hierarchy” p. 192.
\(^{54}\) “A Reply to My Critics”, p. 347.
be lazy, but they are free to overcome their laziness, even though they must sometimes make extra effort at the cost of 'welfare' to do so.”

Dworkin is taking a strong stance on a number of important issues here, and it is worth drawing out and examining the various claims involved. The first claim, implicit in the final sentence is that ‘welfare’ costs do not constitute disadvantages that are the concern of justice. The second key claim is that the disadvantages presented by personality are only welfare costs, and therefore not relevant to Dworkin’s resource-based conception of equality and justice. The third is that people are ‘free to overcome’ whatever impediments their personalities may present in the pursuit of income and occupation. Each of these claims is questionable.

The (Ir)relevance of Welfare

The plausibility of Dworkin’s claim that aspects of personality do not constitute relevant disadvantages because they do not restrict their bearers from the options open to others depends on how ‘the options of others’ are delineated. If, as Dworkin proposes, the relevant options are combinations of occupation and income, then it may be the case that personality does not formally exclude people. However, if we take a combination of occupation and income and welfare, the implication is very different. To illustrate the difference, take two individuals, Albert and Ludwig, who are equally talented but have different preferences and ambitions. Albert loves numbers and calculations and his dream job is as an actuary. Ludwig loves knowledge and argument, and dreams of having a career as a philosopher. Both also enjoy the good life, and want to secure a high income in order to pay for it. Now, if we place Albert and Ludwig in a developed market economy such as this one, where actuaries command greater income than philosophers, the two measures of what ought to count as option sets give us different answers.

On Dworkin’s measure, which assesses the justice of a distribution on the basis of access to income and occupation only, Albert and Ludwig are equally well-situated. They are equally talented, and have equal access to well-paid actuarial jobs. If we take the broader measure of income, occupation and welfare, then the answer is different. It is open to Albert to score highly on all of these, he can work in a job – being an actuary - that brings with it the money he needs to support his desired lifestyle, and also fulfils his great love, number-crunching. Ludwig, however, is faced with either a job as an actuary that supports his lifestyle but does not fulfil his love of philosophy, or a job as a philosophy lecturer that fulfils his love of philosophy but does not support his desired lifestyle.

Dworkin, in response, would reiterate his demand that people form and execute their preferences in light of the available resources and the opportunity costs to others. Failing to do so unjustly impinges on the fair shares of others. It is not the concern of justice to ensure that people are able to fulfil whatever preferences they happen to have. Justice demands that each person is armed with a fair share of resources, and then allowed – and expected – to pursue whatever life they wish, within the means fairly available to them.

The difficulty of this position is that, as Dworkin himself admits, we do not simply choose the things we like, enjoy or value. And moreover, when we develop as children and teenagers, and indeed beyond, we do not form our preferences and ambitions exclusively or even mostly in the light of the resources available. There are countless influences on the ambitions and preferences we settle on, ranging from simply what we enjoy and what we’re good at, to what is encouraged by those around us, the values of our community, the level of economic necessity we face, etc. Whichever preferences emerge from this process, it will always be a matter of some contingency how well they accord with the resources and opportunities available. Some people will inevitably end up with preferences and ambitions that give them greater opportunities for fulfilment than others. Even if they have their fair share of opportunity for resources, they do not have their fair share of opportunity for welfare.

In a sense, though, this doesn’t change much. It may increase the intuitive appeal of the welfarist case, and render Dworkin’s less attractive, but we may still be at an impasse: critics hold that unchosen aspects of personality can disadvantage people because they reduce their opportunities for welfare; Dworkin steadfastly maintains that reduced opportunity for welfare traceable to personality is not relevant to justice. It is only opportunities for occupation and income that are relevant. It is only unfair if agents are denied the latter.

This, though, is where the relevance of the second of Dworkin’s claims here being analysed – that the disadvantages posed by aspects of personality are only welfare disadvantages – comes in. This claim is highly questionable. As we have seen, aspects of personality such as character traits, values and ambitions are able to effectively exclude their bearers from various occupations. Their ability to choose between combinations of income and occupation is effectively encumbered by their personality.

And the import of this can be seen in relation to the third key claim under examination in this sub-section: Dworkin’s claim that people are ‘free to overcome’ whatever impediments their personalities may present in the pursuit of income and occupation. Precisely because people cannot simply choose their preferences and ambitions, but are rather constituted by them,
people are not ‘free to overcome’ their core beliefs and values. It may be extremely difficult for a puritanical religious believer to free himself from his abhorrence of gambling, which prevents casino-owners offering him a job, or someone who despairs of the exploitative nature of many multinational companies to mask his values sufficiently to be offered a place on the management trainee scheme of one such company. The option may be formally open to them, but in actuality will be closed.

Dworkin himself concedes as much when discussing a scenario in which someone has grown up work-shy in an environment in which his peers discourage a taste for work. Dworkin holds that we might not be willing to withhold unemployment relief from that person. "[I]f he and his peers developed no interest in work because unjust and inadequate education or poverty or prejudice insured that work was not available to them on reasonable terms, it would be unfair to force him to accept the consequences of his distaste now" 56 What is important about this claim is first that it acknowledges that aspects of personality do in fact provide relevant obstacles to combinations of occupation and income. The assumption is that being work-shy effectively prevents people gaining employment.

Moreover, the concession to the work-shy only makes sense if it is combined with the assumption that the aversion to work cannot easily be overcome. If people could relatively straightforwardly cease to be work-shy and become hard working, then it is difficult to see why the political community should be concerned about their work-shyness in the first place. The waiving of consequential responsibility for the unjustly work-shy is not tenable without denying Dworkin’s stated argument that agents are ‘free to overcome’ the barriers presented by their personality.

In response it might be argued that work-shyness can be overcome, but that it is difficult to do so, and those who are forced to try thereby bear a burden not borne by others. That is why the political community ought to be concerned about their situation. But this would mean that whether agents are ‘free to overcome’ whatever restrictions on their options their personality might impose is not the only relevant consideration, as Dworkin claims, and moreover looks very much like a welfare-centred concern, again contradicting Dworkin’s position.

Dworkin’s line regarding characteristics that are the result of injustice almost directly contradicts his line that aspects of personality are a) irrelevant to justice if they only affect welfare, b) that they affect welfare only and do not restrict access to occupation and income and c) they are not significant for justice because agents are free to overcome whatever

56 SV, p. 490n9.
barriers they present. We therefore have to assume that aspects of personality can form disadvantages that are relevant to justice, that do effectively exclude their bearers from opportunities for income and occupation, and which cannot be overcome without placing burdens on their bearers which are themselves relevant to justice. But, in Dworkin’s eyes, we only need to be concerned about these disadvantages if they are the result of injustice.

The means by which Dworkin attempts to establish this is via a demand that preferences be formed authentically. If they are, then an agent’s fair share is unaffected by his preferences, ambitions, etc. The cost of these is not relevant to justice.

The success of that argument will be the focus of the next section. Before advancing, though, it is worth summarising the conclusions of this section. The argument examined was Dworkin’s claim that, once people are armed with fair shares, they ought to bear the costs of their personality themselves, rather than impinge on the fair shares of others. Whether their personality is cheap or expensive, chosen or unchosen, is irrelevant to whether they have been given a fair opportunity to pursue the life they choose. Egalitarian justice need only ensure that they have the same access to income and opportunity as others.

The arguments of this section demonstrated, though, that disadvantageous aspects of personality could form genuine bases for compensation since they do in fact close off options Dworkin holds to be relevant to justice, and place greater burdens on some than others. The potential injustice was in fact sufficient to force Dworkin himself to admit that we cannot simply ignore the question of how people came to have the preferences they do – the authenticity of their formation matters. The argument that fairness demands that each person take responsibility for their own preferences is not sufficiently strong to render irrelevant the question of the origin of preferences, nor to ground Dworkin’s personality/circumstances cut.

Section IV  Authenticity

As mentioned, the means by which Dworkin maintains that the personality/circumstances is the right reading of luck-egalitarianism, and that questions of whether people are ‘really’ responsible for their personality are not relevant, is by adding a proviso that people’s preferences must be authentic. Authenticity is a matter of preferences being formed in appropriate social and political conditions, measured by whether people are satisfied with the conditions under which their personality was formed57. So long as people are able to form

57 Ibid. pp. 158-161. Dworkin sometimes suggests that the measure of suitable social and political conditions is independent of the satisfaction of those affected, esp. Sovereign Virtue 290n9, but in his
their personality authentically, any differences in the costs that can be traced to their personality are not the concern of egalitarian justice.

This step does of course demonstrate an awareness of the potential misfit between a person’s inherited personality and the range of opportunities and resources available to him. It is because an agent’s personality can effectively close off options to him that it is vital that he feels satisfied with the ambitions, preferences, etc. he has. Such satisfaction, though, is argued to be enough to assuage concerns that the fit, or lack of, between his personality and the available resources and opportunities is not problematic.

Dworkin discusses the importance of the authentic formation of personality in the context of his hypothetical auction. “[P]articipants... would want... an opportunity to form and reflect on their own convictions, attachments, and projects”, such that the “auction would not commence until all parties wanted to exploit these opportunities no further”. The fullest possible opportunity is required “because their choices should not depend on a view of their personality... with whose formation they remain dissatisfied”. The baseline of ideal distribution would in principle therefore allow “no constraint, either before the initial auction, or after it, on opportunities to form, to reflect on, or to advocate convictions, attachments or preferences”58

The rationale is that, if people are given every opportunity to form and reform their personality, and their preferences are thereby authentic, then they can have no complaint if their preferences turn out to be expensive. They would not, after all, have wanted their preferences to be any different – otherwise they would have changed them. And if people can have no complaint about their opportunities to form their personality, it is fair to ask them to bear the cost of fulfilling their ambitions, preferences, etc. It is only when the process of formation is not to their satisfaction – such as in the case of those who become work-shy on account of their preferences being formed in unjust social and political conditions – that people have legitimate grounds for complaint if their preferences are expensive.

It is worth noting that the authenticity requirement also serves to bolster Dworkin’s argument that identification forms a suitable basis for responsibility. Although the relationship between authenticity and identification is not straightforward (as will be examined in ch 4), worries that an agent’s identification with his preferences might be distorted will be at least partially assuaged if his preferences are authentic.

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58 SV, p. 160.
Also noteworthy is the fact that authenticity is, for Dworkin, a first person measure. It is a matter of whether an agent himself is satisfied with the formation of his personality, not whether his personality is ‘really’ authentic by an external measure. This serves two purposes. It again enables Dworkin to avoid metaphysical foundations. But it also serves to make the importance of authenticity itself ambition-sensitive. Rather than take an independent stance on its significance, the strength of the authenticity requirement will be set by people’s own views on its importance, echoing the treatment of talents and disabilities.

The problem, however, is that, as formulated, Dworkin’s authenticity requirement represents an unsuccessful half-way house. Dworkin attempts to strengthen the basis on which responsibility is attributed by supplementing the requirement that an agent identifies with a preference with an authenticity condition. The measure of authenticity he chooses, though, serves to contradict responsibility as understood from the first person perspective, without actually going so far as to establish the independent foundations required. In the absence of firmer foundations, moreover, it cannot convincingly play the role Dworkin seeks from it – to dispel worries that some may be left worse off than others by costs that can be traced to their inherited personality.

Although authenticity is in some respects a first person measure – it is a matter of an agent’s own satisfaction with the conditions under which his personality was formed – it nevertheless abstracts from the strict liability approach to self-ascriptions of responsibility embodied, according to Dworkin, in standard ethical practice. When it comes to accepting responsibility for our personality, Dworkin has always maintained, we do not need to inquire into the circumstances under which we formed our preferences, ambitions, etc. Rather, so long as we do not disidentify with our preferences, we accept responsibility for them. Considerations of authenticity are extraneous to self-ascriptions of responsibility in standard ethical practice.

This can be seen from the fact that those who grow up in disadvantageous social and political circumstances do not tend to regard their preferences as inauthentic and not their responsibility. Rather they often develop a protective pride over the values they acquired in the face of injustice. The question of whether their preferences have been formed authentically is not relevant to whether they accept responsibility for them59.

For such people to argue that, although they identify with their preferences, they ought not to be their consequential responsibility because of their inauthenticity, demands a departure

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59 For further argument that authenticity and approval of a preference can diverge see John Christman, “Autonomy in Moral and Political Philosophy”, Stanford Encyclopedia of Philosophy (2009), § 1.2.
from their own responsibility-ascriptions. In fact, they are asked to make judgements of responsibility for their personality that require them to view parts of their personality in abstraction, not as they experience them. Dworkin elsewhere argues that this kind of dissociation borders on the incoherent. But as well as this potential incoherence, the abstraction from their self-ascriptions of responsibility means that they are asked to think about responsibility from an independent stand-point.

This suggests that alternative foundations for an authenticity requirement are needed. This is reinforced by the sheer variability of an authenticity requirement specified in terms of an agent’s own satisfaction with the formation of his personality. As mentioned above, people often take pride in the preferences they form in the face of injustice, or welcome the changes to their personality caused by abuse. In such cases, the argument that their satisfaction is enough to put aside worries that they have been unjustly disadvantaged by the process by which their personality has been (trans)formed is unconvincing.

Even if we were to accept an agent’s satisfaction with the formation of his preferences as a plausible basis for authenticity, such satisfaction does not entail that he cannot complain if his personality proves expensive. As Dworkin himself has always claimed, personality is not sufficiently malleable to allow us to form, revise and reform our personalities as we choose. This means that although opportunities for income and employment might be formally open to each of us, they will often not be effectively open. Dworkin argues that these disadvantages are not significant to justice if people’s personalities are formed authentically. The preferences that turn out to be expensive are welcomed – were they not, people would want further opportunities to reform their personality, and would not regard them as authentic. But this argument is open to the same weakness that affected Dworkin’s claim that people could not coherently request compensation for preferences they welcomed. Welcoming a preference does not equate to welcoming its cost. One can quite coherently welcome a preference, and the means by which one came to have it, whilst also regretting that it is expensive to satisfy. This is particularly the case because the reasons that one settles on, or inherits, any given preference are unlikely to be solely or even largely driven by considerations of cost.

Dworkin’s authenticity requirement is intended to bolster his argument that an agent’s identification ought to ground consequential responsibility. However, its abstraction from the self-ascriptions of responsibility of personal ethical practice means that it jars with other components of his account, and lacks a plausible foundation. Moreover, it incorporates the

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60 ibid. p. 290. Dworkin makes the comment in criticizing Cohen’s view that people can request compensation for tastes that they identify with.
vagaries inherent to first person measures, without actually providing a compelling basis for ignoring the disadvantages that can result from an agent’s personality. Dworkin’s appeal to authenticity does not convincingly fortify his personality/circumstances cut.

Section V  Conclusions and Implications

This chapter has assessed in detail Dworkin’s attempt to construct a version of luck-egalitarianism that does not rely on controversial metaphysical premises. Instead Dworkin constructs a personality/circumstances cut on two main pillars. The first is the idea that this division of responsibility is embedded in the responsibility-ascriptions of standard ethical practice. The second is the notion that, once armed with a fair share of resources, fairness dictates that it is the responsibility of each individual to bear the costs of the life he chooses, rather than impose on the shares of others.

The accord with standard ethical practice is intended by Dworkin both to give the personality/circumstance cut a grounding, and also to provide an intuitive appeal. It is supposed to give us a political conception of responsibility ‘in which we can really believe’. Section II demonstrated, however, that responsibility ascriptions in standard ethical practice do not in fact accord with the personality/circumstances cut. People accept responsibility when it is unappealing for them to do so, such as in the case of anorexics, and when doing so contradicts central tenets of Equality of Resources, for example in accepting responsibility for their talents. Moreover, the responsibility ascriptions of standard ethical practice are culturally variable, and shifting. Consequently standard ethical practice does not provide a firm foundation for the cut, and the appeal of replicating it at the political level is heavily diminished.

Section III examined the second pillar of Dworkin’s personality/circumstances cut, the argument that fairness requires that we bear the costs of our own personalities. A fair distribution of resources does not pander to those with expensive tastes, but arms each person with a fair share and expects them to live within those means. In response to the concern that this leaves those who inherit expensive personalities worse off than others, Dworkin employs two principal arguments. One holds that it is unfair for people to seek compensation for aspects of personality that they in fact welcome. This argument, though, was demonstrated to be flawed. A person can coherently regard himself as worse off than others, even if he would not want to be in their situation; and there are intuitively powerful reasons to regard many disadvantages as disadvantages, even if their bearer does not regard them as such.
The second main argument for disregarding unchosen disadvantages that can be traced to an agent’s personality holds that such disadvantages are not in fact unfair, because the costs are welfare costs only, and welfare is not the concern of justice. This argument was demonstrated to be unconvincing since welfare deficits can be the result of bad luck and therefore intuitively should be the concern of luck-egalitarian justice, but that in any case aspects of personality also restrict people’s access to income and occupation, which renders them relevant to justice by Dworkin’s own resourcist standard, as Dworkin himself effectively concedes.

Section IV scrutinised Dworkin’s argument that the barriers to income and employment posed by personality are not the concern of justice so long as personalities are formed authentically. Authenticity, for Dworkin, is a matter of an agent being satisfied with the formation of his personality. I argued that on account of its detachment from the self-ascriptions of responsibility in everyday ethical practice, Dworkin’s authenticity requirement needed, but lacked, an alternative basis to everyday ethical practice. Even so, since it is nevertheless a broadly first-person measure, it is subject to distortion. Perhaps most fundamentally, though, satisfaction with the formation of a preference does not equate to satisfaction with its cost. Authenticity, as understood by Dworkin, fails to provide a sufficient basis to ignore the, perhaps unchosen, disadvantages that can result from personality.

Dworkin’s attempts to construct a cut that is independent of controversial metaphysical foundations are unsuccessful. The first person measures of responsibility are each unreliable and liable to produce conclusions that are unappealing, and conflict both with Dworkin’s own personality/circumstances cut and with the luck-egalitarian aim to neutralise the effects of bad brute luck more generally.

The divergence with the aim to neutralise all effects of bad brute luck (if not the conflict within Equality of Resources) is justified, Dworkin argues, by the demands of fairness. Fairness dictates that each person should take responsibility for the costs of the life they choose to lead, regardless of whether their personality is cheap or expensive, chosen or unchosen. The result, though, is that some face greater burdens than others, potentially through no fault of their own.

Dworkin seems to acknowledge that this is problematic when he introduces an authenticity requirement. It is because an agent’s personality can effectively close off options that it is vital that his personality is formed authentically. The problem is that, as with identification, the actual measure of authenticity – an agent’s satisfaction with the formation of his
personality – is insufficiently robust to provide the necessary fortification for the personality/circumstances cut.

Dworkin’s cut lacks a convincing basis. This, however, need not mean that his approach to consequential responsibility should be abandoned. Dworkin taps into two important and powerful aspects of the ascription of responsibility. For one thing, he draws on the potent idea that the starting point for the ascription of responsibility is not that we first need a compelling basis, such as genuine choice, before we can attribute it. Rather, the notion of responsibility is so embedded into our social structures that we start with the presumption that people are responsible for their personality and choices, and that it is only where we have good reasons not to attribute it that we ought to start making exceptions.

The other insight is that, when it comes to responsibility for aspects of personality, the presence or absence of choice can seem less relevant than the agent’s identification or disidentification. An important aspect of the way we think about responsibility in our everyday lives is that the role of a preference in an agent’s identity can be more relevant to his responsibility for it than its origin.

As we have seen, Dworkin falls down because even if we do start with the presumption of responsibility, we still need a convincing basis on which to distinguish between those cases where people are consequentially responsible and those where not. Moreover, even if we do accept that identification can play an important role in ascriptions of responsibility, identification with a preference, even where a personality is authentic, does not, pace Dworkin, entail that a person cannot justly call for compensation for its cost.

The next chapter, inspired by Cohen’s later work, sketches an approach that harnesses these two important aspects of Dworkin’s approach – the presumption of responsibility and the importance of identification to responsibility. In contrast to Dworkin, though, it provides a coherent rationale to explain why it is attractive to construct an account of consequential responsibility around them. Moreover, it turns them around to overcome the problems they encounter in Dworkin’s hands. Identification with a preference is taken as a reason not to hold the bearer responsible for the cost, for example.

These advances, though, are equally in need of the strong grounding that both the accounts of luck-egalitarianism so far considered have lacked. Addressing that shortfall will be the task of chapter 4.